



NATIONAL CONFERENCE
of STATE LEGISLATURES

2014 Child Welfare Legislative Enactments



Introduction

The National Conference of State Legislatures' (NCSL) Child Welfare Project in the Children and Families Program tracks legislative enactments related to the safety, permanence and well-being of children and families through its yearly compilation of state legislative enactments.

During the 2014 legislative session, NCSL identified at least 294 child welfare-related bills enacted in approximately 45 states.

This report provides an overview of those enactments in the following major topic areas: administration/oversight/interagency collaboration, adoption, child fatality, child protection, courts and legal representation, education of children in foster care, foster care, fostering connections to success act of 2008, funding, infant abandonment, kinship care, prevention, reporting of child abuse, services for older youth, termination of parental rights and Tribes. The largest number of legislative enactments occurred within the topics of foster care, child protection and reporting.

Within the major topic areas listed above, NCSL noted several important trends in state child welfare policy enactments in 2014. These included:

- Legislation related to the new requirements of the [Preventing Sex Trafficking and Strengthening Families Act of 2014](#) to include *human trafficking, missing children and development of a reasonable and prudent parenting standard*
- *Adoption re-homing laws* (re-homing describes the practice of adoptive parents seeking to relinquish care of their adopted children outside the control and purview of the courts or public child welfare agencies.)
- *Child sexual abuse prevention school curricula*
- *Reporting of child abuse and neglect*
- *Services for older youth in foster care*

This document was prepared using StateNet, a legislative tracking database, to perform bill searches and analysis. Summaries provided in this document and in the 50-state, online searchable database (please see the link below) are provided by StateNet. This document is intended to provide an overview of significant enacted legislation in each state. It does not represent a comprehensive list of enacted bills and does not include all child welfare legislative enactments.

This document does not contain bills with technical changes, state budget appropriations bills, adopted resolutions, or Executive Orders. Please note that the total number of enacted bills do not add up due to bills that address multiple topics.

Please contact Nina Williams-Mbengue at nina.mbengue@ncsl.org or (303) 856-1559 if you have questions or corrections. To access 2013-2005 legislation, view the [NCSL Child Welfare Legislative Enactments](#) webpage.

ADMINISTRATION/OVERSIGHT/INTERAGENCY COLLABORATION

Approximately 20 states enacted 34 bills related to the administration, oversight and interagency collaboration of state child welfare agencies. Topics addressed included legal representation for children and indigent parents; development of commissions, task forces and working groups; and, collaboration between child welfare, law enforcement, the courts and other critical stakeholders.

TABLE OF CONTENTS

Click the title to go directly to each section.

Administration/Oversight/Inter-Agency Collaboration	Pg. 2
Adoption	Pg. 3
Child Fatality/Near Fatality	Pg. 5
Child Protection	Pg. 5
Courts and Legal Representation	Pg. 7
Disproportionality	Pg. 8
Education of Children and Youth in Foster Care	Pg. 8
Foster Care	Pg. 9
Fostering Connections to Success and Increasing Adoptions Act of 2008	Pg. 10
Funding	Pg. 11
Infant Abandonment/Safe Surrender	Pg. 11
Kinship Care	Pg. 11
Prevention/Treatment/Training	Pg. 12
Preventing Sex Trafficking and Strengthening Families Act of 2014	Pg. 13
Reporting of Child Abuse and Neglect	Pg. 14
Services for Older Youth	Pg. 16
Termination of Parental Rights	Pg. 17
Tribes	Pg. 17

Administration. **Oklahoma** required a one-year trial period for any Department of Human Services employee who transfers to become a Child Welfare Specialist. **Oklahoma** lawmakers also authorized the DHS Citizen Advisory Panels to meet, no more than six times per year, at their discretion to solicit input from department employees, persons receiving services from the department and community stakeholders and requires that the meetings comply with the provisions of the Open Meetings Act.

Commissions, Task Forces, Working Groups and System

Recommendations. **California** required the Department, in consultation with counties and labor organizations, to establish a process to receive disclosures from social workers, if a social worker has cause to believe that a policy, procedure, or practice endangers the health or well-being of a child. **Colorado** created a new advisory work group related to the Office of the Child Protection Ombudsman with the purpose of making recommendations for autonomy and accountability. **Delaware** added the Superintendent of the State Police, the Chair of the Child Death, Near Death and Stillbirth Commission, an Investigation Coordinator responsible for tracking reported cases of alleged child abuse or neglect, a foster care youth and a representative of the Public Defender's Office to the Child Protection Accountability Commission. **Delaware** established the Child Placement Review Board to provide a citizen-based independent monitoring of Delaware children in the care and custody of a placement agency to ensure that children achieve permanency. **Illinois** charged the Children's Justice Task Force with the exploration, research and development of recommendations on a multidisciplinary team approach for the investigation of reports of abuse or neglect of children. **Maine** required the Department of Health and Human Services to convene a working group to review current laws and the scope of department authority with respect to the abuse and neglect of children; to identify gaps in the system; and, to make recommendations to strengthen the protection of children from abuse and neglect. **Michigan** required the ombudsman to notify the Department of Human Services of any immediate safety concerns regarding a child or children who are part of an active or open protective services or foster care case; allowed the ombudsman to request substance use disorder records if a valid consent or court order is obtained; specified the ombudsman's authority to request records from the court, attorney general, prosecuting attorney, DHS attorney, or county child fatality review team and detailed when the ombudsman is required to investigate child fatality cases. **Missouri** recommended ways to improve abuse and neglect proceedings. **Oklahoma** directed that the Office of Juvenile System Oversight receive foster parent complaints and then work with the Office of Client Advocacy within DHS to ensure that the complaint is investigated and resolved within 60 days; requires annual report for Legislature on the complaints. **Rhode Island** created an advisory committee to the Office of the Child Advocate to provide advice and support to the Child advocate and to review and assess patterns of treatment and services, policy implications and necessary systemic improvements. **Vermont** required the Chief Performance Officer to annually report to the General Assembly on the state's progress in reaching the population-level outcomes for each area of the state's quality of life by providing data for the population-level indicators relating to economy, health, environment, children's services, services for the elderly and people with disabilities.



Collaboration and Data Sharing. **Delaware** created a Child Welfare Data Sharing Task Force to make recommendations for data sharing between Family Court, the Department of Education and the Department of Services for Children, Youth, and Their Families. **Oklahoma** permitted the Department of Human Services to contract with active or retired social work, medical or law enforcement personnel to assist child welfare workers responding to a report of child abuse or neglect.

ADOPTION

Approximately 19 states enacted 26 bills regarding adoption. Topics included re-homing adopted children, information sharing, original birth certificates and confidentiality, post-adoption services, and adoption and post-adoption supports, subsidies and tax credits. (Re-homing describes the practice of adoptive parents seeking to relinquish care of their adopted children outside the control and purview of the courts or public child welfare agencies.)



Adoption Re-Homing. Colorado prohibited advertising through a newspaper, periodical, telephone book, outdoor advertising sign, radio, television, computerized communication system or other public medium for the purposes of finding a child to adopt, finding an adoptive home for a child, or offering to place a child for adoption. **Florida** established a new criminal offense for so called “re-homing” when an adopted child is given up illegally to another family. **Louisiana** created the crime of re-homing an abused child without court approval and required the multidisciplinary team approach applicable to children who have been abused and neglected to apply to children who are re-homed. **Ohio** prohibited, unless otherwise permitted by

law, a person from offering money or anything of value in exchange for the placement of a child for adoption and prohibited a biological parent from requesting money or anything of value in exchange for placement of the parent's child with a qualified adoptive parent, however lawmakers permitted a biological parent of a child to advertise about the availability for placement of the parent's child for adoption to a qualified adoptive parent and permitted a government entity to advertise its role in the placement of children for adoption or other information that would be relevant to qualified adoptive parents. **Wisconsin** detailed and clarified the requirements and definition of advertising related to adoption or other permanent physical placements of a child and clarified delegation of parental power regarding the care and custody of a child for more than one year.

Information Sharing, Original Birth Certificates and Contact Preferences. Colorado required access to all adoption records for an adult adoptee or an adoptive parent, guardian, or legal representative of a minor adoptee, allowed the registrar to conduct a search of death certificates to determine whether an adoptee or a birth parent is deceased and required the custodian of birth records to provide a child's birth parent the original birth certificate and other documents. **Connecticut** required the Department of Public Health to give adopted individuals at least age 18, or their adult children or grandchildren, uncertified copies of the adoptee's original birth certificate on request. **Illinois** added adult grandchildren, age 21 or over, to the list of people who may obtain information about an adult adopted person. **New Jersey** allowed adult adopted persons and certain other individuals to obtain an adopted person's original birth certificate and other related documents, with certain restrictions. **Ohio** specified requirements for contact preference and biological parent's name redaction request forms, repealed provisions allowing post-1963 adoptees to file a petition to obtain information about the adoptee's biological family and allowed an adopted person, who is at least 18, to submit a written request to obtain a copy of the person's adoption file. **Virginia** allowed the Commissioner of Social Services to release identifying information requested by an adult adopted person who is seeking disclosure of identifying information about his or her birth parents and consent of the birth parents is not obtainable due to the death or mental incapacity of the birth parents. **West Virginia** detailed what information is available to be disclosed to specified individuals, including the identity of abuse and neglect reporters, adoption records, juvenile records and others.

Post-Adoption Services. Alabama made children 14 years of age or older who were adopted from foster care eligible for \$15,000 in post-secondary education assistance and extended eligibility until the adopted child turns 26. **Connecticut** extended medical subsidies for certain adopted children over 18 but younger than 21.

Adoption and Post-Adoption Supports, Subsidies and Tax Credits. **Indiana** allowed individuals eligible to claim the federal adoption tax credit to also claim an adjusted gross income tax credit and required the established committee on adoption to study how other states provide services under public adoption programs, the legal and regulatory costs associated with foster care and private adoption, and to make recommendations. **Iowa** allowed for an individual income tax credit for adoptions that are completed by the department of human services, a child placing agency, an agency complying with the interstate compact on placement of children or an independent placement. **Ohio** and **Michigan** increased the adoption tax credit. [View more NCSL adoption and post-adoption support, subsidies and tax credits state legislation.](#)

Other. **Idaho** clarified when an unmarried biological father has manifested a full commitment to his parental responsibilities and when an unmarried biological father is deemed to have waived and surrendered any right in relation to a child. **Illinois** defined “related,” for purposes of adoption and guardianship, to include relationships by civil union, step-grandparents and second cousins. **Indiana** prohibited granting an adoption while custody appeals are pending and clarified that the court handling the adoption has exclusive jurisdiction over the child if there is a petition for adoption and a paternity action pending at the same time. **Iowa** required a pre-placement investigation and report to include examination of the criminal and child abuse records of the prospective adoption petitioner. **Louisiana** required that a petitioner for an intra-family adoption be related to the child’s mother or father, whether or not their parental rights are intact. **Ohio** defined living expenses that may be paid to a birth mother on behalf of a petitioner by an attorney or agency arranging a minor’s adoption to include rental or mortgage payments, utility payments, payments for products or services required for the birth mother’s or minor’s sustenance or safety including food, household goods, personal care items, and the cost of transportation to work or school. **Maryland** expanded search, contact, and reunion services for a minor who was adopted through a local department of social services and a local department determines that reunification with the minor’s adoptive parents is not in the minor’s best interests. **Michigan** set forth requirements for consent or release for adoption and required that certain pre-birth adoption notifications be sent to each putative father, reduced the time which a putative father must register with the putative father registry, reduced the time period to appeal an adoption decree, permitted entities to advertise regarding the adoption of children and defined living expenses of a birth mother for purposes of adoption. **Utah** required a birth mother to reside in the state for a specified time before she consents to the adoption or relinquishment of her child. **Wisconsin** enacted legislation requesting the bill requests the Joint Legislative Council to study adoption disruption and dissolution including the extent of, and efforts to prevent, adoption disruption and dissolution, recommended legislation to define, prevent, track and report on the issue and legislation options to prepare prospective adoptive parents for adoption and to support them after adoption.

CHILD FATALITY/NEAR FATALITY

Approximately nine states enacted 12 bills related to child fatality or near fatality. **Georgia** required each county’s child fatality review committee to determine the manner and cause of death and if the death was preventable; required the Georgia Child Fatality Review Panel to oversee the local child fatality review process and report to the Governor on the incidence of child deaths with recommendations for prevention. **Oklahoma** created the Child Death Reporting Act of 2014 which detailed child death or near death reports, permitted notification to legislative designees of a child protective services review, detailed procedures for release of information and evidence of wrongdoing by the department and recreated the Child Death Review Board. **Oklahoma** lawmakers also specified that the Oklahoma Commission on Children and Youth include in its report of a child death or near death confirmation of whether previous reports of suspected child abuse or neglect have been made concerning the alleged victim of death or near death or against the person responsible for the child and provides that any statements or gestures by DHS expressing apology or sympathy relating to the injury or death of a child are inadmissible as evidence of liability. **Pennsylvania** provided for the postmortem investigation of deaths. **Tennessee** required the department, during investigations of child fatality for abuse or

neglect, to release the child's age, the child's gender and whether the department has had a history with the child, within five business days following the fatality. [View more NCSL child fatality and near fatality state legislation.](#)

CHILD PROTECTION

Nearly 34 states enacted almost 100 bills addressing child protection in the areas of child abuse investigations, child sexual abuse, confidentiality and information sharing, definitions and health care.

Child Abuse Investigations. **Alaska** expanded the ability to recruit a multidisciplinary team, including clarifying who may be part of a team, to assist law enforcement in criminal investigations that involve an alleged crime against a child. **California** required a community youth athletic program to provide written notice to the parent or guardian of a youth participating in the program regarding the program's policies relating to criminal background checks for volunteer and hired coaches in the program. **Delaware** clarified the duties of the Investigation Coordinator in the child protection system to have the authority to track each reported case of abuse or neglect, and to be responsible for tracking and monitoring each reported case of death, serious physical injury, and sexual abuse of a child and created confidentiality and immunity clauses to protect the information and records obtained by the Investigation Coordinator. **Georgia** required each county to establish a protocol for investigating and dealing with cases of abuse and neglect. **Idaho** required all investigative or risk assessment interviews of alleged victims of child abuse conducted by personnel of child advocacy centers to be documented by audio or video taping. **Illinois** lawmakers provided that the differential response program is to become a permanent program, upon completion of the demonstration project period. **Minnesota** required counties to maintain sufficient information on reports alleging child maltreatment that were not accepted for assessment or investigation so that repeat reports involving the same child can be identified. **Minnesota** allowed child welfare agencies access to child support data on the child, the parents, and relatives of a child. **New York** required the Office of Children and Family Services to examine the telephone call history of previous reports of child abuse or maltreatment alleged in other counties and districts of the state. **Oklahoma** directed the Department of Human Services to consider risks of children unable to communicate effectively about abuse or neglect in investigations and assessments. **Pennsylvania** lawmakers clarified that an investigative team convened through protocol developed by the county agency and the district attorney is referred to as a multidisciplinary investigative team and allowed a county agency to require a medical examination when deemed necessary due to information discovered during the course of the investigation and without an indication of serious physical injury. **Pennsylvania** provided that child protective services must provide for exchange of information regarding the medical health and treatment of a child by certified medical practitioners. **Virginia** prohibited a person from being employed in a position that involves direct contact with a patient of, or person or child receiving services from, a nursing home, home health organization, hospice, assisted living facility, adult day care, child welfare agency, or family day home approved by a family day system until the results of a criminal history background check have been received. **Washington** required that the State School Directors' Association adopt a model policy to implement statutory provisions regarding the interview of children in child abuse and neglect investigations on school premises.



Child Sexual Abuse. **Colorado** addressed protection of the victim of a sexual assault in cases where a child was conceived as a result of the sexual assault and required notification of the Indian tribe if the child is an Indian child. The legislation also provided waivers for legal counsel and filing fees and provided procedures for voluntarily relinquishing the child by the victim. **New Mexico** required all licensed school employees to complete

training to detect and report sexual abuse and assault within the first year of employment, or during the 2014-2015 school year for current employees. **South Dakota** established the Jolene's Law Task Force to study the impact of sexual abuse of children and to make policy recommendations to the Legislature. **Virginia** required every attorney for the Commonwealth to establish a multidisciplinary child sexual abuse response team to conduct regular reviews of cases involving child sexual abuse in the jurisdiction.

Definitions. **California** provided that a minor who was not a victim of, but who was physically present at the time of, an act of domestic violence is a witness and is deemed to have suffered harm. It also expanded the definition of domestic violence to include abuse perpetrated against a child of a party to the domestic violence proceedings. **California** defined sexual exploitation to include a person who knowingly downloads, streams, or accesses through any electronic or digital media, a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct. **Louisiana** redefined safety plan to mean a plan for the purpose of assuring a child's health and safety by imposing conditions for the child to safely remain in the home, or for the continued placement of the child with a custodian. **Oklahoma** allowed a parent or guardian to use reasonable and ordinary force as a means of discipline. **Pennsylvania** created the offense of luring a child into a motor vehicle or structure, redefined "perpetrator" and "person responsible for the child's welfare," broadened the definition of "child abuse" by lowering thresholds necessary to substantiate various types of child abuse and created the offense of false reporting of child abuse and the offense of intimidation or retaliation in child abuse cases. **Tennessee** created the offense of continuous sexual abuse of a child. **Utah** modified the offense of aggravated sexual abuse of a child by defining the term "position of special trust" and clarifying that the definition of a teacher includes adult employees and volunteers at public and private schools; expanded the definition of position of special trust to include an adoptive parent, an athletic manager who is an adult, an aunt, a babysitter, a coach, a cohabitant of a parent if the cohabitant is an adult, a counselor, a doctor or physician, an employer, a foster parent, a grandparent, a legal guardian, a natural parent, a recreational leader who is an adult, a religious leader, a sibling or a step sibling who is an adult; and, expanded the definition of abuse to include a child's natural parent intentionally, knowingly, or recklessly causing the death of another parent of the child or being the primary suspect in an investigation for causing the death of another parent of the child.

Confidentiality and Information Sharing. **Connecticut** expanded the circumstances in which the departments of Children and Families (DCF) and Social Services (DSS) must disclose the names and records of certain individuals to specific entities and the circumstances in which DSS must disclose information to DCF about a child receiving DSS services or the child's immediate family. **Maryland** required the Department of Human Resources or a local department of social services to provide specified information, on request, to a health care practitioner or another entity which is providing treatment or care to a child who is the subject of a report of child abuse or neglect.

Health Care and Medical Services. **New Hampshire** established a commission to study public-private partnerships to fund medical care for abused and neglected children. **New York** allowed the local commissioner of social services or local commissioner of health to give consent for medical, dental, health and hospital services for any child found by the family court to be an abused, neglected or destitute child. **South Carolina** enacted the State Children's Advocacy Medical Response System Act to provide coordination and medical service resources statewide to agencies and entities that respond to victims of child abuse and neglect.



COURTS AND LEGAL REPRESENTATION

Approximately 18 states enacted 20 bills to address court procedure and legal representation in child welfare cases. Topics included child and parent representation and court procedures.

Child and Parent Representation. **Colorado** established the Office of the Respondent Parents' Counsel in the state judicial department to provide legal representation to parents involved in dependency and neglect proceedings who lack the financial means to obtain legal representation. **Florida** required the court to appoint an attorney for a dependent child who: resides in, or is being considered for placement in a skilled nursing facility, is prescribed a psychotropic medication and declines it, has a developmental disability, is being placed in, or is considered for placement in, a residential treatment center, or is a victim of human trafficking. The bill also clarified who will contract with the appointed attorney, the compensation for the appointed attorney and required the Department of Children and Families to identify and request attorney representation for qualifying children. **Louisiana** detailed legal representation for children and indigent parents in child protection cases and established the Child Representation System and the Child Protection Representation Commission. **Oklahoma** allowed any party to file an application for an emergency hearing that demonstrates harm to the health, safety or welfare of a child who is the subject of a deprived child proceeding. **Oregon** authorized the court to appoint a protected person special advocate in a protective proceeding at any time after the appointment of a fiduciary. **Utah** allowed the district court to appoint an office attorney guardian ad litem upon a determination that no private attorney guardians ad litem are reasonably available. The state also required any savings to the Office to reduce caseloads, improve juvenile court and to recruit and train private attorneys. **Virginia** allowed Court Appointed Special Advocate volunteer appointments to continue for youth ages 18 and older who are in foster care when the juvenile court has retained jurisdiction and the juvenile and domestic relations district court judge determines such services are appropriate. **Washington** required the court to appoint an attorney for a child in a dependency proceeding within 72 hours of granting a petition to terminate the parent and child relationship and established a pilot program to study the effect of appointing an attorney for the child at the time of the shelter care.

Court Procedure. **Delaware** clarified the standard under which the Family Court must determine competing guardianship and permitted that when a child has been in a guardianship for at least two years after the termination of parental rights, the Department may petition the court for permission to provide reports on a 12-month basis, instead of every six months. **Georgia** detailed the allowance of a child to testify outside the presence of the accused in criminal proceedings, including the requirement that the child be under age 18. **Maryland** altered the jurisdiction of an equity court to include custody or guardianship of an immigrant child pursuant to a Motion for Special Immigrant Juvenile Factual Findings requesting a determination that the child was abused, neglected, or abandoned before the age of 18 for purposes of the Federal Immigration and Nationality Act. **Michigan** created a juvenile mental health court. **Oklahoma** prohibited a court, in private custody proceedings, from awarding custody or guardianship of a child to a person who has been convicted of certain crimes regarding the abuse, endangerment, exploitation of children or of first-degree rape. **Oklahoma** also gave group homes the same rights as foster parents throughout the various stages of a deprived-child proceeding. **Pennsylvania** required the court to consider whether the child has been identified as an abused child and whether a party has been identified as a perpetrator of child abuse in custody cases and specifies the information the court should consider and be provided in order to make a custody determination.

DISPROPORTIONALITY

Illinois required the African-American Family Commission to advise the Governor and General Assembly, as well as work directly with State agencies, to improve and expand existing policies, services, programs, and opportunities for African-American families and to promote research efforts to document the impact of certain policies and programs on African-American families. **Minnesota** created the Cultural and Ethnic Communities Leadership Council. For more, view [NCSL Disproportionality and Disparity in Child Welfare](#).

EDUCATION OF CHILDREN AND YOUTH IN FOSTER CARE



Approximately 10 states enacted 10 bills providing for the educational goals and stability of children in foster care. For more, view NCSL's [Educating Children in Foster Care: State Legislation 2008 – 2012](#). See Services for Older Youth for enactments related to tuition assistance for foster youth.

Educational Goals and Educational Stability. Seven states—**Connecticut, Iowa, Maine, Maryland, South Dakota, Washington and West Virginia**—enacted legislation dealing with the educational goals

and stability of foster children. **Connecticut** required the superintendent of each school district providing education to foster youth, to provide the department, a foster parent, and the attorney for the child a description of the child's educational status and academic progress that is substantially similar to the description provided to parents of non-foster youth. **Iowa** encouraged the area education agency board to employ a child welfare liaison to provide services and guidance to local school districts to facilitate the efficient and effective transfer and enrollment of a child in foster care to another school district. **Maine** set forth the process for the Department of Education to follow in awarding a Department diploma to a student who has experienced an education disruption. **Maryland** defined educational stability as the continuous process of identifying and implementing the appropriate educational placement, training, resources, services and experiences that will address successful educational outcomes of a child and contribute to the child's overall well-being. The legislation required a court to inquire as to the educational stability of a child at a shelter care hearing, adjudicatory hearing, disposition hearing, and at any change of placement proceeding. **South Dakota** required the education of children placed in residential treatment centers to be the responsibility of the school district where the center is located. **Washington** directed the Family Assessment Response worker to assess for child well-being and child safety when collaborating with a family to determine the need for child care, preschool, or home visiting services, and to refer children involved in the child welfare system to certain preschool programs, and to provide referrals to high quality child care and early learning programs and appropriate state and federally subsidized programs. **West Virginia** allowed special needs students with an individualized education plan to participate in graduation ceremonies; and, prohibited county boards from denying continuing special education services to the student due to participation in a graduation ceremony.

FOSTER CARE

About 15 states enacted 30 bills dealing with foster care. The topics included: credit reporting, foster parent rights, health and mental health, parent rights and residential group homes/congregate care. (See also [NCSL Preventing Sex Trafficking and Strengthening Families Act](#) legislation.)

Credit Reports. **California** lawmakers required a county welfare department, county probation department, or the State Department of Social Services to inquire of each of the three major credit reporting agencies as to whether a child in foster care has any consumer credit history. **Oklahoma** lawmakers required DHS to provide an annual credit report to youth in its custody.

Foster Parent Bill of Rights. **Michigan** authorized the children's ombudsman to commence and conduct investigations into alleged violations of the Foster Parent's Bill of Rights law. **Oklahoma** required foster parents be given a copy of the liability insurance policy the Department of Human Services maintains for every Department-contracted foster home placement. **Oklahoma** lawmakers also required the Office of Juvenile

System Oversight to receive any complaint alleging that an employee of the Department of Human Services or a child-placing agency has threatened a foster parent with removal of a child from the foster parent, harassed a foster parent, or refused or disrupted a child placement as retaliation or discrimination; required foster parents be informed of their rights annually. For more, view [NCSL Foster Care Bill of Rights](#).

Health and Mental Health. California required the State Department of Social Services to convene a stakeholder group to identify barriers to the provision of mental health services for children receiving medically necessary specialty mental health services. **Virginia** eliminated the requirement that an individual under the age of 19 must have been without health insurance for at least four months or must meet the requirements set forth in the Children's Health Insurance Program to be eligible for assistance under the Family Access to Medical Insurance Security Plan. **Washington** allowed foster children access to health care through the health benefit exchange in the state. For more legislation, view [NCSL Health Oversight for Children and Youth in Foster Care](#).

Parent Bill of Rights. Oklahoma created the Parents' Bill of Rights; prohibited the state from infringing upon parental rights, directed the board of education of a school district to develop a policy listing parental rights related to education, including sex education; prohibited a surgical procedure on a minor without parental consent—excluding abortion— and, prohibited a mental health evaluation of a minor without parental consent. For more, view [NCSL Foster Care Bill of Rights](#).

Residential Group Homes, Congregate Care. Oklahoma recognized the interests of group homes in child placement proceedings and authorized the Department to contract with designated youth services agencies or designated child-placing agencies for the management and operation of the shelter and for management and operation of youth group homes. The legislation also required continuing education for its employees in the area of cultural competency regarding race and gender-based disparities faced by youth in group homes. **Wisconsin** allowed a child to be placed in a shelter care facility for no more than 20 days under a voluntary agreement and further allowed a child's parent, guardian, or Indian custodian, DCF, the Department of Corrections, a county department of human or social services, or a child welfare agency licensed to place children in shelter care facilities to place the child in a shelter care facility. For more, view [NCSL Congregate Care, Residential Treatment and Group Home State Legislation](#).



Other. Hawaii appropriated funds for programs and services for children of incarcerated parents and to assist with family reunification. **Louisiana** prohibited a child from being placed in a foster home for temporary care, except for emergency placement, or for adoption until it is determined that the prospective foster or adoptive parent has not been convicted of nor pled nolo contendere to a felony drug possession offense unless five or more years have elapsed between the date of placement or until the individual has submitted to and passed an initial drug test and has provided written consent to any plan of random drug testing required by the Department of Children and Family Services; required drug tests shall be at the expense of the individual. The legislation authorized the department of child and family services to consider prior convictions in determining whether to place a child in a foster home for temporary care or for adoption. **Minnesota** lawmakers required the home study of prospective foster parents to address the capacity of the prospective parents to provide a smoke-free home environment for the child and that child-placing agencies must ensure foster homes maintain a smoke-free environment. The legislation provided that this subdivision does not apply to traditional or spiritual Native American or religious ceremonies involving tobacco use. **Oklahoma** gave parents in crisis the legal authority to place their children with a host family without DHS involvement and modified existing child placement licensure laws so as not to hinder the work of private groups and host families who assist families in crisis. **Wisconsin** prohibited any person from sending a child out of this state, bringing

a child into this state, or causing a child to be sent out of this state or brought into this state for the purpose of permanently transferring physical custody of the child to a person who is not a relative of the child. That prohibition, however, does not apply to a placement of a child that is authorized under the Interstate Compact on the Placement of Children or any other statutory provisions governing the interstate placement of children or a placement of a child that is approved by a court of competent jurisdiction of the sending state or receiving state.

FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT of 2008

Washington expanded eligibility criteria to allow a youth to request extended foster care services if the youth engages in employment for 80 hours or more per month or if the youth is not able to engage in any established qualifying activities due to a documented medical condition. For more state actions related to provisions of the Fostering Connections to Success and Increasing Adoptions Act of 2008, view NCSL [Fostering Connections State Actions](#).

FUNDING

At least 16 states enacted 26 bills regarding the funding of child welfare services. While the majority dealt with basic funding and appropriations, a few bills addressed specific financing strategies. **Arkansas** enacted two bills that provide funding to the State Child Abuse and Neglect Prevention Board and the State Veterans' Child Welfare Service Office respectively. **Colorado** detailed supplemental appropriations to the Department of Human Services and aligned certain state medical assistance programs' eligibility laws with the federal patient protection and affordable care act. **Connecticut** extended the period for which the Department of Children and Families may provide periodic adoption subsidies to special needs children between the ages of 18 and 21 under specified circumstances. **Delaware** created a Stop Child Abuse license plate, allowing for the proceeds to go to the Protecting Delaware's Children Fund, created a check box for donations to the Protecting Delaware's Children Fund on the individual income tax return and provided that all amounts shall be forwarded to the Delaware Community Foundation for use in public awareness campaigns promoting the reporting of child abuse. **Maryland** allowed \$150,000 of the general fund appropriation to be expended to fund a research project at the University of Maryland, Baltimore School of Social Work to study issues regarding unsuccessful reunifications of children with their parents after entering the foster care system. **Michigan** eliminated county administrative rates for foster care services. **Pennsylvania** increased funding for domestic violence and rape victim services and created a grant program to fund children's advocacy centers. The bill also increased the costs paid by criminals to provide additional funds to domestic violence and rape victim services and required criminal defendants to fund children's advocacy centers.

Infant Abandonment/Safe Surrender

Pennsylvania permitted a police officer at a police station to accept newborns from parents who wish to relinquish the newborn; required police officers to take newborns into protective custody, deliver the newborn to the hospital and immediately notify the county agency and submit a written report to the county agency and the police department. Provided the police officer the same immunity that health care workers currently receive when accepting a newborn. Required the Department of Public Welfare to provide educational materials to police officers regarding newborn protection. Exempts parents from criminal liability for solely leaving the newborn with the police, so long as the newborn is not a victim of child abuse or criminal conduct.

Kinship Care

Eight states enacted 11 bills in 2014 related to kinship care in the topic areas of expanded definition of relative; licensing; relative preference; and,



school enrollment and medical consent. For more legislation supporting relative caregivers, view NCSL's [Supporting Relative Caregivers of Children](#).

Expanded Definition of Relative. **Illinois** expanded the definition of relative to include fictive kin and defined fictive kin to mean any individual, whether related or unrelated by birth or marriage, who is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual.

Licensing. **Illinois** required fictive kin with whom a child is placed to apply for licensure as a foster family home and restricted the removal of a child from the home of fictive kin on the basis that the kin fails to apply for licensure or fails to meet licensure standard. **Indiana** allowed a person to operate a foster family home without a license if the person is a relative of the child for whom the person is providing supervision.

Relative Preference. **California** permitted a social worker to place a child who has been removed from the custody of his/her parents in the home of a relative or non-relative extended family member (NREFM) after a detention hearing and pending the dispositional hearing; clarified legislative intent that a social worker may place a child in the home of an appropriate relative or NREFM pending the consideration of other relatives who request preferential consideration. **Virginia** required the Department of Social Services to review current policies governing facilitation of placement of children in kinship care to avoid foster care placements and to develop recommendations for regulations governing kinship placements. **Virginia** specified that a child placed in kinship foster care shall not be removed from the physical custody of the kinship foster parent, provided the child has been living with the kinship foster parent for six consecutive months and the placement continues to meet approval standards for foster care, unless the kinship foster parent consents to the removal, the removal is agreed upon at a family partnership meeting, is court ordered, or warranted under existing law.

School Enrollment and Medical Consent. **Missouri** allowed relative caregivers, acting under an affidavit, to consent to medical treatment and educational services for a minor child with whom such caregiver lives if consent of the legal parent or guardian cannot be obtained through reasonable efforts. For more, view [NCSL School Enrollment and Medical Consent Laws](#).

Other. The **District of Columbia** allowed the Grandparent Caregivers Program subsidy to be transferred to a relative caregiver under specified conditions, when a grandparent is no longer able to care for a child. **Kentucky** required the Cabinet for Health and Family services to create a centralized statewide service program that provides information and referrals through a statewide toll-free telephone number to grandparents and other caregivers who are caring for minors who are not their biological children. **Maryland** lowered, from 21 years to 18 years, the age that a person must be to serve as a kinship parent for a child in need of out-of-home placement; repealed a provision authorizing a local department to waive the age requirement for a potential kinship parent who is at least 18 years of age and who lives with a spouse who is at least 21 years of age.

Prevention/Treatment/Training

Prevention. **Arizona, Pennsylvania** and **Virginia** recognized April 2014 as Child Abuse Prevention Month. **California** required crisis nurseries to be licensed to operate overnight programs and specified the maximum capacity of crisis nurseries. **Illinois** required the Department of Children and Family Services to enter into an interagency agreement for the purpose of preventing children and youth who are not abused or neglected from entering the custody of the Department solely to receive services for a mental illness or emotional disturbance. The legislation also established the Custody Relinquishment Prevention Act which creates a pathway for families to receive services through the appropriate state child-serving agency, rather than through relinquishment of parental custody to the Department of Children and Family Services.

Training. **New Mexico** required health education courses for fourth through eighth grade and for high school graduation beginning with the class of 2014, to include age-appropriate sexual abuse and assault awareness and prevention training. **Tennessee** required that the departments of education and children's services work together to enhance or adapt curriculum materials that focus on child sexual abuse, including such abuse which may occur in the child's home. For more state actions around child sexual abuse prevention, view NCSL's [Child Sexual Abuse Prevention and Erin's Laws](#).

Treatment. **Minnesota** allowed children in voluntary foster care for treatment to return to the care of a parent on a trial home visit under certain circumstances in order to provide planning and supports to meet the child's needs following treatment so that the child can return to the parent's home. **Wisconsin** revised the provisions of existing law that relate to the admission of minors for the treatment of mental illness to include the need to file a petition for a minor who is voluntarily participating in inpatient treatment, protecting the minor's rights if said minor withdraws the consent for treatment, and eliminated the provision regarding short-term voluntary admission stays. **Wisconsin** also enacted legislation relating to evaluation of infants for fetal alcohol spectrum disorder and referral of infants who have that condition for services and treatment

Preventing Sex Trafficking and Strengthening Families Act of 2014

New federal legislation, [Preventing Sex Trafficking and Strengthening Families Act of 2014 \(H.R. 4980\)](#), now requires state child welfare agencies to:



- Develop policies and procedures to identify, document, screen and determine appropriate services for children under the child welfare agency's care and supervision, who are victims of, or at risk of, sex trafficking.
- Immediately report children in their care identified as sex trafficking victims to law enforcement. States must also report the numbers of child trafficking victims to the U.S. Department of Health and Human Services (HHS).
- Report children missing from their care to law enforcement, within 24 hours, for entry into the National Crime Information Center and to the National Center for Missing and Exploited Children.
- Develop and implement protocols to locate children runaway or missing from foster care, determine the child's experiences while absent from care, develop screening to determine if the child is a sex trafficking victim, and report this information to HHS.
- Develop a reasonable and prudent parenting standard for foster parents to make parental decisions to maintain the health and safety of foster youth and also to make decisions about the youth's participation in extracurricular, enrichment, cultural and social activities.
- Ensure that children in foster care age 14 or older participate in the development of, or revision to, his or her case plan which must describe the foster child's rights.
- Provide children aging out of foster care with a birth certificate, a social security card, health insurance information, medical records and a driver's license or state identification.

NCSL tracked activity related to these provisions during the 2014 legislative session. The legislation included providing drivers' licenses and other records to youth aging out of care, enacting foster child bill of rights legislation, enacting reasonable and prudent parenting standards and enacting legislation related to human/child sex trafficking and missing children.

Drivers Licenses and Other Records Provided to Youth Aging Out of Foster Care. **Florida** allowed a foster child that has reached 16 years of age, has been adjudicated independent, is residing in an out-of-home placement and has completed a driver education course to execute all contracts or agreements to obtain motor vehicle insurance.

Foster Child Bill of Rights. **California** authorized a dependent child or a non-minor dependent to request visitation with a sibling who is in the physical custody of a common legal or biological parent. **Illinois** required the Department of Children and Family Services to provide each parent or guardian and responsible adult caregiver participating in a safety plan a copy of the plan and information on their rights and responsibilities that shall include information on how to obtain medical care, emergency phone numbers and information on how to notify schools or day care providers. For more, view [NCSL Foster Care Bill of Rights](#).

Human Trafficking/Child Trafficking Victims. **Alabama** established the Alabama Human Trafficking Task Force. **California** also authorized any city, county, or community-based nonprofit organization to establish a multiagency, multidisciplinary family justice center to assist victims of domestic violence, sexual assault, elder or dependent adult abuse, and human trafficking. **Colorado** created the Colorado Human Trafficking Council within the Department of Protective Services and specified the Council's membership and duties. **Colorado** changed the definition of human trafficking of an adult and of a child to include the distinction that the trafficking was for the purpose of either involuntary or sexual servitude and that human trafficking of a minor for sexual servitude is to be considered a sex offense against a child for which there is no statute of limitations. **Connecticut** expanded the actions the Department of Children and Families can take to help children it identifies or believes are victims of trafficking to include (1) providing services, (2) forming multidisciplinary teams to review trafficking cases, and (3) providing training to law enforcement officers about trafficking and expanded the category of children or youths a court may find to be "uncared for" to include child-trafficking victims. **Maryland** required the Secretary of State to establish the Human Trafficking Address Confidentiality Program for victims of human trafficking. **Florida** prohibited the buying and selling of children into prostitution, clarified court procedures related to child sex trafficking and required screening and services for child sex trafficking victims. **Michigan** created a presumption that a minor prosecuted for prostitution is a victim of human trafficking and is eligible for services provided to dependent minors subjected to abuse and neglect. **Michigan** lawmakers also required a supervising agency that develops a medical passport for a child under its care to indicate in the passport that the child could be a victim of human trafficking and, if so, to have an assessment or evaluation of the child performed by an experienced and licensed mental health professional and provide appropriate counseling services. The legislation required a supervising agency, before placing a child in its care, to give special consideration to information that the child might have been a victim of human trafficking and allowed a supervising agency to find that adoption, reunification, or other traditional foster care services might not be suitable for a child who was a human trafficking victim. **Ohio** authorized a judge or magistrate to order the testimony of a minor victim of human trafficking to be taken by closed circuit television equipment and prohibited disclosure of identifying information in a police report concerning a delinquent offender or abused minor. The bill further enacted the offense of commercial sexual exploitation of a minor. **Utah** detailed that a child is not subject to a delinquency proceeding for prostitution unless a law enforcement officer has referred the child to the Division of Child and Family Services on at least one prior occasion for an alleged act of prostitution or sexual solicitation. **Wisconsin** amended the definition of "trafficking" by eliminating the element that the act occurred without the individual's consent and expanded the definition of "commercial sex act."



Missing Children. **Georgia** allowed for missing child reports for foster children within the Missing Children Information Center and required certain procedures of law enforcement when any parent, guardian, caretaker, government unit responsible for the child, or other person with legal custody of the child, reports the child is missing.

For more on child sex trafficking and missing children, view [Preventing Sex Trafficking and Strengthening Families Act of 2014](#).

Reasonable and Prudent Parenting Standard. **Washington** provided caregivers with the authority to give permission without prior approval of the Department of Social and Health Services or a court to allow a child in their care to participate in normal childhood activities based on a reasonable and prudent parenting standard through the use of careful and thoughtful parental decision-making. The bill defined normal childhood activities to include extracurricular, enrichment, and social activities, and may include overnight activities outside the direct supervision of the caregiver. The legislation characterized a reasonable and prudent parent standard as thoughtful parental decision-making intended to maintain the child's health, safety, and best interest while encouraging the child's emotional and developmental growth. For more legislation, see [NCSL Reasonable and Prudent Parenting Standard Laws](#).

Reporting of Child Abuse and Neglect

During 2014, 14 states enacted 35 bills related to the reporting of child abuse and neglect. Topic areas included expanding categories of mandatory reporters, addressing immunity and requirements for organizations, reporting of abuse within schools, substance abuse and training and licensing.

Expanding Categories of Mandatory Reporters. **Connecticut** clarified the process by which animal control officers and employees of the Department of Children and Families report instances of animal abuse and neglect. **Connecticut** lawmakers also required animal control officers to report to the Commissioner of Agriculture, as soon as practicable, if they have reasonable cause to suspect that an animal has been harmed, neglected or treated cruelly.

Immunity/Requirements for Organizations. **South Carolina** prohibited an employer from dismissing, demoting, suspending, or disciplining an employee who reports child abuse or neglect, whether required or permitted to report; and, created a cause of action for reinstatement and back pay which an employee may bring against an employer who violates this prohibition. **Washington** defined terms that are used throughout the mandatory reporting statute to include the terms organization, reasonable cause, and sexual contact. Clarified that when any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident. The legislation specifically defined organization to include: a sole proprietor, partnership, corporation, limited liability company, trust, association, financial institution, governmental entity other than the federal government, and any other individual or group engaged in a trade, occupation, enterprise, governmental function, charitable function, or similar activity in this state whether or not the entity is operated as a nonprofit or for-profit entity.

Reporting of Abuse within Schools. **Pennsylvania** required that when a school employee suspects another school employee of abusing a student, the standard for substantiating abuse, the reporting requirements and procedures, and the investigative response will parallel those for other alleged perpetrators of child abuse.

Substance Abuse. **Minnesota** required local welfare agencies to accept reports of prenatal exposure to controlled substances made by reporters notwithstanding the refusal of the reporter to provide the reporter's name and address, as long as the report is otherwise sufficient.

Training/Licensing. **Illinois** required the acceptance of continuing education credit for mandated reporter training on how to recognize and report child abuse offered by the Department of Child and Family Services and completed by any person who holds a professional license and who is a mandated reporter under the Abused and Neglected Child Reporting Act. **Indiana** required reporting related to the safety of children and information

to be prepared and distributed concerning the duty to report known or suspected child abuse or neglect. **Maryland** required the Naturopathic Medicine Advisory Committee within the Board of Pharmacy and the State Board of Nursing to adopt regulations for the potential suspension of a license for failure to report child abuse or neglect. **New York** required school athletic directors and school personnel or other persons required to hold a temporary coaching license or professional coaching certificate to report cases of suspected child abuse. **Pennsylvania** required licensing boards to require licensees to submit documentation of completion of a minimum number of hours of approved child abuse recognition and reporting training.

Other. Pennsylvania lawmakers addressed a number of reporting issues including: confidentiality; broadening the scope of mandated reporters; reports by employees, independent contractors and staff members of organizations that are required to report; privileged communications and exceptions from reporting requirements; advanced communication technology and electronic reporting; establishment of a pending complaint file, a file of unfounded reports and a toll-free telephone number; protection from employment discrimination for reporting child abuse or suspected child abuse and penalties for failure to report, interference with making a report and concealment of abuse to protect another.

Services for Older Youth

Fifteen bills were enacted in 12 states addressing services and supports for older youth in the foster care system. For more, view NCSL's [Supports for Older Youth in Foster Care](#).

Engaging Youth. Illinois required the Department of Children and Family Services to convene and maintain a Statewide Youth Advisory Board and regional youth advisory boards to help the Department determine how to best provide services to current and former youth in foster care living in each of the regions.

Extended Foster Care. Nebraska renamed the Young Adult Voluntary Services and Support Act the Young Adult Bridge to Independence Act and made changes to the program to allow young adults to remain in extended guardianship until they turn 21 regardless of whether they are regularly attending school or training program. **Washington** expanded eligibility criteria to allow a youth to request extended foster care services if the youth engages in employment for 80 hours or more per month or if the youth is not able to engage in any established qualifying activities due to a documented medical condition. Defined "medical condition" to mean a short-term or long-term physical or mental health condition as verified and documented by any licensed health care provider. **Wisconsin** extended out-of-home care to 21 years of age for children with individualized education programs.



Housing. California authorized a county to, at its option, extend transitional housing to a former foster youth who is not more than 25 years of age, and for a total of 36 cumulative months, if the former foster youth is completing secondary education or is enrolled in an institution that provides post-secondary education. **Massachusetts** promoted housing and support services to unaccompanied homeless youth.

Prevention. Rhode Island created a youth pregnancy and at-risk prevention services program to be administered by the Department of Human Services.

Transitional and Independent Living Services. Rhode Island requested that the Department of Children, Youth and Families examine best policies and practices in the transition for youth aged 18-21 who leave the child welfare system. **Virginia** required local departments of social services and child-placing agencies to provide independent living services to any person between 18 and 21 years of age who is transitioning from a commitment to the Department of Juvenile Justice to self-sufficiency when such individual was in the custody of

the local department of social services immediately prior to his commitment and to ensure that local departments that provide independent living services to persons between 18 and 21 years of age make certain the information about the availability of independent living services is provided to any person who chooses to leave foster care or who chooses to terminate independent living services before his 21st birthday.

Tuition Assistance. Three states—**Arizona, California and Illinois**—enacted legislation regarding education of older youth through tuition waivers or assistance. **Arizona** modified requirements for qualified students under Lexie’s Law, which provides for tax credits for corporations which donate to School Tuition Organizations, so that any student who is a prior qualified student who continues to attend a qualified school, is placed in foster care, or is identified as having a disability under relevant laws is eligible for the program. **California** authorized the Office of the Chancellor of the California Community Colleges to enter into agreements with community college districts to provide additional funds for services in support of postsecondary education for foster youth. **Illinois** required the Department to select a limited number of students who are in foster care, who aged out of care at age 18 or older, were formerly under foster care but were adopted, or who have been placed in private guardianship, to receive scholarships and fee waivers to assist them in attending and completing their post-secondary education at a community college, university, or college. **Maryland** added unaccompanied homeless youths to the list of individuals who may be eligible for a waiver of certain tuition and fees at public institutions of higher education; requires a financial aid administrator to verify that the youth qualifies as an independent student under the Federal College Cost Reduction and Access Act.

Termination of Parental Rights

Eight states enacted twelve bills around termination of parental rights. **Alabama** required the juvenile court to have exclusive original jurisdiction over termination of parental rights proceedings and expressed the intent of the Legislature regarding jurisdiction of the juvenile court in termination of parental rights cases and provided for retroactivity to Jan. 1, 2009. **Colorado** created a process for reinstatement of the parent-child legal relationship in limited circumstances for a child whose parent's rights have previously been terminated voluntarily or involuntarily. **Missouri** allowed for drug use or prior drug convictions to be considered in determining parental fitness in termination of parental rights proceedings; and, addressed children who test positive for alcohol or drugs at birth. **Oklahoma** provided for termination of parental rights if substantial erosion of relationship exists; provided for a signed voluntary agreement to termination of parental rights; modified timing of out-of-home placements based on age of the child; clarified dates used to determine entry into foster care; added rape, pornography, murder, felony assault or causing the death of a sibling to list of termination of parental rights conditions; required termination of parental rights if no measurable parental progress is made within a certain time period and addressed parental rights to an Indian child. **South Carolina** provided that a family court may order termination of parental visits and termination of parental rights due to continued parental drug abuse and required a drug test before returning a child to the parents' care when the removal of the child was due to parental drug use.

Tribes

Colorado required notification of an Indian tribe in accordance with the federal Indian Child Welfare Act in cases where a termination of parental rights petition is being filed against a person who committed a sexual assault in which a child was conceived. **Iowa** required county attorneys to comply with provisions of the Iowa Indian Child Welfare Act and the federal Indian Child Welfare Act. **Minnesota** provided that in a proceeding for the pre-adoptive or adoptive placement of an Indian child not within a specified jurisdiction, the court, in the absence of good cause to the contrary, shall transfer the proceeding to the jurisdiction of the tribe.

