

FEDERAL STATUTES

Indian Child Welfare Act (“ICWA”) – 25 U.S.C. §§ 1901-1963

- Defines state court procedures for agency custody of an Indian child

Adoption Assistance and Child Welfare Act of 1980 – major provisions found in Title IV of the Social Security Act at 42 U.S.C. §§ 622, 671-675

- Provides significant legal structure governing state child welfare systems, including reasonable efforts to prevent placement and promote reunification, mandatory reviews for each child and defines adoption assistance programs

Multiethnic Placement Act (“MEPA”) – also known as Multiethnic Placement Act of 1994 as amended by the Interethnic Adoption Provisions of 1996 (“MEPA-IEP”); 42 U.S.C. §§ 622b(7), 671(a)(18), 1996b(1)

- Prohibits discrimination of children and foster parents based on race, color or national origin

Adoption and Safe Families Act of 1997 (“ASFA”) – major provisions found in Title IV of the Social Security Act, including at 42 U.S.C. §§ 671, 675, 679(b)

- Provides circumstances and time frames for termination of parental rights, permanency goals for children in care and required federal outcome measures and performance ratings for state child welfare systems

Foster Care Independence Act of 1999 – also known as “Chafee Act”, major provisions found in Title IV-E of the Social Security Act, at 42 U.S.C. § 677

- Strengthens Independent Living programs, requires services for some former foster youth and required outcome measures

Adam Walsh Child Protection and Safety Act of 2006 – major provisions found in Title IV of the Social Security Act, including at 42 U.S.C. § 671(a)

- Establishes the requirement that child welfare agencies conduct FBI criminal history checks and state child abuse clearances for all prospective foster and adoptive parents

Child and Family Services Improvement Act of 2006 – major provisions found in Title IV of the Social Security Act, including at 42 U.S.C. § 675(5)

- Establishes the requirement that court consult with child at hearings

Fostering Connections to Success and Increasing Adoptions Act of 2008 – major provisions found in Title IV of the Social Security Act, including at 42 U.S.C. §§ 671-677

- Requires child welfare agencies to provide notification to relatives within 30 days of a child's placement, reasonable efforts for sibling placement and contact, educational stability efforts for foster children, transition planning for older youth prior to exiting foster care, funding options for subsidized permanent legal custody and older youth in placement over age 18

Safe and Timely Interstate Placement of Foster Children Act of 2006 – major provisions found in Title IV-E of the Social Security Act, including at 42 U.S.C. §§ 671(a) and 675(5)

- Defines procedure for safe and timely placement of foster children across state lines and provides that foster parents and caregivers have a right to be heard during court proceedings

Preventing Sex Trafficking and Strengthening Families Act of 2014 – major provisions found in Title IV-E of the Social Security Act, including at 42 U.S.C. §§ 671, 673, 675, 677, and 679

- Includes provisions to identify and protect children and youth who are at risk of sex trafficking through policies, procedures and services, as well as involvement of law enforcement and appropriate responses for children who have run away or are missing or abducted from foster care
- Addresses the improvement of opportunities for children in foster care, such as the reasonable and prudent parent standard, age and developmentally appropriate activities, limitation on the use of Another Planned Permanent Living Arrangement (APPLA) for children over 16 years of age and mandatory involvement in case planning for children over 14 years of age
- Improves adoption incentives for states, requires the designation of a successor guardian and expands kinship notification requirements

The Family First Prevention Services Act – Amends Title IV-E of the Social Security Act; major provisions found in the Bipartisan Budget Act of 2018 at HR 1892 Title VII §§ 50701-50781 of the Act

- Permits states to spend federal funds on placement prevention services to address mental health, substance abuse prevention and treatment, in-home parenting skills and kinship navigator services
- Disallows federal reimbursement for children who are placed in most congregate care settings, with the exception of mother/baby programs, supervised independent living, programs for youth who are the victims of sex trafficking and qualified residential treatment programs

STATE STATUTES

Child Protective Services Law (“CPSL”) – 23 Pa. C.S. §§ 6301-6385

- Defines “child abuse” and provides process for reporting and investigating child abuse, including who is a “mandated reporter,” and provides for the establishment of a statewide database of reports of abuse
- Requires criminal background checks, finger-print based FBI checks and child abuse clearances for school employees, child-care personnel, foster families and adoptive families, among other categories
- Defines requirements for county child protective services and general protective services

Juvenile Act – 42 Pa. C.S. §§ 6301-6365

- Governs all aspects of dependency and delinquency proceedings
- Provides that foster parents and caregivers have the right to be heard in court proceedings involving children in their care, and requires courts to consult with the child or youth at hearings
- Requires siblings to be placed together in out of home care, if possible, and entitles siblings to visitation when placed separately

Adoption Act – 23 Pa. C.S. §§ 2101-2910

- Governs all adoption matters, including termination of parental rights, adoption proceedings and access to records

Adoption Opportunities Act – 62 P.S. §§ 771-774

- Establishes adoption assistance program

Newborn Protection Act – Act 201 of 2002 – also known as “Safe Haven Law,” 23 Pa. C.S. §§ 6501-6509

- Provides procedure for health care providers and the police to accept custody of abandoned newborn babies and involve the county child welfare agency, including protection from liability for parents leaving a newborn in the care of a hospital or police station

Act 25 of 2003 – The Kinship Care Program, 62 P.S. §§ 1301-1303

- Places priority on placement with relatives when a child enters foster care

Act 101 of 2010 – provisions incorporated into the Adoption Act, at 23 Pa. C.S. §§ 2731-2742, 2911-2938

- Creates the ability for adoptive parents and a child’s birth relatives to enter into a voluntary, enforceable agreement for post-adoption contact, and

expands the ability of birth relatives to access information from adoption files and connect with adoptees

Children in Foster Care Act – Act 119 of 2010, 11 P.S. §§2631-2636

- Establishes the “Bill of Rights” for children in out of home placement

Act 80 of 2012 – provisions incorporated the Public Welfare Code, at 62 P.S. §§ 772, 1302, 1303, 1303.1, 1303.2

- Extends subsidies to age 21 for youth who enter into guardianship and adoption arrangements at age 13 or older

Act 91 of 2012 - provisions incorporated in the Juvenile Act, at 42 Pa. C.S. §§ 6302, 6351(f), 6351(j)

- Expands the criteria for youth to stay in care after age 18 and allows youth who exited care 90 days prior to their 18th birthday or after the opportunity to re-enter care until the age of 21

Act 55 of 2013 – provisions incorporated into the Public Welfare Code, at 62 P.S. §§ 1301-1302.2

- Requires the county agency to conduct ongoing diligent efforts to search for and identify adult relatives and kin and engage them in service planning and delivery as well as gain a commitment from relatives and kin to support a child or parent receiving children and youth services

Act 107 of 2013 – incorporated provisions into the Domestic Relations Code, at 23 Pa. C.S. §§5328 and 5329.1

- Establishes the requirement that a court determining custody of a child must consider child abuse and involvement with protective services, and provides for the cooperation between child welfare agencies and the court to share this information

Interstate Compact on Placement of Children (“ICPC”) – 62 P.S. § 761

- Governs court, private agency, and public agency placements of children outside of Pennsylvania for adoption, foster care and other dependency placements, as well as delinquency placements