



# State Child Welfare Legislation 2006

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## 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 the 2006 calendar year.<sup>1</sup>

In 2006, states continued to legislate heavily in the areas of adoption, courts, education of children in the child welfare system, foster care, kinship care and transition from foster care. A few state legislatures ventured into the areas of immigration and children of incarcerated parents, which may signal emerging trends. In addition, both prevention and oversight were dominant themes in 2006.

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

### Adoption (see Appendix, pp. 11–13)

States passed a variety of laws dealing with adoption of children from foster care.

- Alaska authorized retention of certain privileges by a parent who relinquishes parental rights for purposes of an adoption, subject to objection by the prospective adoptive parent. The law also allows a birth parent to petition for reinstatement of parental rights prior to entry of an adoption decree.
- California established a three-year pilot project to provide funding for pre-adoption and post-adoption services to facilitate adoption of children who have been in foster care for 18 months or more.
- Illinois required that prospective adoptive parents be given the same information as foster parents regarding a child’s medical, educational and social history and also be given notice of post-adoption reunion services to facilitate contact between adoptees and their siblings.
- New Hampshire enacted provisions to protect children whose parents might try to surrender parental rights without a pending, legitimate adoption filing.

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1. The legislation described here reflects emerging issues and key legislative trends related to child welfare. The report also includes 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 laws represent “best practice” or are in accord with federal law.

- New York enacted a provision to allow 18- to 21-year-old adoptees to continue to receive adoption subsidy payments in the event of the death of the sole surviving adoptive parent.
- North Carolina mandated a study of post-adoption contact and communication between an adopted child and a birth relative.
- Ohio created new requirements related to pre-adoptive assessment of prospective adoptive families who would have more than five children residing in the home.
- Oklahoma provided for extension of adoption benefits to age 19 under certain circumstances.
- Virginia required a study of the state's special-needs adoption program and recommendations to moderate expenditure growth. Virginia also required a review of the state's adoption and foster care policies to develop recommendations on expediting the adoption of children from foster care.
- Washington required a study of adoption fees and whether they pose a barrier to adoption of children from foster care.

#### **Child Fatality Review** (see Appendix, pp. 13–14)

A number of states passed laws to create or strengthen existing child fatality review panels.

- California required review teams to make available to the public their findings, conclusions and recommendations.
- Maine and Mississippi established child death review panels.
- Nebraska required guidelines for county coroners who perform autopsies on children.
- New York required the state child welfare agency to investigate and report on the fatality of any child who is the subject of an open child protective or preventive services case. New York also required a protocol for review of certain child deaths at or en route to a hospital.
- Oklahoma re-created its child death review board within the Oklahoma Commission on Children and Youth.

#### **Confidentiality** (see Appendix, pp. 14–15)

A few states enacted laws regarding access to child abuse and neglect information.

- Alaska authorized its child welfare agency to release to the public information regarding investigations of allegations of child maltreatment.
- North Carolina, Ohio and Pennsylvania authorized release of confidential information to government entities that need such information to carry out their responsibilities to protect children from abuse and neglect.
- Oklahoma required that public information in cases of a child fatality or near fatality include specific recommendations made by the department in child maltreatment progress reports.

### **Courts and Legal Representation** (see Appendix, pp. 15–18)

Legislation in several states reflects the growing appreciation of the important role that courts and attorneys play in child welfare.

- Alaska increased the standard of evidence from preponderance of the evidence to clear and convincing evidence for determinations that no reasonable efforts are required.
- Alaska, Michigan and New Hampshire enacted provisions governing public access to court proceedings. Alaska provided that hearings are open to the public, with certain exceptions. Michigan closed hearings related to surrendered newborns. New Hampshire extended a pilot project to evaluate public access to court hearings.
- Arizona authorized courts to order service providers to appear and discuss a parent's assertion of a right to receive services. California, Hawaii and New Hampshire authorized certain individuals to attend and participate in court hearings. California also authorized a caregiver to submit to the court recommendations for a child's disposition, along with information on the child's health, education, interests, adjustment and social skills. Utah authorized expedited court hearings pertaining to children who have not been removed from home, but who are likely to be removed absent the provision of services under the court's protective supervision.
- California, Louisiana, New Hampshire, New York, Ohio and Oklahoma enacted measures to expand or improve legal representation of children and families.
- A number of states acted to streamline the permanency process. Delaware and Tennessee passed measures to eliminate delays in termination of parental rights proceedings or appeals. New York also enacted a law to clarify and correct landmark permanency legislation that was enacted in 2005.
- Two states enacted laws regarding court organization. Arizona mandated an integrated family court pilot program in a small county. New York established guidelines for implementing the "one family, one judge" model to ensure that adoption proceedings are initiated in the same court with jurisdiction over related child welfare matters.

### **Education** (see Appendix, pp. 18–20)

The education of children in the child welfare system, particularly those in foster care, continues to be a high legislative priority.

- Several states created or expanded programs of financial assistance for current or former foster children.
  - Arizona established a grant program to pay tuition at private primary or secondary schools or preschools for handicapped children.
  - Florida extended eligibility for its tuition waiver program to certain former foster youth in permanent guardianships.
  - Illinois established a postsecondary education grant program for youth in the legal custody of grandparents.
  - Kansas and Louisiana extended or established postsecondary tuition waiver programs.
  - Maine extended its tuition waiver program to youth who were in subsidized adoptive care or subsidized guardianships at the time of high school graduation.
  - Tennessee now permits students who receive foster child tuition grants to attend eligible private, as well as public, postsecondary institutions.

- Arizona mandated establishment of an educational case management unit within the child welfare agency to develop education plans for youth who are participating in the independent living program.
- California expanded its program of grant funding to provide educational and support services for foster children.
- Louisiana urged the departments of Social Services and Education to develop a plan to improve foster children's educational success.
- New Hampshire required children in certain court-ordered residential placements to receive educational or residential services.
- North Carolina allowed students to attend school outside their local school district if the department has recommended that their parents relinquish physical custody and gave a caregiver adult of a child in a licensed facility the same authority as a parent.

#### **Finance** (see Appendix, pp. 20–21)

Legislatures in a few states authorized new child welfare financing strategies.

- California designated \$98 million per year to fund child welfare system improvement. It also enacted statutory authority for the state's new Title IV-E waiver demonstration project.
- Florida continued to address the financial risks to private lead agencies associated with its community-based care model. It amended provisions related to the community-based care risk pool and authorized funding of a self-insurance program for participating lead agencies.
- Hawaii authorized the judiciary branch to establish a federal revenue maximization program for services provided to children who may be eligible for federal financial participation.
- Missouri created a Children in Crisis tax credit for contributions to qualified agencies.

#### **Foster Care** (see Appendix, pp. 21–23)

In 2006, states enacted a wide variety of measures to support foster parents, experiment with new models of foster care and protect foster children's health, among other things.

- Alaska required foster parents to provide regular opportunities for birth parent visitation and encouraged foster parents to serve as mentors for birth parents.
- California mandated procedures to protect foster youth from identity theft, encouraged relevant state agencies to assist them in understanding their rights and available resources, and expressed intent that foster children be given an opportunity to live in an environment that resembles a non-foster care family.
- Colorado established a demonstration project for the employment of salaried foster parents by private child placement agencies.
- Connecticut added foster children to the state employee family and medical leave act.
- Florida required that a child's temporary custodian be included in face-to-face conferences regarding case plan development, when appropriate.

- Hawaii required the child welfare agency to consent to a foster youth's application for a driver's license.
- Illinois required adoption of a rule regarding specialized services to high-need children in foster care, adoptive placements and subsidized guardianships.
- Iowa required a multidimensional treatment foster care pilot program for children who are making the transition from residential to foster family care.
- Iowa, Kentucky and Louisiana codified lists of foster parents' rights.
- Kentucky made smoking cessation services available to foster youth.
- Maryland required the development of an annual resource plan for residential child care programs.
- Ohio required that a foster caregiver needs assessment specify the number of hours of training that the child welfare agency will waive. Ohio also eliminated some conditions for such waivers. The state also provided foster caregivers with qualified immunity from civil liability.
- Oklahoma required the establishment of a program to mediate foster parent complaints.
- Washington required the establishment of a foster care health unit and established a foster parent critical support and retention program.

#### **Immigration** (see Appendix, p. 24)

California and Nebraska enacted provisions regarding immigrant children in the child welfare system.

- California urged Congress to amend federal immigration law to facilitate the granting of special immigrant juvenile status to immigrant children in the child welfare system and to allow such children who have been adopted to become citizens without having to be fully admitted for permanent residence.
- Nebraska specified actions that its child welfare agency is required to take if it determines that a ward of the court is a foreign national minor or a minor with dual citizenship. These include requiring all written information pertaining to the juvenile court process to be in both English and the child's native language, requiring that the department notify the nearest consulate about the case, and allowing the consulate to request additional information about the case.

#### **Incarcerated Parents** (see Appendix, pp. 24–25)

Four states enacted laws in 2006 to address the unique needs of children with parents who are involved with the criminal justice system.

- California required protocols to ensure a child's well-being when a parent is arrested.
- Hawaii extended its children of incarcerated parents task force through December 2007 and required a final report.
- Louisiana required an incarcerated parent to provide a plan for care of his or her child.
- Virginia required an integrated system for provision of services to children of incarcerated parents.

### **Investigations** (see Appendix, pp. 25–27)

Differential response, multidisciplinary teams, risk assessment and child advocacy centers, among other things, were the subjects of state legislation in 2006.

- Two states created special law enforcement units to investigate child maltreatment. Kansas created a neglect and exploitation of persons unit within the attorney general's office, and West Virginia created an investigative unit within the state police.
- Two states enacted provisions on differential response. Maryland required a study of a research-based differential-response system, and Ohio authorized an alternative response pilot project.
- Nebraska, New York and Oklahoma enacted provisions regarding child advocacy centers and, together with New Hampshire, measures related to multidisciplinary child protection teams.
- New York authorized warrants for immediate access to a child by child protective services under certain circumstances and required law enforcement assistance in enforcing such warrants upon request.
- New York required the development of protocols for reporting and investigating educational neglect.
- Ohio required implementation of a system of safety and risk assessment.
- Oklahoma authorized the state child welfare agency to request a law enforcement investigation in cases of criminally injurious conduct involving a child.
- Washington required the child welfare agency to report to the Legislature on its policies and practices regarding child abuse referrals, investigations and records.

### **Kinship Care** (see Appendix, pp. 27–29)

As in previous years, kinship care remained a high legislative priority in 2006.

- A number of states created or expanded programs to support relative caregivers of children, both within and outside of the child welfare system.
  - Arizona created a grandparent kinship care program to provide funds to ease the transition of a child into the caregiver's home.
  - California expanded its Kin-GAP program to include caregivers of certain delinquent children and to cover specialized care increments and clothing allowances.
  - Connecticut and Kentucky established programs to provide relative caregivers with information and referrals to services.
  - Kansas created a Grandparents-as-Caregivers program to provide financial assistance to grandparents with custody or guardianship of a grandchild.
- Alaska, Arizona, Virginia and Wisconsin enacted measures regarding preference for relative placement.
- Alaska, Connecticut, Florida, Illinois and Virginia enacted provisions regarding efforts to identify and locate relatives who can serve as placement resources for children in the child welfare system.

- California eliminated the requirement that a county must have at least 40 percent of dependent children in relative care in order to be eligible for a Kinship Support Services Program grant.
- New York authorized courts to place a child with a relative who has indicated a desire to become a foster parent for the child.
- South Carolina created the legal status of de facto custodian for caregivers who meet specified criteria.
- Wisconsin expanded the statutory definition of relative and required the provision of certain information to a relative when a child is placed in the relative's home.

### **Oversight/Administration** (see Appendix, pp. 29–32)

In 2006, some states created new structures and systems for oversight, accountability, consultation or administration of the child welfare system.

- States that created new oversight or advisory bodies include the following.
  - Alaska and Pennsylvania established citizen review panels to examine the policies and practices of their respective child welfare agencies.
  - California created a new Child Welfare Council to improve collaboration among multiple agencies and courts in the child welfare system.
  - Connecticut established a Families with Service Needs Advisory Board.
  - Louisiana requested the House and Senate committees on health and welfare to function as a joint committee to make recommendations for changing the laws regarding children in foster care.
  - New Hampshire established a study committee regarding programs for families with children age 8 and under.
  - New Hampshire established a Legislative Youth Advisory Council, and Rhode Island created a new Commission on Youth to provide consultation to the legislature.
  - Oklahoma established a Children and Juvenile Law Reform Committee to study the revision and recodification of laws related to children and juveniles.
  - Wisconsin required the Joint Legislative Council to create a special committee on strengthening Wisconsin's families.
- Arizona required additional information in annual reports on child welfare data submitted to the Legislature.
- Florida established a pilot program under which oversight and monitoring of community-based care lead agencies in three counties is transferred from the state child welfare agency to independent entities under contract with the agency.
- Maryland required the development of an outcome-based system of accountability for measuring the effectiveness of child welfare services.
- New Jersey created a new Department of Children and Families to facilitate reform of the child welfare system.
- Tennessee required its child welfare agency to develop a plan for collecting extensive information about reports of child maltreatment and the disposition of such reports.

**Prevention and Treatment of Abuse** (see Appendix, pp. 32–35)

In 2006, prevention of shaken-baby syndrome was the subject of legislation in six states (California, Massachusetts, Nebraska, New York, Rhode Island and Wisconsin). Other laws regarding prevention included the following.

- Connecticut merged its child poverty and prevention councils to form a new Child Poverty and Prevention Council and established the goal that, by 2020, at least 10 percent of total recommended appropriations for relevant agencies be allocated to prevention services.
- Florida created the Office of Child Abuse Prevention with the governor's office.
- Michigan and South Carolina enacted laws regarding safe surrender of unwanted newborns.
- New Jersey required its Task Force on Child Abuse and Neglect to make grants from the Children's Trust Fund for child abuse and neglect prevention programs. It also appropriated funds for the development of a model diagnostic and treatment program for abused children.
- New York required a public information campaign emphasizing zero tolerance for child abuse. It also required the state child welfare agency to contract with a university medical center to improve access to quality medical services for victims of child abuse.
- Pennsylvania established an Ounce of Prevention program to provide grants for home visitation and other services to low-income, at-risk expectant mothers.
- The District of Columbia authorized its child welfare agency to make grants to community groups to deliver prevention services.

**Reporting** (see Appendix, pp. 35–36)

A few states amended their laws requiring reporting of child abuse and neglect.

- California made certain requirements applicable to mandatory reporting of child maltreatment also applicable to voluntary reporting of serious emotional damage to a child.
- Ohio added clergy, other religious leaders, adoption assessors and employees of certain service providers to the list of mandatory reporters of child abuse. It also increased the penalty for failure to report under certain circumstances.
- Tennessee required child protective services workers to report animal cruelty. West Virginia required cross-reporting of child abuse, adult abuse, animal cruelty and domestic violence.

**Siblings** (see Appendix, p. 36)

Five states enacted laws to ensure that siblings in the child welfare system stay connected.

- California added half-siblings to the provision authorizing disclosure of the names and addresses of an adoptee and his or her siblings to one another.
- Maine required courts to order sibling visitation when appropriate.
- New Hampshire allowed foster homes to exceed the maximum limit of children in order to accommodate sibling groups.

- New York required courts to coordinate the schedule of permanency and review hearings for a child with the hearing schedule for the child's sibling or half-sibling.
- Wisconsin required child welfare agencies to consider placing a child in an adoptive placement with the adoptive parent of the child's sibling.

### **Substance Abuse** (see Appendix, pp. 37–38)

As in earlier years, a number of states enacted legislation in 2006 regarding reporting of substance-exposed newborns and exposure to methamphetamine.

- Alaska and Louisiana required reporting of substance-exposed newborns.
- Florida established goals for substance abuse treatment in the dependency process and clarified the authority of dependency drug courts.
- Florida included the arrest of parents on charges of manufacturing illegal drugs in the list of cases that could be considered high risk and, therefore, subject to the mandatory requirement to file a dependency petition.
- Michigan passed a number of measures regarding referral, cross-reporting, investigation and prosecution of methamphetamine-related child welfare cases.
- Utah expanded the definition of child neglect to include permitting a child to reside at a clandestine drug laboratory.
- Wisconsin defined as child abuse manufacturing methamphetamine in the presence of a child.

### **Transition from Foster Care** (see Appendix, pp. 38–40)

States continued the trend of enacting legislation to support young people who are in the process of making the transition from foster care to independent living.

- A few states enacted laws regarding extension of foster care beyond age 18.
  - Connecticut provided that any child who elects to remain in care beyond age 18, and up to the child's 21<sup>st</sup> birthday, is entitled to a written plan for care and treatment.
  - Iowa created a Preparation for Adult Living program that includes support to allow a foster youth to remain with the foster family to age 20.
  - Washington authorized up to 50 youth per year to remain in foster care up to age 21 to complete a post-high school academic or vocational program.
- Some states passed provisions relating to medical care for youth in transition.
  - Florida extended Medicaid eligibility to age 20 for young adults who are eligible for independent living services.
  - Utah mandated a state Medicaid plan amendment to provide coverage to youth in transition up to age 21.
  - Vermont required a study and report on extending Medicaid coverage to former foster youth.
- Alaska raised the maximum age for foster care transition services.

- California eliminated the requirement for county matching funds for transitional housing services.
- Florida amended its statutes related to independent living services to require additional case plan components, impose new requirements on community-based care lead agencies regarding services to former foster youth, expand eligibility for services, and require reporting to the Legislature on outcomes and performance measures, among other steps.

### **Tribes** (see Appendix, pp. 40–41)

In 2006, California and Florida joined the growing list of states that have passed legislation to ensure compliance with the federal Indian Child Welfare Act (ICWA). Other enactments include the following.

- South Dakota clarified a provision related to notice of child custody proceedings subject to ICWA.
- Washington authorized its child welfare agency to enter into agreements with tribes for tribal licensure of foster care agencies.

### **Workforce** (see Appendix, pp. 41–42)

A few states enacted laws to address the qualifications, recruitment, retention, training, compensation and safety of child welfare caseworkers.

- Maryland required its child welfare agency to establish a child welfare training academy; ensure that sufficient numbers of qualified staff are hired and retained; conduct a study of the recruitment, selection and retention of the child welfare workforce; and develop strategies to lower turnover and increase qualifications.
- New Jersey required the Task Force on Child Abuse and Neglect to establish a staffing and oversight subcommittee to develop recommendations on staffing levels and effective recruitment, hiring and training of staff.
- New York established minimum qualifications and training requirements for child protective services supervisors.
- Ohio increased the training required for county caseworkers and imposed additional training requirements for supervisors.
- Oklahoma required the establishment of a performance-based compensation program.
- Washington created a program to compensate child protective service workers who have been assaulted on the job. It also required standardized training to ensure compliance with federal civil rights laws.

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## Appendix. Citations and Summaries of State Child Welfare Legislation, 2006

### Adoption

#### *2006 Alaska Sess. Laws, HB 53, Chap. 64*

Sec. 4. Provides that a parent who relinquishes parental rights may retain, in writing, certain privileges regarding contact with the child. Provides for enforceability of retained privileges and for the right of a prospective adoptive parent to request that the court not approve such privileges. Provides that the statutes pertaining to children in need of aid shall be construed to promote the parent's participation in a child's upbringing to the fullest extent consistent with the child's best interest.

Sec. 17. Adds provisions authorizing voluntary relinquishment of parental rights to a child. Authorizes parents who voluntarily relinquish such rights to petition for reinstatement of parental rights prior to entry of an adoption decree.

#### *2006 Cal. Stats., AB 1808, Chap. 75*

Requires the Department of Social Services, contingent upon appropriation of funds for this purpose, to establish a three-year project in four counties, including San Francisco and Los Angeles counties, and one state district office, to provide funding for pre-adoption and post-adoption services to ensure the adoption of children who have been in foster care 18 months or more. Encourages counties to create partnerships with private adoption agencies to promote adoption of older foster children.

#### *2006 Ill. Laws, HB 4186, P.A. 94-1010*

Requires that the information on a child's medical, educational and social history that is required to be given to foster parents also be given to prospective adoptive parents. Adds to the list of foster parents' rights the right to receive information regarding a child. Requires a licensed child welfare agency, upon placement of a child, to provide to the foster care provider certain information regarding the child, including medical and educational information.

Requires the Department of Children and Family Services (DCFS) to adopt a rule regarding provision of specialized services to children in foster care, in subsidized guardianship or in an adoptive placement who require such services because of emotional, behavioral or medical needs.

Requires the DCFS to provide to adoptive parents of children who receive adoption assistance a notice of post-adoption reunion services to facilitate contact between adoptees and their siblings when one or more are in DCFS care or have been adopted elsewhere.

#### *2006 N.H. Laws, HB 1285, Chap. 200*

Protects a child from a birth parent who is attempting to surrender his or her parental rights without a pending, legitimate adoption first being filed with the court or, in the case of an adoption facilitated by the department or an agency, without an adoption first being contemplated.

#### *2006 N.Y. Laws, S 7659-A, Chap. 518*

Requires adoption subsidy payments to be made to a child's guardian upon the death of the sole surviving adoptive parent of a child under age 21. Allows the payment to be made directly to the child if there is no willing or suitable guardian; however, if social services determines that the child does not demonstrate the ability to manage direct subsidy payments, social services shall certify payments to a representative payee on behalf of the child. States that the goal of the legislation is to allow 18- to 21-year-olds, who no longer are under the jurisdiction of the court and ordinarily would lose the subsidy to continue to receive adoption subsidy payments after an adoptive parent's death. Allows social services to revoke the certification of the representative payee if the representative has misused payments or failed to submit timely reports.

***N.C. Sess. Laws, HB 1723, Chap. 248***

Sec. 2.1(m). Requires the Legislative Research Commission to study the topic of post-adoption contacts and communication between an adopted child and a birth relative. In conducting the study, the commission may consider the following:

- The need to establish laws for post-adoption contacts or communication between an adopted child and a birth relative;
- What constitutes post-adoption contacts and communication;
- Any effect that post-adoption contacts and communication would have on existing adoption laws;
- The criteria for establishing post-adoption contacts and communication, and the contents of any such agreement; and
- Any other information that the commission deems relevant.

***2006 Ohio Laws, S 238***

Requires an adoption assessor to complete a multiple-child assessment during the home study, if a person seeking to adopt a minor or foster child will have at least five children who permanently reside in the prospective adoptive home once the minor or child is placed in the home.

Requires an assessor to include the multiple-child assessment in the written report of the home study.

Generally requires an assessor, no later than seven days after a minor to be adopted is placed in the prospective adoptive home, to conduct a prospective adoptive home visit. In addition, the assessor must conduct a home visit every 30 days thereafter, until the court issues a final decree of adoption, to evaluate the progression of the placement.

Requires the prospective adoptive home visit evaluation to be included in the pre-finalization assessment.

Requires the assessor, during the prospective adoptive home visits, to make face-to-face contact with the prospective adoptive parent and the minor to be adopted, and requires contact with all other children or adults residing in the home as prescribed by administrative rule adopted by the Director of the Ohio Department of Job and Family Services (ODJFS).

Generally requires an agency or attorney arranging an adoption to notify the county public children's services agency (PCSA) that serves the area in which the prospective adoptive parent resides within 10 days after the initiation of a home study.

Requires the agency or attorney arranging the adoption and the PCSA of the county in which the prospective adoptive parent resides to share relevant information regarding the prospective adoptive parent. Generally requires the agency or attorney mentioned above to notify the county PCSA where the prospective adoptive parent resides of 1) the name of the prospective adoptive parent, 2) the special needs and age of the prospective adoptive child, and 3) the number of children who will be residing in the prospective adoptive home, no later than 10 days before placement.

Grants the agency or attorney sharing information a qualified immunity from civil liability relating to acts or omissions in connection with the sharing of information. Authorizes the director of the ODJFS to adopt administrative rules regarding the sharing of information.

Permits payment of expenses or fees incurred in connection with the multiple-child assessment and the prospective adoptive home visit in connection with a placement and adoption.

Requires the agency that had custody of a child prior to a cross-county adoption that subsequently fails to share in the planning and financial responsibility with the county that assumes custody after the unsuccessful adoption.

Extends the right of access to nonidentifying information in an adoption record to those adopted or available for adoption between Jan. 1, 1964, and Sept. 18, 1996. Replaces former provisions regarding the Interstate Compact on the Placement of Children with provisions enacting the most recent Interstate Compact for the Placement of Children issued in March 2006.

***2006 Okla. Sess. Laws, HB 2656, Chap. 258***

Sec. 7. Amends adoption assistance benefits guidelines to require that adoptive parents requesting benefits for more than one year prepare an adoption assistance annual review request. Adoptive parents must keep the department informed about whether they continue to be legally responsible for the child.

Allows an 18-year-old adoptee to receive benefits until age 19 if the adoptee continues to attend high school or pursue a General Equivalency Degree (GED) or meets the criteria for an adoption assistance difficulty-of-care rate as determined by the department.

***2006 Va. Acts, HB 5002, Chap. 3***

Requires the Department of Social Services, in collaboration with the Virginia League of Social Services Executives and the executive director of the Office of Comprehensive Services, to conduct a comprehensive study of the policies and procedures of the special-needs adoption program and make recommendations. Requires the study to examine the causes of recent expenditure growth and make recommendations to moderate expenditure growth while meeting the needs of children. States that measures to be studied should include setting income guidelines for prospective adoptive parents, using available federal resources such as Medicaid, and setting rates for children's residential facilities.

Requires the commissioner to continue review of the state's current policies on adoption and foster care and recommend ways to expedite the adoption of children from foster care and of children who are not in the state's care. Requires the commissioner to recruit a national adoption expert to co-chair the task force mandated for the review. Requires a report no later than June 30, 2007.

Requires the department to develop additional performance measures for the adoption subsidy program to measure the percentage of foster care children with a goal of adoption who are placed in adoptive homes and, of those, the average number of months since termination of parental rights and the average number of months since the goal of adoption was established.

***2006 Wash. Laws, SB 6635, Chap. 248***

Requires a review of fees associated with the adoption of children from foster care, including whether the fees pose a barrier to such adoption. Requires that the Legislature be briefed on accreditation standards for adoption agencies and reduction of barriers to adoption of children from foster care.

## **Child Fatality Review**

***2006 Cal. Stats., SB 1668, Chap. 813***

Requires each child death review team to make available to the public findings, conclusions and recommendations of the team, including aggregate statistical data on the incidence and causes of child fatalities. Makes other changes regarding confidentiality of records in the possession of child death review teams.

***2006 Me. Laws, LD 1420, Chap. 467***

Establishes a maternal and infant death review panel to conduct comprehensive multidisciplinary reviews of maternal and infant deaths. Requires an annual report to the department and the Legislature that must identify factors contributing to maternal and infant death in the state, determine the strengths and weaknesses of the current maternal and infant health care

delivery system, and make recommendations to the department to decrease the rate of maternal and infant death. Requires the panel to share the results of its data reviews and recommendations with the child death and serious injury review panel.

***2006 Miss. Laws, HB 560, Chap. 566***

Creates a child death review panel to reduce infant and child mortality in the state. Assigns the panel to the state medical examiner's office for administrative purposes. Requires an annual report to the Legislature that includes information about infant and child deaths and recommendations on how to direct resources to reduce mortality. Sets membership.

***2006 Neb. Laws, LB 1113***

Sec. 20. Requires the attorney general to create guidelines for the county coroner or coroner's physicians performing autopsies on children age 19 or younger, with particular emphasis on children age five and under. Mandates that sudden infant death syndrome be certified as cause of death only after a death scene investigation, autopsy and review of the child's medical history rule out any other cause.

***2006 N.Y. Laws, S 6703, Chap. 485***

Expands the purview, role and composition of the child fatality review teams (CFRTs). Requires the New York State Office of Children and Family Services (OCFS) to investigate and issue a report on the fatality of any child for whom there is an open child protective or preventive services case. Permits CFRTs to investigate any unexplained or unexpected death of child. Expands the required membership of the CFRTs. Tightens the time frames for receipt of a coroner's report on all fatalities within the purview of the OCFS or the CFRTs.

***2006 N.Y. Laws, S 8082, Chap. 632***

Requires the Department of Health to establish protocols for medical review of unnatural child deaths at a hospital or while a child is being transported to a hospital. The department must consult with the Office of Children and Family Services, local departments of social services, child fatality review team coordinators, law enforcement personnel and medical experts when developing the protocols.

***2006 Okla. Sess. Laws, HB 2126, Chap. 42***

Re-creates the Child Death Review Board within the Oklahoma Commission on Children and Youth until July 1, 2012. The board will be responsible for reviewing deaths and near-deaths of children, collecting data on child abuse and neglect deaths, and improving policies and procedures within agencies that serve children.

## **Confidentiality**

***2006 Alaska Sess. Laws, HB 408, Chap. 20***

Sec. 5. Authorizes the child welfare agency to publicly disclose information related to a child or an alleged perpetrator named in a report of harm if the information relates to a determination made by the agency regarding the nature and validity of the report of harm or to the agency's activities arising from the investigation of the report.

***2006 N.C. Sess. Laws, SB 1216, Chap. 205***

Requires the Department of Health and Human Services to disclose confidential information to any federal, state or local government entity that needs the information to protect a juvenile from abuse or neglect. Requires the entity to maintain confidentiality and allows re-disclosure for purposes directly related to carrying out its responsibility. Allows entities designated by the Department of Juvenile Justice to share with a local department of social services information that is relevant to an assessment of reports of child abuse or neglect.

***2006 Ohio Laws, S 238***

Requires public children's services agencies to disclose information discovered during an investigation of known or suspected child abuse or child neglect to any federal, state or local government entity that needs the information to carry out its responsibilities to protect children from child abuse or child neglect, but provides that the information is otherwise confidential.

***2006 Okla. Sess. Laws, HB 2840, Chap. 205***

Sec. 8. Adds specific recommendations made by the department in child maltreatment case progress reports to the list of types of information that may be released to the public in cases of the death or near death of a child.

***2006 Pa. Laws, HB 2670, Act 146***

Sec. 3. Allows release of confidential child abuse and neglect information to citizen review panels and to federal agencies that need the information to carry out their responsibilities to protect children from abuse and neglect.

**Courts and Legal Representation*****2006 Alaska Sess. Laws, HB 408, Chap. 20***

Sec. 1. Changes the standard of evidence applicable to court determinations that reasonable efforts are not required from "preponderance of the evidence" to "clear and convincing evidence."

***2006 Alaska Sess. Laws, HB 53, Chap. 64***

Secs. 9-10. Provides that, with certain exceptions, court hearings regarding children in need of aid are open to the public. Allows grandparents and foster parents to attend hearings that otherwise are closed.

***2006 Ariz. Sess. Laws, HB 2094, Chap. 204***

Authorizes a court, on the motion of a party, to order the child welfare agency or a private service provider to appear before the court and discuss a parent's assertion of a right to receive services. Allows a court to order medically necessary behavioral health services under Titles XIX or XXI of the Social Security Act.

***2006 Ariz. Sess. Laws, SB 1267, Chap. 364***

Requires the state Supreme Court to implement a two-year integrated family court pilot program in one county with a population of fewer than 500,000.

***2006 Cal. Stats., SB 1667, Chap. 389***

Authorizes certain individuals who are entitled to notice of review hearings involving a dependent child's adoption or guardianship to attend such hearings and submit written information to the court.

***2006 Cal. Stats., AB 1774, Chap. 726***

Requires a caseworker to include with his or her summary of recommendations for disposition of a child a Judicial Council Caregiver Information Form, which asks for certain information about a child's health, education, interests, adjustment and social skills. The form must be in the caregiver's primary language, along with instructions on how to file the form with the court. Allows a caregiver of a child to include on the form his or her recommendations for disposition.

***2006 Cal. Stats., AB 2480, Chap. 385***

Requires the court of appeal to appoint counsel for a child who is an appellant in a dependency proceeding. Requires the court of appeal to appoint counsel for a child who is not an appellant if the court finds that such appointment would benefit the child. Requires the Judicial Council to report to the Legislature regarding the status of appellate representation of dependent children.

***Vol. 75 Del. Laws, HB 442, Chap. 345***

Makes an order terminating parental rights final and free from collateral or direct attack six months after the order is entered or when a subsequent adoption of the child at issue is finalized, whichever occurs first.

***2006 Hawaii Sess. Laws, SB 2328, Act 192***

Authorizes a child's current foster parents to attend and participate as parties in all Child Protective Act proceedings subsequent to a disposition hearing.

***La. Acts 2006, HB 652, Act 271***

Creates a new chapter regarding the legal representation of children in child abuse and neglect cases. Creates the Child Advocacy Program to provide effective legal representation. Specifies duties of the board of trustees and director of the program.

***2005 Mich. Pub. Acts, SB 1292, Act 488***

Sec. 2. Closes to the public hearings related to safe delivery of newborns and makes confidential the records of the proceedings and child-placing agency records. Sets penalty for individuals who disclose confidential information.

***2006 N.H. Laws, HB 1424, Chap. 228***

Allows interested parties who are invited by a party to a court hearing to be admitted to a child abuse and neglect hearing, with court approval.

***2006 N.H. Laws, HB 1625, Chap. 235***

Establishes penalties for guardians ad litem who fail to file reports required by the court or by statute.

***2006 N.H. Laws, HB 1725, Chap. 134***

Extends until June 30, 2008, the pilot project in Grafton, Rockingham and Sullivan county courts to assess opening child abuse and neglect hearings to the public.

***2006 N.H. Laws, SB 382, Chap. 223***

Permits the Guardian Ad Litem Board to communicate with the general public about guardians ad litem.

Establishes procedures and requirements related to surrender of guardian ad litem certification. Establishes disciplinary procedures, penalties and sanctions for conditionally certified guardians ad litem.

**2006 N.Y. Laws, S 7888, Chap. 185**

Sets guidelines for streamlining the court process through implementation of the nationally recognized “one family, one judge” model. The model is designed to reduce a significant source of delay in achieving permanency for children by reducing the fragmentation that occurs when adoption petitions are filed in a different court than the related child protective court, termination of parental rights and/or surrender proceedings.

Provides a preference for filing an adoption proceeding in the same court and, to the extent practicable, before the same judge who heard the most recent proceeding.

**2006 N.Y. Laws, S 8435, Chap. 437**

Sec. 1. Clarifies that a parent, foster parent or other person who has physical or legal custody of a child has a right to appointed counsel, if indigent, in certain child protective proceedings and permanency hearings.

Sec. 2. Provides that, where a suspended judgment in a permanency case has been satisfied or extended but the child remains in foster care, the next permanency hearing must be completed as previously scheduled, no later than six months after completion of the last permanency hearing.

Secs. 3, 10. Requires an order of placement to include a description of the visitation plan; a requirement for notification of the respondent parent or parents of planning conferences and the parents’ rights to attend such conferences; the date certain for the next permanency hearing; and notice that a petition to terminate parental rights may be filed if the child remains in foster care for 15 of the most recent 22 months. Establishes procedures for discharge of a child to his or her parents prior to the next scheduled permanency hearing date and for trial discharge to the parent or, in appropriate cases, to another planned permanent living arrangement that includes a significant connection to an adult.

Sec. 4. Permits the court to direct the child protective agency, social services official or other duly authorized agency to undertake diligent efforts to encourage and strengthen the parental relationship or to direct the social services official or authorized agency to institute a proceeding to terminate parental rights and free the child for adoption.

Secs. 8, 9. Dispenses with providing notification of permanency hearings to the birth parent where the parental rights of the birth parent have been terminated or surrendered and to permit the court to dispense with providing such notification to a former foster parent where it is determined not to be in the best interests of the child.

Secs. 12, 13. Clarifies that only attorneys representing adult parties must file a certification attesting to the continued indigency of their client for purposes of assignment of counsel.

Secs. 14, 15. Clarifies that a permanency hearing date must be set not more than eight months after placement into foster care, upon court approval of a voluntary placement instrument.

Sec. 16. Clarifies that a social services district is not required to complete an assessment and family service plan for a child who is in the custody of the office of Children and Family Services unless such child is also in the care and custody or custody and guardianship of the local commissioner.

Sec. 17. Clarifies that the judge approving an adoption would not be permitted to incorporate a post-adoption contact agreement into the adoption order unless the judge who approved the surrender had determined and stated that such post-adoption contact agreement was in the best interests of the child.

***2006 Ohio Laws, S 238***

Requests that the Supreme Court of Ohio adopt rules concerning guardians ad litem.

***2006 Okla. Sess. Laws, HB 2840, Chap. 205***

Sec. 3. Requires a court-appointed special advocate (CASA) to complete a training program in compliance with documented, nationally accredited CASA standards and approval by the local CASA program, with appropriate background checks.

Sec. 4. Requires the court to use uniform orders with forms published by the Administrative Office of the Courts.

Sec. 5. Allows the court to place a child in the legal custody of the department. The court may not direct the department to place the child in a specific home or placement. Allows the district attorney, the child's attorney or the department to give notice of an objection to a court order to release the child from state custody. Requires the court to consider whether release from state custody poses a serious risk of danger to the child.

Sec. 15. Gives a district court judge the authority to request the Oklahoma Bureau of Investigation to conduct an investigation in cases of criminally injurious conduct involving children.

***2006 Tenn. Pub. Acts, SB 2644, Chap. 890***

Requires courts to ensure that a hearing on a petition to terminate parental rights takes place within six months of the date the petition is filed. Shortens deadlines for completing or dismissing an adoption proceeding after an appeal has been filed.

***2006 Utah Laws, SB 7, Chap. 13***

Authorizes an expedited hearing to determine whether a child should be placed in protective custody. Provides for expedited filing of petitions and expedited adjudicatory hearings for children who have not been removed but who are likely to be removed without an expedited hearing and provision of services under the protective supervision of the court.

**Education*****2006 Ariz. Sess. Laws, HB 2613, Chap. 338***

Requires the child welfare agency to establish an educational case management unit consisting of two case managers to develop education plans for youths participating in the independent living program. Requires that such plans be developed to help youth graduate from high school, pass the state standardized test, apply for post-secondary financial assistance and apply for post-secondary education. Requires reports to the Legislature. Appropriates \$500,000 for implementation.

***2006 Ariz. Sess. Laws, SB 1164, Chap. 358***

Establishes the Displaced Pupils Choice Grant Program to provide grants to allow children who have been in foster care to attend private primary or secondary schools or preschools for handicapped children. Provides that grants are in the amount of \$5,000 or the cost of tuition, whichever is less, and that the grants are available to the first 500 qualifying pupils annually. Appropriates \$2.5 million.

***2006 Cal. Stats., AB 1808, Chap. 75***

Allows any county office of education or consortium of county offices of education to apply to the superintendent of Public Instruction for grant funding, to the extent funding is available, to provide educational and support services for foster children. Requires each applicant for grant funding to have at least one educational services coordinator. Specifies duties of such coordinators. Establishes priorities for the services to be delivered.

Specifies the duties of the Student Aid Commission with respect to its operation of a federally funded scholarship program to help current and former foster youth finance their postsecondary education. Requires the commission, in conjunction with the Department of Social Services, to determine individual award amounts and the total number of students awarded on an annual basis.

***2006 Fla. Laws, HB 7173, Chap. 194***

Extends eligibility for postsecondary tuition waivers to youth who spent at least six months in foster care after age 16 and who have been placed in a guardianship by a court.

***2006 Ill. Acts, HB 4406, P.A. 94-968***

Establishes a postsecondary education grant program for youth in the legal custody of grandparents. Specifies eligibility criteria and grant amounts. Requires that the student graduated with at least a 2.7 grade average, with plans to enroll in an institution of higher education in the state, and that the student has been recommended by his or her high school.

***2006 Kan. Sess. Laws, SB 85, Chap. 132***

Establishes a postsecondary tuition waiver program for eligible foster youth. Replaces the existing Kansas Foster Child Educational Assistance Act (KSA 74-32,161) that sunsets on June 30, 2006. Requires a waiver of tuition by Kansas educational institutions and requires participants to pay non-course-related fees. Prohibits an institution from delaying enrollment because of a delay in receiving funds and establishes a new sunset date of July 1, 2008.

***La. Acts 2006, HB 1287, Act 738***

Exempts certain foster youth from paying tuition and fees at a state institution of postsecondary education, subject to the appropriation of funds.

***La. Acts 2006, HCR 228***

Urges the Department of Social Services, the Office of Community Service and the Department of Education to develop a plan to provide for improved educational outcomes for children in foster care. Recommends that the plan include 1) processes to ensure that students' health and educational records are current, 2) accurate transfer of records in a timely manner, 3) prompt resolution of disputes regarding transportation or service delivery and 4) and education of students in foster care in the appropriate educational placement in the least restrictive environment. Requires that the initial plan be developed for the Orleans and St. Tammany area and that the plan include a continual participation census to track the educational success of foster care students, including standardized test scores, high school and college graduation rates, and university and technical college acceptance rates and graduation rates.

***2006 Me. Laws, LD 1755, Chap. 471***

Extends postsecondary tuition waivers to those who were in subsidized adoptive care or who were in a subsidized guardianship at the time of high school graduation.

***2006 N.H. Laws, HB 1648, Chap. 236***

Requires the departments of Education and Health and Human Services to provide educational or residential services or both to children in court-ordered residential placements in New Hampshire or another state.

***2006 N.C. Sess. Laws, HB 1074, Chap. 5***

Sec. 1. Upon recommendation of the Department of Social Services or Division of Mental Health, allows students to attend public schools outside the local school administrative district where they reside if their parents or legal guardians have relinquished physical custody.

Provides that, if a child is in a licensed facility, a caregiver adult also may be a child's foster parent and has the same authority and responsibility as a parent, even if the parent does not sign an affidavit.

***2006 Tenn. Pub. Acts, HB 2809, Chap. 869***

Permits students receiving Tennessee HOPE foster child tuition grants to attend eligible private, as well as public, postsecondary institutions.

**Finance*****2006 Cal. Stats., AB 1808, Chap. 75***

Requires the Department of Social Services to estimate the costs of county administration of human services programs, including child welfare programs, using a county survey process to be jointly developed by the department and the County Welfare Directors Association.

Designates \$98 million annually for county child welfare system improvement. Requires the Department of Social Services to work with the County Welfare Directors Association to develop and submit to the Legislature a proposed methodology for budgeting the additional funds.

Authorizes the Department of Social Services to conduct a demonstration project in up to 20 counties to allow flexible use of federal and state foster care funds, using a capped allocation model over a five-year period. Prescribes the allocation methodology.

***2006 Fla. Laws, HB 5011, Chap. 30***

Amends provisions requiring the establishment of a community-based care risk pool to protect the financial integrity of eligible private providers of child welfare services. Requires the Department of Children and Families (DCF) to prepare a plan for the risk pool in consultation with the Florida Coalition for Children and requires the plan be submitted to the Legislative Budget Commission. Eliminates the provision that excess federal earnings be allocated to the risk pool. Eliminates a provision directing the DCF to make an interest-free loan to the risk pool. Makes other changes.

Authorizes the DCF to make an interest-free loan, in an amount equal to an amount appropriated by the Legislature, to the Florida Coalition for Children for the purpose of creating a self-insurance program. Provides that such loan be secured by the cumulative contractual revenue of the participating community-based care lead agencies.

***2006 Hawaii Sess. Laws, SB 2323, Act 194***

Authorizes the courts to establish and implement, in collaboration with the Department of Human Services, a federal revenue maximization program for all services that may be eligible for federal financial participation to establish a maximum baseline before the Title IV-E program is converted to a block grant by the federal government. Requires the courts to identify services provided through the district and family courts to children under their care who are eligible for federal reimbursement and to submit claims for reimbursement through the Department of Human Services. Requires the Chief Justice of the Supreme Court and the Department of Human Services to develop a memorandum of understanding to implement the program. Requires a report to the Legislature.

***2006 Mo. Laws, SB 1229***

Creates the “Children in Crisis” tax credit of up to 50 percent of an approved contribution to a qualified agency, which includes an entity that receives funding under the court-appointed special advocate (CASA) fund, a child advocacy center, or a crisis care center. Describes eligibility for qualified agencies. Defines CASA, child advocacy centers and crisis care center.

**Foster Care*****2006 Alaska Sess. Laws, HB 53, Chap. 64***

Sec. 14. Requires foster parents to provide regular opportunities for visitation between birth parents and foster children and encourages foster parents to serve as mentors to birth parents to facilitate family reunification. Requires the department to notify parents or family members if a request for visitation is denied and to explain the reason for the denial and their right to request a review hearing.

***2006 Cal. Stats., AB 2985, Chap. 387***

Mandates procedures to protect youth in foster care from identity theft.

***2006 Cal. Stats., ACR 58, Res. Chap. 150***

Recognizes that the rights of foster children are critical to ensuring their well-being. Encourages various departments, agencies and associations to develop practices to help foster youth understand their rights and available resources.

***2006 Cal. Stats., SB 1641, Chap. 388***

Expresses the legislative findings that the rules and regulations governing foster care licensure stigmatize foster children because they subject them to conventions dissimilar to other children and are viewed by some prospective foster parents as unreasonable. Expresses the intent of the Legislature that foster children be given an opportunity to live in an environment that resembles as closely as possible a non-foster care family. Requires the director of Social Services to report on the progress of the legislatively mandated children’s residential regulation review workgroup. Requires foster family agencies to place a child in a home that best meets the needs of the child. Specifies criteria for a home that best meets the needs of a child.

***2006 Colo. Sess. Laws, HB 1207, Chap. 90***

Establishes a demonstration pilot project to allow for the employment of a salaried foster parent by a private child placement agency. Defines a salaried foster parent as a person employed by a child placement agency for the sole purpose of providing foster care and who serves in no other capacity for the child placement agency.

***2006 Conn. Acts, HB 5011, P.A. 102***

Amends the definition of “child” in the state employee family and medical leave act to include a foster child and a child of whom an employee has legal guardianship or custody.

***2006 Fla. Laws, SB 1080, Chap. 86***

Requires that case plans be developed in face-to-face conferences with parents; any court-appointed guardian ad litem; and, if appropriate, the child and the child’s temporary custodian. Specifies required contents of case plans.

***2006 Hawaii Sess. Laws, SB 2162, Act 289***

Requires the Department of Human Services to provide written consent for foster children to apply for a driver’s license. Requires a foster child’s parents to pay for the child’s car insurance and establishes provisions for payment if the child’s parents are unable to pay.

***2006 Ill. Laws, HB 4186, P.A. 94-1010***

Requires that the information on a child’s medical, educational and social history that is required to be given to foster parents also be given to prospective adoptive parents. Adds to the list of foster parents’ rights the right to receive information regarding a child. Requires a licensed child welfare agency, upon placement of a child, to provide to the foster care provider certain information regarding the child, including medical and educational information.

Requires the Department of Children and Family Services (DCFS) to adopt a rule regarding provision of specialized services to children in foster care, in subsidized guardianship or in an adoptive placement who require such services because of emotional, behavioral or medical needs.

Requires the DCFS to provide to adoptive parents of children who receive adoption assistance a notice of post-adoption reunion services to facilitate contact between adoptees and their siblings when one or more are in DCFS care or have been adopted elsewhere.

***2006 Iowa Acts, HF 2567, Chap. 1123***

Requires the Department of Human Services to establish a multidimensional treatment-level foster care program on a pilot basis for children who are making the transition from a residential facility to a foster family home while preparing for family reunification. Specifies eligibility determination and treatment services, to include foster family recruitment, placement services, indirect services, crisis intervention, and foster care-related treatment services such as home visiting and counseling.

***2006 Iowa Acts, SF 2249, Chap. 1160***

Enacts a foster parents bill of rights. Provides foster parents with the rights to information about the child, regularly scheduled meetings with case managers, and receipt of reports prepared by service providers regarding the child, unless access to such reports is prohibited by law.

***2006 Ky. Acts, HB 159, Chap. 45***

Enacts a list of foster parents’ rights and responsibilities, which are to include the right to treatment with respect, consideration and dignity; skills training to deal with the special needs of foster children; timely and adequate financial reimbursement, respite and information about the child; participation in the development of the priority consideration of adoption; the child’s plan of care; communication with other agencies involved in the child’s care; 24-hour, seven-day access to assistance from the state; and contact with the child after the child leaves foster care.

***2006 Ky. Acts, HB 92, Chap. 17***

Provides that any child in the custody of the state who is not placed where smoking cessation services are available may obtain such services at no cost from local health departments.

***La. Acts 2006, HB 1370, Act 439***

Enacts a Foster Parents' Bill of Rights, which provides foster parents with the right to receive information about the child, necessary training and information about available support services, participation in the development of the child's case plan, 24-hour access to agency staff; and permits a member of the Louisiana Advocacy Support Team to accompany them into meetings with departmental staff during investigations or grievance procedures.

***2006 Md. Laws, HB 813, Chap. 355***

Requires the Governor's Office for Children to annually develop a state resource plan for residential child care programs to enhance access to services provided by these programs.

***2006 Ohio Laws, S 238***

Requires that the written needs assessment for a foster caregiver specify the number of hours of continuing training, if any, that the agency will waive and removes certain provisions pertaining to satisfaction of conditions for a waiver of continuing training.

Provides foster caregivers with a qualified immunity from civil liability related to foster care activities.

***2006 Okla. Sess. Laws, HB 2840, Chap. 205***

Sec. 2. Requires the Office of Juvenile System Oversight to establish a voluntary program for foster parents to mediate complaints concerning the rights of foster parents related to decisions of the department or child-placing agencies.

***2006 Wash. Laws, HB 2985, Chap. 221***

Requires the Department of Social and Health Services to establish, within existing resources, a foster care health unit to improve the system of providing health care for foster children. Allows an agency responsible for the care of a child to authorize, upon removal from the home, evaluation and treatment for the child's medical, dental, mental health and emergency care. Requires the foster care health unit to provide recommendations to the Legislature about creating an office within the department to consolidate and coordinate physical, dental and mental health services provided to children in the department's custody. Issues to be examined include alternative payment structures for health care organizations, improved coordination of medical services for children in foster care, establishment of a medical home for each foster care child, and examination of how existing resources are used.

***2006 Wash. Laws, HB 3115, Chap. 353***

Establishes a foster parent critical support and retention program to retain foster parents who care for sexually reactive children, physically assaultive children and other children with high-risk behaviors. Specifies required services.

**Immigration*****2006 Cal. Stats., AJR 41, Res. Chap. 116***

Urges Congress to amend federal immigration law to permit unlawful immigrant juveniles who are dependents of the court to be assigned an immigration specialist to help such juveniles obtain special immigrant juvenile status. Urges Congress to also amend federal immigration law to provide that such children who have been adopted may become citizens without the need to be fully admitted for permanent residence.

***2006 Neb. Laws, LB 1113***

Sec. 4. Requires the Department of Health and Human Services (DHHS) to determine whether children who are made wards of the court are foreign national minors or minors holding dual citizenship. Requires the DHHS to provide such minors and their parents written information in English and the minor's native language explaining the juvenile court process and to provide contact information for the nearest consulate. Requires the DHHS to notify the consulate that a minor in its custody is a foreign national or a minor who holds dual citizenship. Allows the consulate to request information on the case and allows the DHHS to release information that is not required to be kept confidential to the consulate.

Sec. 5. Allows a consular representative to interview the child.

Sec. 6. If the court makes such minor a ward of the DHHS and the minor has become eligible for special immigrant juvenile status, the consulate must help the DHHS obtain necessary documentation.

Sec. 7. Allows the DHHS to obtain a birth certificate from the child's country and allows the department to request consular assistance.

Sec. 8. Requires the DHHS, once it has notified the consulate, to request that the consulate obtain the appropriate home studies of potential families from any country that is involved in the case. Requires the DHHS to take all steps necessary to obtain the cooperation of the consulate to ensure the child's welfare when the child is placed in his or her country.

**Incarcerated Parents*****2006 Cal. Stats., AB 1942, Chap. 729***

Encourages law enforcement and child welfare agencies to develop protocols and to collaborate to ensure a child's safety and well-being when a parent or guardian is arrested.

Requires the Commission on Peace Officer Standards to develop guidelines and training on this issue. Encourages the state Department of Justice to apply for a federal training grant.

***2006 Hawaii Sess. Laws, SB 3215, Act 256***

Extends the Children of Incarcerated Parents Task Force through December 2007 and requires a report to the Legislature. Requires that the report include findings regarding children of incarcerated parents, statistics and socioeconomic demographics on the children and their parents, data and analysis on the frequency of parental incarceration and the relationship to outcomes for children, case studies and proposed legislation. Appropriates funds.

***La. Acts 2006, HB 654, Act 272***

Requires an incarcerated parent to provide a reasonable plan for the care of his or her child other than foster care and notes that failure to develop such a plan may result in termination of parental rights. Specifies actions to be taken by the child welfare agency and the parent to develop a plan.

***2006 Va. Acts, SB 188, Chap. 366***

Requires the secretary of Health and Human Resources, in consultation with the secretary of Public Safety, to establish an integrated system for coordinating the planning and provision of services for children of incarcerated parents among state, local and nonprofit agencies and faith-based organizations. The system is designed to provide such children with the necessary services to continue relationships with the incarcerated parent, where appropriate, and encourage healthy relationships in the family and community.

**Investigations*****2006 Kan. Sess. Laws, HB 2105, Chap. 181***

Creates within the office of the attorney general an abuse, neglect and exploitation-of-persons unit. Provides for confidentiality of information obtained by the unit. Authorizes the unit to obtain records from other agencies regarding investigations of abuse, neglect and exploitation. Requires reports to the Legislature.

***2006 Md. Laws, HB 1648, Chap. 632***

Requires the Department of Human Resources to conduct a study of the implementation of a research-based differential-response system for allegations of child abuse and neglect. Requires that the study define levels of safety concerns, determine specific responses and response time frames, determine existing capacity outside the child protective services system to meet the needs of lower risk families, and recommend statutory changes necessary for implementation.

***2006 Neb. Laws, LB 1113***

Sec. 24. Creates child advocacy centers in each county or contiguous group of counties. Defines child advocacy centers as providing a child-focused response to support the physical, emotional and psychological needs of children who are victims of abuse or neglect and requires each center to meet National Children's Alliance accreditation standards.

Makes county attorneys responsible for convening the child abuse and neglect investigation team and assigns a representative from the child advocacy center as a member of the team. Includes in the list of investigation team protocols responses to drug-endangered children and conduct of videotaped forensic interviews at a child advocacy center for child sexual abuse or serious physical abuse victims under age 16.

***2006 N.H. Laws, SB 37, Chap. 118***

Allows the Department of Health and Human Services to enter into formal cooperative agreements with other appropriate agencies to create multidisciplinary child protection teams to assist with child abuse and neglect investigations. Requires the departments of Health and Human Services and Justice and the New Hampshire Network of Children's Advocacy Centers to develop a written protocol for multidisciplinary team investigations.

***2006 N.Y. Laws, S 7042, Chap. 494***

Requires a local child protective services (CPS) agency to provide notice to and jointly investigate with its multidisciplinary team (MDT) or with law enforcement in counties without an MDT reports of suspected child abuse or maltreatment alleging physical abuse, sexual abuse or the death of a child. Requires CPS to make an assessment of whether notice to law enforcement should be made in cases where a mandated reporter alleges physical harm to a child where two other reports were made in the previous six months involving the same child, a sibling or another child in the same household. Permits CPS and law enforcement agencies to develop different local protocols on joint investigations.

***2006 N.Y. Laws, S 7644, Chap. 517***

Establishes child advocacy centers (CACs) to handle cases of child victims of sexual abuse and serious physical abuse. Sets minimum standards and requires the New York State Office of Children and Family Services to facilitate creation of CACs in every region of the state.

***2006 N.Y. Laws, S 8344, Chap. 740***

Establishes a procedure to enable child protective services (CPS), when unable to locate or denied access to a child who is the subject of a report, to obtain a warrant permitting immediate access when CPS has reason to believe the life or health of the child is endangered. Allows CPS to contact law enforcement personnel to accompany them and enforce the warrant. Requires law enforcement personnel, if contacted, to respond and remain at the location. Allows the warrant to be obtained prior to the filing of the petition initiating a child protective proceeding.

***2006 N.Y. Laws, S 8183, Chap. 543***

Requires the New York State Office of Children and Family Services (OCFS), in conjunction with the State Education Department, to develop model policies and practices for local departments of social services and school districts regarding the reporting and investigation of educational neglect. Requires the policies to be posted on their respective websites by Sept. 1, 2007. Requires that the local departments of social services and the school districts develop policies and procedures for reporting and investigating educational neglect based on the model policies and practices by Jan. 1, 2008.

***2006 Ohio Laws, S 238***

Authorizes the Ohio Department of Job and Family Services to develop, on a pilot basis, an alternative response approach to reports of child abuse, neglect and dependency.

Requires Public Children Service Agencies (PCSAs) to implement a system of safety and risk assessment to assess both the ongoing safety of the child and the appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case. A PCSA can use the system only in connection with an investigation of known or suspected child abuse or child neglect or a known or suspected threat of child abuse or child neglect.

***2006 Okla. Sess. Laws, HB 2656, Chap. 258***

Requires that multidisciplinary child abuse investigation teams be used by the child advocacy center for its accreditation to meet criteria required by a national association of child advocacy centers. Describes team duties.

Allows the child advocacy center to be eligible for Child Abuse Multidisciplinary Account funding upon accreditation by the National Children's Alliance (NCA). Requires a third-year interim review to determine whether the center continues to meet NCA standards.

***2006 Okla. Sess. Laws, HB 2840, Chap. 205***

Sec. 16. Removes the requirement that county offices of the department use Integrated Family Services staff to link families to services. Authorizes the department to request an investigation by the Oklahoma Bureau of Investigation in cases of criminally injurious conduct involving a child.

***2006 Wash. Laws, HB 3115, Chap. 353***

Requires the Department of Social and Health Services to report to the Legislature on its policies and practices regarding child abuse and neglect referrals, investigations and records.

***2006 W. Va. Acts, 1<sup>st</sup> Special Session, HB 101, Chap. 15***

Creates a special unit in the state police for investigation of child abuse and neglect.

**Kinship Care*****2006 Alaska Sess. Laws, HB 53, Chap. 64***

Secs. 1-3. Gives adult family members priority for consideration as a child's guardian. Requires a court to grant an adoption petition by an adult family member who has had physical custody of a child for 12 months, unless doing so would not be in the child's best interest.

Sec. 16. Requires efforts to identify an adult family member who may be willing to adopt a child when a petition to terminate parental rights is filed. Requires the child welfare agency to approve an adult family member for adoption unless good cause exists not to do so.

Sec. 37. Provides that prima facie evidence of good cause not to place a child with an adult family member or family friend includes grounds for denial of a foster care license, but does not include poverty or inadequate or crowded housing.

***2006 Ariz. Sess. Laws, HB 2870, Chap. 350***

Appropriates \$1 million for fiscal year 2006–2007 for a grandparent kinship care program. Specifies that the funds be used for clothing and personal allowances not to exceed \$75 per child per month and one-time transitional assistance not to exceed \$300 per child to help cover the cost of additional beds and furniture and other necessary expenses related to moving the child into the grandparent's home.

***2006 Ariz. Sess. Laws, SB 1119, Chap. 247***

Specifies least restrictive placement preferences for non-Indian children who are removed from home, as follows: parent; grandparent; kinship care with another member of the child's extended family, including a person who has a significant relationship with the child; licensed family foster care; therapeutic foster care; group home; and residential treatment facility. Specifies placement preferences for Indian children, as follows: child's extended family, licensed family foster home approved or specified by the tribe; Indian foster home approved or specified by a non-Indian licensing authority; and institution approved by the tribe or operated by an Indian organization.

Requires court reports, when placement with a grandparent or another extended family member is not proposed, to include information sufficient to allow a court to determine whether such placement is in the child's best interest. Requires courts to include specific written findings in support of a decision that placement with a grandparent or other extended family member is not in a child's best interest. Requires a court, at a preliminary protective hearing, to review evidence that the child welfare agency is attempting to identify a grandparent or other extended family member for placement of the child.

***2006 Cal. Stats., AB 1808, Chap. 75***

Requires the Department of Social Services to establish the Kin-GAP Plus Program as an optional alternative to the Kinship Guardianship Assistance Payment Program (Kin-GAP). Makes the Kin-GAP Plus Program applicable to certain delinquent children who have been declared wards of the juvenile court and whose wardships have been terminated and includes payment for a specialized care increment and clothing allowance. Allows suspension of voluntary enrollment into the Kin-GAP Plus Program under specified circumstances.

Eliminates the requirement that counties have at least 40 percent of dependent children in relative care to be eligible for a grant under the Kinship Support Services Program. Imposes additional requirements on participating counties.

***2006 Conn. Acts, SB 366, P.A. 37***

Requires the commissioner of Children and Families to use best efforts to identify and notify a grandparent whenever a child is removed from home. Allows a grandparent to provide contact information to the commissioner if a child is the subject of an investigation or under the care of the department.

***2006 Conn. Acts, HB 5532, P.A. 182***

Requires establishment of a kinship care navigator program. Requires that information on the array of services and benefits for which they may be eligible be provided to grandparents or other relative caregivers. Requires a report to the Legislature.

***2006 Fla. Laws, SB 1080, Chap. 86***

Requires a court, at a shelter hearing, to inquire about relatives who might be able to care for a child. Requires the parents of a child to identify such relatives.

Creates new sections authorizing permanent guardianships; placement with a fit and willing relative; and placement in another planned, permanent living arrangement. Makes other changes to conform state law to the federal Adoption and Safe Families Act.

***2006 Ill. Acts, HB 4242, P.A. 94-880***

Requires that the Department of Children and Family Services use reasonable efforts to identify and locate a relative for placement of a child and to renew such efforts each time the child requires a placement change. Requires the department to document the basis for any determination that relative placement is not in the child's best interest.

Requires the department, whenever a child is placed in a setting other than a home environment, to identify and locate relatives who could serve as visitation resources or future placement resources. Requires the department to develop a visitation or transition plan, if appropriate relatives are located.

***2006 Kan. Sess. Laws, SB 62, Chap. 208***

Requires the secretary of Social and Rehabilitation Services to establish a grandparents-as-caregivers program. Provides that the program be open to grandparents age 50 or over who have been given custody of a grandchild by the state or who have obtained guardianship or custody of the grandchild and whose income is less than 130 percent of the federal poverty level. Provides that other close relatives may qualify for the program if a child has no grandparent who is willing to participate. Provides for a monthly subsidy of \$200 per grandchild, not to exceed \$600. Specifies the ancillary services available to participating grandparents, including counseling, respite care, child care and medical care, among others. Requires a report to the Legislature.

**2006 Ky. Acts, HB 45, Chap. 198**

Requires creation of the KinCare Support Program to provide information and referrals to grandparents who are caring for grandchildren. Requires the administrative office of the courts to develop power of attorney for caregivers to obtain medical treatment and school enrollment for children in their care.

**2006 N.Y. Laws, A 9617, Chap. 12**

Sec. 1. Allows the court to place a child with a relative or “other suitable person” who has indicated a desire to become a foster parent for the child.

Sec. 2. Clarifies that a relative shall not have previously refused to be considered as a foster parent or custodian of the child; refusal due to an inability to provide immediate care because of a lack of resources shall not constitute a previous refusal. Clarifies that no child shall be placed with a relative before final approval or certification of such relative as a foster parent.

**2006 S.C. Acts, SB 137, Act 249**

Allows the family court to order custody of a child be awarded to the child’s de facto custodian. Defines de facto custodian as a person who has been the primary caregiver and financial supporter of a child who has resided with that person for six months if a child is under age three and for one year if a child is age three or older.

**2006 Va. Acts, SB 48, Chap. 360**

Requires a local board of social services, before making a foster care placement, to first seek out kinship foster care. Requires the board of social services to adopt regulations for determining whether the child has a relative who is eligible to become a kinship foster parent. Provides that kinship foster care placements are subject to requirements and can receive benefits of other foster care placements, including payment for the care of the child.

**2005 Wis. Laws, SB 284, Act 232**

Revises definition of “relative” in the Children’s Code and the Juvenile Justice Code to include step-siblings, half-siblings, siblings-in-law, second cousins, step-uncles, step-aunts and any person of a previous generation as denoted by grand-, great- or great-great-. Clarifies the relationship of a child to a relative when a parent’s rights are terminated. Requires certain information be provided to a relative when a child is placed in the relative’s home. Authorizes child abuse investigations of non-caregivers.

**2005 Wis. Laws, SB 606, Act 448**

Requires that the state child welfare agency, a county child welfare agency or a private child placement agency, before placing a child for adoption, consider the availability of placement for adoption with a relative of the child. Requires such agencies, before placing for adoption a child who has a sibling in an adoptive placement, to consider the availability of a placement with the adoptive parent of the sibling.

**Oversight/Administration****2006 Alaska Sess. Laws, HB 53, Chap. 64**

Sec. 28. Requires the child welfare agency to establish by regulation a grievance procedure for parents.

Secs. 38-45. Establishes a Citizen Review Panel to evaluate the extent to which the child welfare agency is discharging its responsibilities.

***2006 Ariz. Sess. Laws, HB 2048, Chap. 203***

Requires additional information be included in annual reports on child welfare data that are submitted to the Legislature. Requires that the child welfare agency describe, based on the data, three to five major challenges the agency faces in achieving the goal of safe, permanent homes for abused and neglected children.

***2006 Cal. Stats., AB 2216, Chap. 384***

Establishes the California Child Welfare Council, an advisory body that is responsible for improving collaboration among multiple agencies and courts in the child welfare system. Requires the council to be co-chaired by the Chief Justice of the California Supreme Court and the secretary of California Health and Human Services, or their designees. Expresses the Legislature's intent to inspect other state child welfare systems over the 2007–2008 legislative session to learn about effective administrative structures of leadership, to conduct hearings, and to review recommendations of other commissions to determine if a reconfigured administrative structure would provide needed statewide leadership and interdepartmental coordination. Requires the council to adopt outcome measures by April 1, 2008.

***2006 Conn. Acts, SB 703, P.A. 188***

Establishes a Families with Service Needs Advisory Board responsible for monitoring the progress made by the department in developing services and programming for girls from families with service needs.

***2006 Fla. Laws, HB 5011, Chap. 30***

Establishes a three-year pilot program for the community-based care lead agencies that serve Miami-Dade, Monroe and Broward counties, under which oversight and monitoring of the lead agencies is transferred from the Department of Children and Families (DCF) to independent entities under contract with the DCF. Provides that the amount of federal Title IV-E funding allocated in each year of the pilot program be equal to the amount earned by the lead agencies and the DCF district during the 2005–2006 fiscal year. Provides for measurement of the lead agencies' performance and comparison of such performance in the pilot program to the performance of agencies that are not in the pilot program.

***La. Acts 2006, HCR 120***

Requests the House Committee on Health and Welfare and the Senate Committee on Health and Welfare to meet and function as a joint committee to make recommendations for changing the laws regarding children in foster care. Requires the joint committee, in its examination of the foster care system, to work with the departments of social services, public safety and corrections, health and hospitals, labor, housing and urban development, the Chief Justice of the Supreme Court, former foster children and others.

***2006 Md. Laws, HB 799, Chap. 475***

Requires the Secretary of Human Resources and the secretary of Budget and Management to develop and implement an outcome-based system of accountability to measure the effectiveness of child welfare services. Requires that the system 1) address the safety, permanency and well-being of all children in child welfare system; 2) measure performance at the state and local levels; 3) expand on the federal outcome measures; and 4) be used in the Department of Human Resources' (DHR) annual managing-for-results submission. Requires a report to the legislature and governor.

Specifies outcome measures to evaluate the effectiveness of efforts to address abuse and neglect; protect children removed from home; address permanency and stability of living situations of children in custody; and address health, mental health and education of children in custody.

Requires the DHR to have a process to assess the quality of casework services. Requires the DHR to enter into a memorandum of understanding with an experienced entity to assist in developing and implementing a local department of social services (LDSS) self-assessment process. Requires LDSS self-assessments to be conducted every three years. Requires LDSS to develop plans to strengthen areas needing improvement.

Requires the DHR to pursue national accreditation of each LDSS.

***2006 N.H. Laws, HB 1214, Chap. 170***

Establishes a study committee to identify and assist community-based educational and social service programs for families of children age eight and under. Specifies committee membership and guidelines for the study of community-based programs to include an examination of the various program missions, funding sources, eligibility criteria, number of participants, location and service area, evaluation and accountability.

***2006 N.H. Laws, SB 323, Chap. 270***

Establishes a Legislative Youth Advisory Council to examine issues of importance to youth, such as foster care, education, employment, strategies to increase youth participation in state and local government, poverty and homelessness. Specifies membership and duties, to include advising the Legislature about issues related to youth; conducting an annual seminar for members on leadership, government and the Legislature; and submission of an annual report. Establishes a Legislative Youth Advisory Council Fund that will allow the council to accept and expend funds from public and private sources with approval of the Legislature.

***2006 N.J. Laws, S 2069, Chap. 47***

Secs. 1-2. Moves the Department of Children and Families from the Department of Human Services to the executive branch to facilitate aggressive reform of the child welfare system as a result of a class action lawsuit settlement agreement and to focus exclusively on protecting children and strengthening families.

Secs. 3-8. Creates the position of commissioner of the Department of Children and Families and describes qualifications and duties.

Sec. 9. Transfers to the Department of Children and Families all the functions, powers and duties of the Office of Children's Services in the Department of Human Services and the power to receive, allocate, expend and authorize the expenditure of federal money for children and families.

Secs.10-13. Transfers to the Department of Children and Families programmatic, administrative and support staff that support the functions of the powers and duties transferred under this act.

Sec. 14. Prohibits the department from hiring direct-care staff who have a criminal history background unless the person has affirmatively demonstrated rehabilitation. Lists prohibitive crimes and offenses. Describes criminal history background check provisions and procedures for employment applicants or current direct-care staff.

Sec. 15. Authorizes the commissioner to exchange fingerprint data with and receive information from the Division of State Police and the New Jersey Bureau of Investigation.

Sec. 26. Allows the Department of Children and Families access to the domestic violence central registry when conducting background investigations involving an allegation of child abuse or neglect or an out-of-home placement.

Sec. 31. Defines kinship caregiver to include those with whom the child has lived for 15 of the past 22 months.

**2006 Okla. Sess. Laws, HB 2840, Chap. 205**

Sec. 6. Requires the Office of Juvenile System Oversight to provide a written report of its investigation and recommendations regarding cases in which it believes there is a serious risk of danger to a child. Allows the court to consider the report when deciding the placement of a child or release of a child from state custody.

Secs. 9-14. Establishes the Oklahoma Children and Juvenile Law Reform Committee to study revision and recodification of all laws related to children and juveniles. Specifies committee membership and purpose. Requires a written report.

**2006 Pa. Laws, HB 2670, Act 146**

Sec. 4. Establishes a minimum of three citizen review panels in the state to examine policies, procedures and practices of state and local agencies and, where appropriate, specific cases; to evaluate the effectiveness of the child protection system and coordination of the child protection system with foster care and adoption programs; and to review child fatalities and near fatalities. Sets membership and requires reporting.

**2006 R.I. Pub. Laws, S 2990, Chap. 308**

Creates a Commission on Youth to provide consultation to the Legislature regarding matters of concern and interest to youth. Sets membership.

**2006 Tenn. Pub. Acts, SB 2644, Chap. 890**

Requires the Department of Children's Services to develop a plan and recommendations concerning the collection of extensive and detailed information about reports of child maltreatment and the disposition of allegations.

**2005 Wis. Laws, SB 65, Act 467**

Requires the Joint Legislative Council to create, in each biennium, a special committee on strengthening Wisconsin's families. Specifies issues the committee may consider.

**Prevention and Treatment of Abuse****2006 Cal. Stats., SCR 67, Res. Chap. 28**

Recognizes April 16-April 22, 2006, as "Shaken Baby Syndrome Awareness Week."

**2006 Conn. Acts, HB 5254, P.A.**

Merges the state's child poverty and prevention councils to create a new Child Poverty and Prevention Council. Imposes new reporting requirements for the governor, executive branch agencies and the council. Requires, within appropriations, that the governor's budget for fiscal years 2007 to 2009 include a prevention report that, among other things, indicates the state's progress toward meeting the goal that, by 2020, at least 10 percent of total recommended appropriations for those agencies be allocated for prevention services.

Requires the council to establish prevention goals and recommendations and measure prevention service outcomes to promote the health and well-being of children and families.

Requires the council to report by Jan. 1, 2007, to the governor and legislature about the state's progress in prioritizing expenditures by agencies represented on the council to fund prevention services. Requires the report to include a summary of

measurable gains toward child poverty and prevention goals, a copy of each agency's report on prevention submitted to the council, examples of successful interagency collaboration to meet poverty and prevention goals, and recommendations for prevention investment and budget priorities.

Requires each agency represented on the council to submit a report on prevention services; long-term agency goals; the effectiveness of prevention activities; and methods used by the agency to reduce disparities in outcomes by race, income level and gender. Specifies certain long-term goals in health, education, safety and housing.

***2006 Fla. Laws, HB 7173, Chap. 194***

Creates the Office of Child Abuse Prevention within the Executive Office of the Governor to establish a comprehensive, statewide approach for prevention of child abuse, neglect and abandonment. Specifies duties of the director. Requires the office to establish a Child Abuse Prevention Advisory Council to serve as the research arm of the office. Specifies duties of the council, including a study on the feasibility of establishing a children's cabinet.

***2006 Mass. Acts, H 4959, Chap. 356***

Defines "shaken baby syndrome." Requires development of a comprehensive, statewide shaken-baby syndrome prevention initiative.

***2005 Mich. Pub. Acts, SB 1292, Act 488***

Sec. 3. Requires an emergency services provider to accept a newborn from a surrendering parent without a court order, assuming the child is a newborn. Requires the provider to make a reasonable effort to inform the parent that the child will be placed for adoption and that the parent has 28 days to petition the court to regain custody and to provide the parent written information about the hearing that will determine and terminate parental rights. Requires the provider to make a reasonable attempt to obtain any relevant family or medical information from the parent, ask the parent to identify himself or herself and the other parent, provide the parent with written information, and advise the parent that the child-placing agency that takes temporary protective custody of the infant can provide confidential services to the parent. Outlines procedures for emergency medical service providers in hospital settings to receive infants.

Sec. 7. Outlines procedures for child-placing agencies that receive notice of a surrendered newborn from a hospital, including the process for notifying law enforcement agencies and petitioning the court to provide authority to place the newborn.

Sec. 10. Outlines procedure for surrendering and nonsurrendering parents who want custody of a surrendered newborn.

Sec. 11. Requires the court to order a surrendered newborn and each party claiming paternity in custody petitions to submit to a blood or tissue typing determination or DNA identification.

Sec. 17. States that a surrendering parent who does not file a custody action within the specified time frame is presumed to have knowingly released his or her parental rights to the newborn.

***2006 Neb. Laws, LB 994***

Secs. 148, 149. Expresses the need to provide programs to reduce the number of cases of shaken-baby syndrome. Requires every medical facility that discharges a newborn to request that parents view videos and written material about the dangers of shaken-baby syndrome.

***2006 N.J. Laws, S 2069, Chap 47***

Sec. 55. Requires the New Jersey Task Force on Child Abuse and Neglect to receive, evaluate and approve applications from public and private agencies for grants annually appropriated from the Children's Trust Fund to plan, establish or improve child abuse and neglect prevention programs. Activities include statewide educational seminars about child abuse and neglect that encourage the development of community-based educational programs on parenting, child development and basic child care; personal safety and sexual abuse prevention training for children; and community-based programs such as crisis care, child abuse counseling and more. Requires the task force to establish funding priorities, particularly emphasizing on community-based programs designed to develop strategies for early identification of, intervention for and assistance to families that are at risk of child abuse or neglect.

***2006 N.J. Laws, S 2007, Chap. 45***

Appropriates \$800,000 to the University of Medicine and Dentistry of New Jersey School of Osteopathic Medicine Academic Center-Stratford to support development of a model comprehensive diagnostic and treatment program to address both the medical and mental health needs of children experiencing abuse. Requires that the model demonstrate mental health treatment services that use measurable evidence-based outcomes with known effectiveness, with the goal of replicating the model statewide to benefit children and families statewide.

***2006 N.Y. Laws, S 6832B, Chap. 177***

Allows schools to add shaken-baby syndrome prevention to the curriculum for child development and parental skills development.

***2006 N.Y. Laws, S 7008, Chap. 110***

Creates "Cynthia's Law." Specifies a penalty for those who recklessly cause serious physical injury to the brain of a child under age five or by shaking or throwing a child. Defines serious physical injury. Requires development and implementation of a shaken-baby syndrome educational campaign.

***2006 N.Y. Laws, S 8131, Chap. 539***

Requires the New York State Office of Children and Family Services, within available appropriations, to conduct a public information campaign emphasizing zero tolerance for child abuse. Requires the campaign to include information about the signs of child maltreatment, the child abuse hotline and the services that are available to help at-risk families.

***2006 N.Y. Laws, S 7643, Chap. 516***

Requires the New York State Office of Children and Family Services to contract with the Upstate Medical Center at the State University of New York for a child abuse medical provider program designed to improve access to quality medical services for child abuse victims.

***2006 Pa. Laws, HB 200, Act 23***

Establishes the Ounce of Prevention program to provide grants to nonprofit or public entities that provide home visitation and other services to low-income, at-risk, expectant first-time mothers and their newborn children and families. States that the purpose of the program is to strengthen families and reduce the incidence of child abuse and neglect. Describes funding, eligibility and other requirements.

***2006 R.I. Pub. Laws, S 6903, Chap. 547***

Defines shaken-baby syndrome and requires the departments of Health and Children and Families and other state agencies to develop a shaken-baby syndrome prevention initiative. Requires that the initiative include a parent education program for parents of newborns; training programs for parents, caregivers, physicians and other professionals; and support programs for victims and their families. Also requires the initiative to collect data on the incidence of shaken-baby syndrome in the state.

***2006 S.C. Acts, HB 4678, Act 362***

Provides immunity to parents or others who voluntarily surrender infants under certain circumstances. Adds to the definition of a safe haven at which a parent may surrender an infant law enforcement agency, fire station, emergency medical services station and a staffed house of worship. Requires the safe-haven employee to transport the infant to the hospital.

***2005 Wis. Laws, SB 221, Act 165***

Requires training and provision of information regarding shaken-baby syndrome and impacted babies, that is, the death or harm of a baby resulting from being thrown against a hard or soft surface. Requires applicants for certain child care licenses to receive training in shaken-baby syndrome and affected babies. Requires the Child Abuse and Neglect Prevention Board to fund shaken-baby syndrome and affected baby prevention activities. Requires providers of prenatal and postpartum care in Milwaukee County to provide information on shaken-baby syndrome and affected babies. Requires that instruction on shaken-baby syndrome and affected babies be provided to middle- and high-school students. Requires hospitals to provide materials prepared by the Child Abuse and Neglect Prevention Board on shaken-baby syndrome and affected babies.

***2006 D.C. Stat., B 839, Chap. 485***

Authorizes the Child and Family Services Agency (CFSA), on a temporary, emergency basis, to make grants to community- and neighborhood-based groups to deliver prevention and intervention services. Designed to allow CFSA to create services in a quicker and less cumbersome manner than the current process, which involves the mayor's office and more formal contracting procedures.

**Reporting*****2005 Cal. Stats., AB 525, Chap. 701***

Makes certain requirements and procedures that apply to the mandatory reporting of child abuse and neglect also applicable to the voluntary reporting of serious emotional damage to a child.

***2006 Ohio Laws, S 17***

Allows a cleric to testify about an allegation of child abuse or neglect by express consent of a person communicating with the cleric, except when the disclosure of the information is in violation of a sacred trust. Defines sacred trust.

Requires a member of the clergy or any person or layperson acting as a leader, official, delegate or other designated function on behalf of any church, religious society or faith to immediately report child abuse or neglect.

***2006 Ohio Laws, S 137***

Increases the penalty for a failure to report child abuse or neglect when the child is in the custody or care of the offender while the offender is acting in an official, professional or supervisory capacity.

***2006 Ohio Laws, S 238***

Adds to the list of individuals who are required to report knowledge or suspicion of child abuse or neglect those who perform the duties of an adoption assessor and employees of 1) respite care facilities or homes, 2) home health agencies, 3) entities that provide homemaker services and 4) a third party employed by a public children's services agency to help provide child- or family-related services.

***2006 Tenn. Pub. Acts, SB 2714, Chap. 736***

Requires any state, county or municipal employee of a child or adult protective services agency acting in a professional capacity or within the scope of employment who has knowledge of or observes an animal that the person knows or reasonably suspects has been the victim of cruelty, abuse or neglect to report the situation to the appropriate entity in that county.

***2006 W. Va. Acts, SB 13, Chap. 29***

Requires cross-reporting among child protective service workers, adult protective services workers, law enforcement officers and humane officers of suspected child abuse or neglect, suspected abuse or neglect of incapacitated or elderly adults, suspected animal cruelty or inhumane treatment, or suspected domestic violence. Provides penalties.

**Siblings*****2006 Cal. Stats., AB 2488, Chap. 386***

Adds half-siblings to the statutory provision that authorizes disclosure of the names and addresses of an adoptee and his or her siblings to one another under certain circumstances. Lowers from 21 to 18 the age of consent for such disclosure.

***2006 Me. Laws, LD 1682, Chap. 526***

Requires a court to order sibling visitation when it is reasonable and in the best interests of the children involved. Requires the child welfare agency to make reasonable efforts to have prospective adoptive parents agree to post-adoption sibling contact.

***2006 N.H. Laws, SB 395, Chap. 92***

Allows licensed foster homes to exceed the maximum limit of six children if receiving one or more siblings and if the family is willing and able to take the children.

***2006 N.Y. Laws, S 8435, Chap. 437***

Sec. 7. In certain circumstances, requires coordination of permanency hearings for a child who subsequently is removed from home with the permanency hearing schedule for a sibling or half-sibling who previously has been removed. Requires subsequent permanency hearings to be scheduled for a date no later than six months from completion of the previous permanency hearing and to be completed within 30 days of the date certain set for such hearing.

Sec. 16. Requires coordination of the schedule for the periodic review of the family service plan of a child who is subsequently removed from home with the family services planning schedule for a sibling or half-sibling who previously has been considered for placement or removed from home, to facilitate planning for the entire family.

***2005 Wis. Laws, SB 606, Act 448***

Requires child welfare agencies, before placing for adoption a child who has a sibling in an adoptive placement, to consider the availability of a placement with the adoptive parent of the sibling. Requires agencies to state why the proposed placement is not safe and appropriate when a decision is made not to place the child with a sibling.

## Substance Abuse

### ***2006 Alaska Sess. Laws, HB 408, Chap. 20***

Sec. 9. Requires health care professionals who are involved in the delivery or care of an infant affected by a controlled substance or alcohol to report the child to the child welfare agency.

### ***2006 Fla. Laws, HB 175, Chap. 97***

Expresses legislative recognition that early referral and comprehensive treatment can help combat substance abuse in families and that treatment is cost effective.

Establishes the following goals for substance abuse treatment in the dependency process: to ensure the safety of children, to prevent and remediate the consequences of substance abuse on families that are involved with child welfare or that are at risk of becoming involved, to expedite permanency and to support families in recovery. Expresses legislative intent to encourage use of the treatment-based drug court model.

Authorizes a dependency court, upon a showing of good cause, to order a person who has custody or who is requesting custody of a child to submit to substance abuse assessment or evaluation by a qualified professional. Authorizes a court, after an adjudication of dependency, to order the person to participate in and comply with treatment, including a treatment-based drug court program. Provides that, prior to an adjudication, participation in a drug court program is voluntary.

Provides that counties with treatment-based drug court programs may adopt a protocol of sanctions for noncompliance with dependency drug court rules, which may include placement in a substance abuse program, placement in a jail-based treatment program, secure detention or incarceration.

Requires, subject to annual appropriations, each judicial circuit to establish at least one position to coordinate the activities of agencies and service providers that work with the drug court. Provides that such position will provide support to the drug court, perform case management, monitor compliance by participants in the drug court, and provide program evaluation and accountability.

Authorizes the chief judge of each judicial circuit to appoint an advisory committee for the treatment-based drug court program.

### ***2006 Fla. Laws, HB 1325, Chap. 306***

Provides that the arrest of parents on charges of manufacturing illegal drugs is a factor that the Department of Children and Families may consider in determining that a case is high risk and therefore subject to the statutory requirement to file a dependency petition.

### ***La. Acts 2006, HB 215, Act 157***

Defines prenatal neglect as the unlawful use of a controlled substance by a mother during pregnancy that results in withdrawal symptoms by the newborn or the presence of controlled substances in the newborn's body. Requires toxicology tests on newborns under certain circumstances and the reporting of such results, if positive, to the child welfare agency.

### ***2005 Mich. Pub. Acts, SB 1116, Act 256***

Requires the Department of Human Services (DHS), within 24 hours of receiving a report of alleged child abuse involving methamphetamine, to refer the report to the local prosecuting attorney. Requires local law enforcement agencies that receive such a report to refer it to the DHS or begin an investigation. Requires the DHS, within 24 hours of determining that a child

abuse allegation involves methamphetamine, to submit a petition requesting that the family division of the circuit court take jurisdiction of the case.

***2005 Mich. Pub. Acts, HB 5843, Act 263***

Requires a child abuse central registry case involving the death, serious physical injury, sexual abuse or exposure to or contact with methamphetamine to be referred to the prosecuting attorney for the county in which the child is located.

***2005 Mich. Pub. Acts, HB 5844, Act 264***

Requires the Department of Human Services (DHS) to provide copies of child abuse allegations or reports that involve methamphetamine to law enforcement agencies in the county in which the incident occurred. Requires the DHS to contact law enforcement agencies when conducting a child abuse investigation in which methamphetamine is involved. Requires law enforcement agencies, upon receipt of a written allegation or report of child abuse by a person responsible for the child's welfare involving amphetamines, to immediately contact the DHS. If that report involves a child in child care, the law enforcement agency also must send a copy of the report to the regulatory child care agency that has authority over the child care provider.

***2005 Mich. Pub. Acts, HB 5930, Act 266***

Requires the person in charge at a hospital and a hospital physician to notify the Department of Human Services (DHS) if the release of a child would endanger the child's health or welfare. Allows the person in charge to detain the child in temporary protective custody until the probate court can order the child to be detained in the hospital or other suitable place. Requires a physician who sees a child suspected of being abused or neglected to conduct necessary examinations. Allows the department to request a court order for a medical evaluation of the child if the physician's report is not complete or if the examination was conducted by someone other than a physician. Requires the DHS to have a medical evaluation without a court order if the child's health is seriously endangered and a court order cannot be obtained and/or a child is displaying symptoms suspected to be the result of exposure to or contact with methamphetamine.

***2006 Utah Laws, HB 219, Chap. 97***

Includes in the definition of a neglected child a minor whose parent permits the minor to reside at the location of a clandestine laboratory. Establishes a presumption that reunification services should not be provided to a parent if a court finds by clear and convincing evidence that a parent allowed a child to reside at a clandestine laboratory.

***2005 Wis. Laws, AB 213, Act 113***

Defines as child abuse the manufacturing of methamphetamine in the physical presence of a child, in a child's home, on the premises of a child's home, in a motor vehicle on the premises of a child's home or under any other circumstances in which a reasonable person should have known that the manufacture would be seen, smelled or heard by the child.

### **Transition From Foster Care**

***2006 Alaska Sess. Laws, HB 53, Chap. 64***

Sec. 50. Raises from 21 to 23 the maximum age of young adults who may receive foster care transition services.

***2006 Cal. Stats., AB 1808, Chap. 75***

Eliminates the requirement for counties to pay a share of the cost of transitional housing services for former foster youth between the ages of 18 and 24.

**2006 Conn. Acts, HB 5011, P.A. 102**

Provides that any youth who voluntarily remains in foster care past age 18, and up to his or her 21<sup>st</sup> birthday, is entitled to a written plan for care and treatment and to review of such plan.

**2006 Fla. Laws, HB 7173, Chap. 194**

Requires that a foster parent or caregiver and an older foster youth enter into a written plan specifying age-appropriate activities in which the youth may engage and the authority of the foster parent to approve the youth's participation in such activities. Requires the Department of Children and Families (DCF) to make a good faith effort to explain to a foster youth any document that the youth is asked to sign. Requires that the case plan of each foster child who has reached age 13 shall include an educational and career path based on the child's interests and abilities. Specifies requirements regarding preparation and judicial review of the path.

Requires that the DCF or a community-based care lead agency prepare a plan, specific to each community-based care service area, for implementation of services for former foster youth. Specifies required contents of the plan. Adds financial literacy skills training to the list of services available to former foster youth. Expands eligibility for the Road to Independence Program, which provides grants for vocational and educational training. Requires the DCF or a community-based care provider to work with a former foster youth to develop a joint transition plan with specific tasks for the youth to complete. Authorizes a community-based care lead agency to purchase housing, employment or transportation services for former foster youth, in lieu of direct payments to the young person.

Requires the DCF to report to the Legislature on outcome and performance measures related to services to youth in transition from foster care. Requires the DCF to provide administrative support to the Independent Living Services Advisory Council.

Extends Medicaid eligibility up to age 20 for a young adult who is eligible to receive independent living transition services. Extends Medicaid eligibility to young adults who participate in the Road to Independence Program. Appropriates approximately \$6.7 million to fund the Medicaid expansion.

Authorizes a 17-year-old foster youth to execute all instruments necessary to lease residential property upon the youth's 18<sup>th</sup> birthday. Requires a court order authorizing such execution of instruments.

**2006 Iowa Acts, SF 2217, Chap. 1159**

Establishes a Preparation for Adult Living Program for youth ages 18 to 20 who were in foster care on their 18<sup>th</sup> birthday. Specifies program services, including support to allow the foster youth to continue to reside with the foster family. Extends Medicaid eligibility to former foster youth who meet specified income criteria.

**2006 Utah Laws, HB 288, Chap. 110**

Requires that the state Medicaid plan be amended to provide coverage for independent foster care adolescents age 18 to 21. Appropriates \$450,000.

**2006 Vt. Acts, HB 618, Act 159**

Expresses the legislative finding that services are insufficient for individuals age 18 to 22 who are making the transition from foster care. Requires the Agency of Human Services (AHS) to determine whether a child who faces the loss of his or her eligibility for publicly funded health coverage is eligible under a different category or program. Requires that the eligibility for the state's public health program of a college student on medical leave be determined only on the basis of the student's income. Requires the AHS to assess the efforts that are being undertaken related to young adults age 18 to 22 who are making the transition from state custody. Requires a plan for coordinating those efforts. Requires the AHS to analyze and report on current

law and regulations regarding Medicaid eligibility for these young adults and to make recommendations regarding options for and costs associated with extending health care coverage to them.

***2006 Wash. Laws, HB 2002, Chap. 266***

Authorizes the Department of Social and Health Services to allow up to 50 youth per year to remain in foster care from age 18 to 21 to participate in or complete a post-high school academic or vocational program. Requires an outcome evaluation.

**Tribes**

***2006 Cal. Stats., SB 678, Chap. 838***

Sets forth legislative findings pertaining to the importance of children to the continued existence and integrity of Indian tribes and the state's interest in protecting the essential tribal relations and best interests of Indian children.

Codifies provisions of the federal Indian Child Welfare Act (ICWA), including provisions regarding tribal jurisdiction, notice of and intervention in child custody proceedings, entitlement of tribal acts and proceedings to full faith and credit, right of indigent parents or custodians to court-appointed counsel, active efforts, evidentiary standards, placement preferences and unsealing of adoption records.

In a dependency proceeding involving a child who would otherwise be an Indian child based on the definition in ICWA but for the status of the child's tribe, authorizes the court to permit the tribe to participate in the proceeding upon request of the tribe. Specifies details of such participation.

Provides that what constitutes active efforts to prevent the involuntary placement of an Indian child shall be assessed on a case-by-case basis, taking into account the prevailing social and cultural values, conditions and way of life of the child's tribe.

Allows a tribe to petition the court to terminate the guardianship of an Indian child upon a finding that it is in the child's best interest to do so.

Clarifies that an Indian child's tribe has a right to intervene in proceedings at any time.

Establishes criteria for denial of a petition to transfer a proceeding involving an Indian child to a tribal court. Provides that socioeconomic conditions and the perceived adequacy of tribal social services or judicial systems may not be considered in a determination that good cause exists.

Requires that a record of each foster care or adoptive placement of an Indian child be maintained in perpetuity by the Department of Social Services (DSS).

Clarifies that the director of the DSS may enter into agreements with Indian tribes regarding the care and custody of Indian children, including agreements that provide for the orderly transfer of jurisdiction on a case-by-case basis, for exclusive tribal or state jurisdiction, or for concurrent jurisdiction.

***2006 Fla. Laws, SB 1080, Chap. 86***

Requires the Department of Children and Families to adopt rules to ensure that the provisions of the federal Indian Child Welfare Act (ICWA) and the Multi-Ethnic Placement Act, as amended, are enforced in the state. Encourages the department to enter into agreements with Indian tribes to facilitate implementation of ICWA.

**2006 S.D. Sess. Laws, HB 1051, Chap. 144**

Allows notice of child custody proceedings subject to the Indian Child Welfare Act to be given to the designated tribal agent for Indian children taken into temporary custody. Defines designated tribal agent as designated by the tribe.

**2006 Wash. Laws, HB 3182, Chap. 90**

Authorizes the Department of Social and Health Services to enter into written agreements with Indian tribes for tribal licensure of foster care agencies.

**Workforce****2006 Md. Laws, HB 799, Chap. 475**

Requires the Department of Human Resources (DHR) to establish a child welfare training academy.

Requires the state to ensure that sufficient qualified child welfare staff are hired and retained to achieve caseload ratios consistent with Child Welfare League of America standards. Requires the DHR to develop a methodology to calculate caseload ratios for child welfare services.

Requires a report to the legislature and governor on the assessment of the accounting structure and workload measures used by the Social Services Administration within the DHR and local departments of social services. Requires the assessment to determine the changes necessary to adopt certain recommendations related to flexible budgeting, cost accounting and performance measurement.

Requires the DHR to conduct a comprehensive study of the recruitment, selection and retention of the child welfare workforce and to develop strategies to lower turnover and increase qualifications.

**2006 N.J. Laws, S 2069, Chap. 47**

Requires the Task Force on Child Abuse and Neglect to establish a Staffing and Oversight Review Subcommittee to develop recommendations for staffing levels and the most effective methods of recruiting, hiring and training staff. Requires a review of the division's performance in achieving management and client outcomes. Requires periodic reports to the governor and the Legislature.

**2006 N.Y. Laws, S 7816, Chap. 525**

Establishes minimum qualifications and training requirements for child protective services (CPS) supervisors. Requires that current CPS supervisors be trained within one year of the effective date of this legislation. Requires newly appointed CPS supervisors to complete the training at the time of their appointment. Establishes ongoing annual training requirements for all CPS supervisors and workers.

**2006 Ohio Laws, S 238**

Increases from 90 to 102 the number of hours of training that each public children's services agency (PCSA) caseworker must complete during the first year of employment.

Requires that each PCSA caseworker receive training on acceptance of reports of child abuse, neglect and dependency; assessment of child safety; the importance of and need for accurate data; preparation for court; maintenance of case record information; and recognition of the signs of domestic violence and its relationship to child abuse.

Requires each PCSA caseworker supervisor to receive training in screening reports of child abuse, neglect and dependency and in recognizing the signs of domestic violence and its relationship to child abuse.

***2006 Okla. Sess. Laws, HB 2840, Chap. 205***

Sec. 7. Requires the department to establish a performance-based compensation program. Lists eligibility factors, to include child welfare specialists who have met or exceeded the suggested federal child welfare outcomes, received above-average employee evaluations, completed field training, and obtained a higher education degree in social work or a closely related field.

***2006 Wash. Laws, HB 3122, Chap. 95***

Creates a supplementary program to provide compensation to child protective service workers and adult protective services workers who have been assaulted on the job. Requires a report to the Legislature. Makes stalking such workers a felony.

***2006 Wash. Laws, SB 6635, Chap. 248***

Requires the Department of Social and Health Services to develop standardized training to ensure compliance with the federal Civil Rights Act and the Multi-Ethnic Placement Act, as amended.



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