

Understanding the Background, Context and Role of the 4th and 14th Amendments of the U.S. Constitution

Participant Workbook

November 2006



Acknowledgements

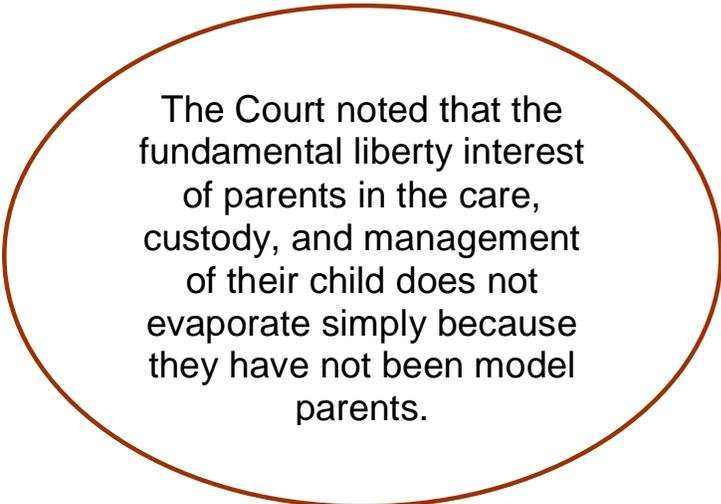
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Thanks to the program managers, state wide training team, supervisor groups and pilot participants for their thorough review of the materials and thoughtful feedback.



The Court noted that the fundamental liberty interest of parents in the care, custody, and management of their child does not evaporate simply because they have not been model parents.

NOTE

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Division of Child and Family Services

120 N. 200 W.
Salt Lake City, Utah 84103
1-801-538-4100

NOTE

The names used in this training are a composite of families for training purposes. Any similarities between examples and actual individuals are purely coincidental. Any questions or concerns about the use of this document or its contents should be directed to:

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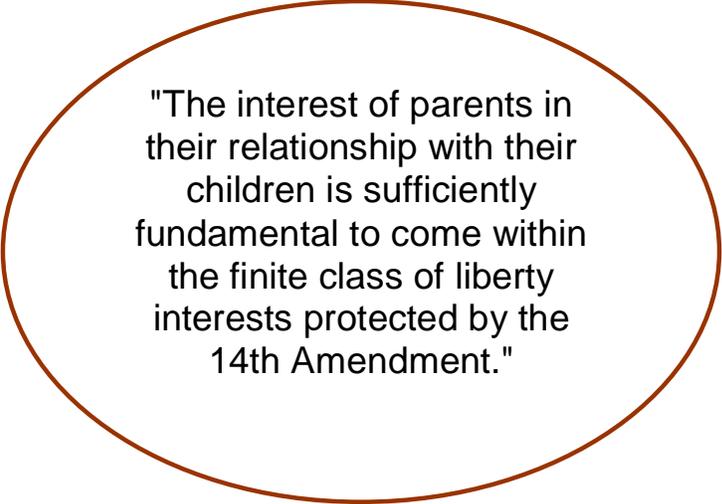
Table of Contents

Section	Participant Workbook Page #	Approximate Time to Complete
Introduction and legal history of child welfare work	11	25 - 35 minutes
An overview of the legal terms heard in child welfare work	36	10 - 15 minutes
The 4 th and 14 th amendments of the U.S. Constitution	45	10- 15 minutes
Learning about child welfare from the court decisions of the U.S. Supreme Court and the U.S. Circuit Courts	55	25-30 minutes
Application of case law and Constitutional Amendments to child welfare work	75	30 – 45 minutes

Pilot training participants took between 1.5 hours and 2.5 hours to complete the training.

Outcomes

- Understand the legal history that builds the foundation of child welfare.
- Understand the 4th and 14th Amendments to the Constitution of the United States and its relationship to child welfare work.
- Understand warrants and the grounds for removal in child welfare.
- Understand the rights of individuals, including those of family autonomy and protection for children.



"The interest of parents in their relationship with their children is sufficiently fundamental to come within the finite class of liberty interests protected by the 14th Amendment."

These are the steps to take to get credit for completing the training

When you have completed the Training

When you have completed the last section of this training, you will want to:

- Complete the Quiz (**Note:** There is a copy of the quiz on the following page so that you can fill in your responses as you go through the training sections. Your answers will be recorded in the web program so that you can print out your results for training credit.)
- Print out the quiz results page.
- Complete the training evaluation that is at the end of your Participant Workbook.
- Have your Supervisor sign the quiz results page.
- Have your supervisor sign your certificate of completion.
- Make a copy of your quiz and your certificate for your records.
- Mail your quiz results page, your evaluation, and your certificate to your Region Training Manager.

Your Region Training Manager will record your completion of the training, sign your certificate and mail it back to you.

- If you have not heard from your Region Training Manager in two weeks, e-mail them to verify that they have received your quiz and certificate, that you have received credit for the training, and that your certificate is on its way back to you.

Understanding the Background, Context and Role of the 4th and 14th Amendments of the U.S. Constitution

1. The earliest known case of child abuse and removal resulted in the creation of:
 - a. The Society for the Prevention of Cruelty to Animals
 - b. The Child Welfare League
 - c. Orphanages
 - d. The Society for the Prevention of Cruelty to Children
2. The first major law to be passed that created and provided funding for child welfare was the _____ of 1935.
3. In 1997 the _____ was passed to address issues of permanency for children in foster care.
 - a. Multi-ethnic Placement Act
 - b. Adoption and Safe Families Act
 - c. Indian Child Welfare Act
 - d. Inter-ethnic Placement Act

4. Match the legal terms to the correct definition

Family Autonomy	Facts adequate to prove or support the cause of action
Forma Pauperis	Evidential Tier for TPR when ICWA applies
Prima facie evidence	Evidential Tier used in Administrative Hearings
Preponderance of the evidence	The state as the parent
Parens Patriae	Parents have the right to rear their children
Probable Cause	An emergency that requires immediate action
Clear and convincing evidence	Evidential Tier used in TPRs when ICWA does not apply
Exigent circumstances	Evidence needed to obtain a warrant
Beyond a reasonable doubt	Indigent

5. How are we currently fulfilling the 4th Amendment in child welfare in Utah?
 - a. By holding Child and Family Team Meetings
 - b. By taking children into custody
 - c. By obtaining warrants to take children into custody
 - d. By providing parents with Child and Family Plans

6. How are we currently fulfilling the 14th Amendment in child welfare in Utah? (select all that apply)
 - a. By taking children into custody when we have evidence they have been abused
 - b. By taking children into custody when we have evidence they have been neglected
 - c. By scheduling hearings within 30 days of taking custody of a child
 - d. By notifying parents of hearings after a child has been taken into care

7. The 4th Amendment protects individuals from:
 - a. Unreasonable searches and seizures
 - b. Having their children taken into custody
 - c. Investigations by state agencies
 - d. Having their parental rights violated

8. The 14th Amendment provides individuals with (select all that apply):
 - a. Due process
 - b. Protection from TPR
 - c. Formera Pauperis
 - d. Equal protection

9. Parents have the right to educate their children in Academics and Religion.
True or False

10. The state has the right and responsibility to step into a parent's pervue of raising their children when the child's _____ is at risk.

11. When children are taken into care without a warrant, what must happen speedily? (which answer is incorrect):
 - a. A court hearing must be scheduled
 - b. Completion of a Casey Life Skills Assessment
 - c. Parents given notice of their rights
 - d. Parents given notice of the time and place of the court hearing

12. _____ is the standard of evidence for the termination of parental rights when ICWA is not involved.

13. Termination of parental rights must be based on:
 - a. Whether the parents can afford the court costs
 - b. How attached the children are to the resource family
 - c. Evidence supporting that the termination is in the best interest of the child

- d. Evidence of parental drug use
14. An investigation that proves to be groundless is a violation of a parent's rights.
True or False
15. Reunification to incarcerated parents occurs under the following circumstances (mark all that apply):
- a. The reasons that the parent is incarcerated
 - b. The parent is incarcerated for less than 12 months
 - c. If the jail will allow the child to see the parent
 - d. When it is in the best interest of the child
16. Grounds for removing a child have been identified by the _____.
17. Match the following terms to the appropriate selection at the right
- | | |
|-----------------------|-------------------------------------------------------|
| Exigent circumstances | A child is at serious risk if not removed immediately |
| Warrant | A parent places a child of their own volition |
| Pre-removal Hearing | Based on a probable cause |
| Voluntary placement | The court determines if there is reason for a removal |
18. A child can be taken into state custody if a parent was incarcerated and had no one to care for their child.
True or False
19. A child could be taken into custody if the parent or guardian were unwilling to take physical custody of the child.
True or False
20. According to Utah Statute, a parent's rights include (mark the incorrect answer):
- a. Accommodation for moral and religious beliefs
 - b. Accommodation for culture
 - c. Care, custody and management of their child
 - d. Legal considerations
 - e. Freedom from government intrusion
 - f. Child and Family Plan
 - g. Visitation
 - h. Health information about their child

21. According to Utah Statute, children's rights include (mark the incorrect answer):
 - a. Safety
 - b. Choosing where they will live
 - c. Support
 - d. Care and a safe environment
 - e. Stable, permanent family

22. Repeated abuse of a similar or like nature is grounds for termination of parental rights.
True or False

23. Confidentiality is covered in the _____.
 - a. DCFS rules
 - b. NASW ethics guidelines
 - c. Practice Guidelines
 - d. Federal statute

24. Confidentiality includes both verbal and written materials.
True or False

Introduction and Legal History of Child Welfare Work

Section 1



In the 1700s, orphans and children whose parents could not care for them

Protecting Children

Orphanages and Foster Homes
1850s

were often indentured to work for other families. By the early 1800s, private, religious and charitable organizations had established the first orphanages. Half a century later, out of concern about the

effects of growing up in orphanages, private agencies began the practice of placing orphans with foster families. However, prospective families were rarely screened, and agencies seldom monitored placements.

The earliest known case of child protection in the United States occurred in 1875. Mary Ellen, a young child, was discovered by a church visitor. She was being beaten and chained in a room by the couple to whom she was indentured. The police were unable to

Protecting Children

Child welfare is a fairly new concept
1875

do anything to aid Mary Ellen because there were no laws protecting children at that time. The church worker, Mrs. Wheeler, went to Henry Birgh who was with the New York Society for the Prevention of Cruelty to Animals (SPCA) for help. The SPCA took the case to court and the court ordered Mary Ellen into the custody of Mrs. Wheeler. Of great significance, however, is that the court also ordered the development of the Society for the Prevention of Cruelty to Children (SPCC).

By the early 1900s, the first state laws to prevent child abuse and neglect

Protecting Children

First laws passed
1900s

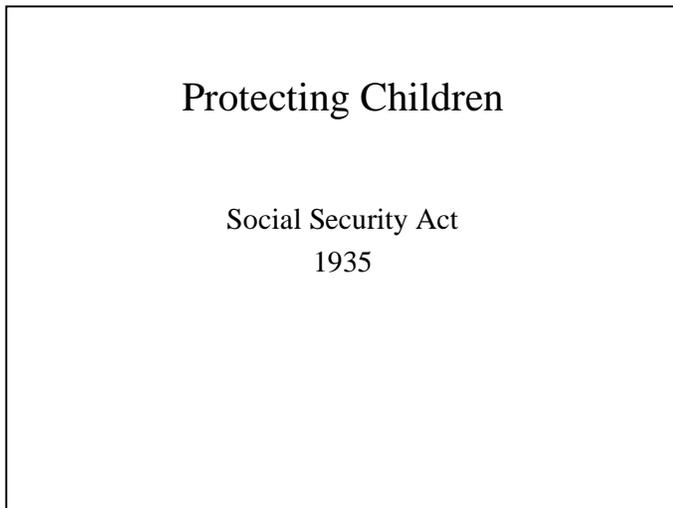
were passed, the first national conference on the needs of dependent children was convened, and the first federal children's bureau was established.

Early government

interventions on behalf of children needing care were characterized more by practical concerns about meeting the physical needs of children than by concern about the negative impacts of abuse and neglect on children's development. As

public awareness about child abuse and the damage it caused grew, the importance of child protection received greater attention by government officials.

Because of this growing concern, the Social Security Act of 1935 was passed. It authorized the first federal grants for child welfare services. Though relatively small, these first federal grants served as an impetus for states to establish child welfare



agencies and to develop local programs to deliver child welfare services. Over the next several decades, the definition of child welfare services was expanded to include a broader range of services. Federal funding for child welfare services increased, and states were required to match federal grants with state funds.

The original Social Security Act also created the Aid to Dependent Children (ADC) program, in order to help states provide financial assistance to needy, dependent children.

In 1959, Mass and Engler's study on the emotional problems of children

Protecting Children

Moving from foster home to foster home
creates emotional problems for children
1959

moved from foster home to foster
home laid the foundation for several
studies on foster care drift. These
studies reawakened child welfare
advocates to the need for
permanency for children.

During the 1960s, federal policy makers became increasingly aware that

many needy children were being
denied ADC benefits. Specifically,
under "suitable home" or
"maning-the-house" policies,
welfare agencies in many states
denied aid payments to children of

Protecting Children

Social Security Act Amendments
1960-1961

unwed mothers and other parents whose behavior was deemed immoral. In most
instances, the children received no follow-up services, despite their established
need for financial assistance.

In 1960, in what became known as the “Louisiana Incident,” Louisiana expelled 23,000 children from its welfare rolls because it was determined that their mothers had borne a child outside of marriage. Although similar actions had occurred in other states, the Louisiana Incident prompted the Department of Health, Education and Welfare (DHEW), to implement the Flemming Rule. This rule declared that states could not simply ignore the needs of children living in households deemed to be unsuitable. Instead, the ruling required states to either: 1) provide appropriate services to make the home suitable; or 2) move the child to a suitable placement while continuing to provide financial support on behalf of the child.

In 1961, amendments to the Social Security Act established in statute the Flemming Rule. These amendments created the Foster Care component of Aid to Dependent Children. Under ADC-Foster Care, states received federal matching funds for foster care payments made on behalf of children who were removed from unsuitable homes. However, federal reimbursement was limited only to cases in which the child would have received ADC payments had they remained at home. The present-day link between eligibility for federal foster care reimbursement and eligibility for AFDC has its roots in these amendments.

The 1962, Public Welfare Amendments to the Social Security Act further

Protecting Children

Public Welfare amendments
1962 - 1967

emphasized the importance of delivering child welfare services to children whose homes were deemed unsuitable. The amendments also required state agencies to report to the court system families whose

children were identified as candidates for removal. Together, these provisions resulted in a growing number of children entering out-of-home placements in the mid-to-late 1960s.

In 1967, Congress again amended the Social Security Act. In addition to other AFDC-related changes, these amendments made AFDC-Foster Care mandatory for all states.

In 1974, Congress enacted the first major federal legislation specifically addressing child abuse and neglect. In exchange for federal funding for child abuse prevention and treatment, CAPTA required states to establish child abuse reporting procedures and investigation systems.

Along with the expansion of the foster care program, states' implementation of mandatory reporting laws in response to CAPTA resulted in rapid growth in the number of children who were

Protecting Children

Child Abuse and Treatment Act (CAPTA)
1974

removed from their homes and placed in foster care.

CAPTA was the foundation for child welfare laws in the state of Utah. In anticipation of CAPTA, the state Legislature enacted child welfare legislation in 1973 that began shaping the standard for child welfare work in Utah as we know it today.

The Federal Government saw other problems in relationship to child welfare

Protecting Children

Indian Child Welfare Act
1978

across the Nation. In response to concern about the high number of Native American children being removed from their families and placed outside of Native American

communities, Congress enacted the Indian Child Welfare Act of 1978. Under ICWA, all child welfare court proceedings involving Native American children can be heard in tribal courts. Tribes' also retain the right to intervene in state court proceedings. ICWA also established specific guidelines for family reunification and placement of Native American children. Finally, ICWA established the Indian Child Welfare Act grant program. These grants (totaling about \$11 million annually) may be used for a broad array of child welfare services for Native American children.

A summary of ICWA can be found on page 30 of you Participant Workbook.

During the 1980s, as the number of children entering care significantly

Protecting Children

The Adoption Assistance and
Child Welfare Act
1980

increased, so too, did their length of stay in care. Lawmakers became increasingly concerned that many children were being removed from their homes unnecessarily, and that, once they entered foster care,

inadequate efforts were made to either reunify them with their biological families

or place them with adoptive families. Concerns were also raised about the lack of oversight within the foster care system.

To address these concerns, Congress enacted the Adoption Assistance and Child Welfare Act of 1980. The modern child welfare system is founded on this landmark legislation which, for the first time, established a major federal role in the administration and oversight of child welfare services. This act did five specific things.

1. Established the first federal procedural rules governing child welfare case management, permanency planning, and foster care placement reviews.
2. Required states to develop a state plan detailing how child welfare services will be delivered.
3. Required states to make “reasonable efforts” to keep families together, by providing both prevention and family reunification services.
4. Created an adoption assistance program.
5. Created the first significant role for the court system, by requiring courts to review child welfare cases on a regular basis.

Knowing that child welfare procedures and regular court involvement in child welfare cases began in 1980 helps us see how new the legal process is in child welfare. As a result of this legislation, both the number of children in foster care and their average length of stay decreased for a brief period in the early 1980s.

In 1986, out of concern that adolescents who aged-out of the foster care

Protecting Children

Consolidated Omnibus Budget
Reconciliation Act
1986

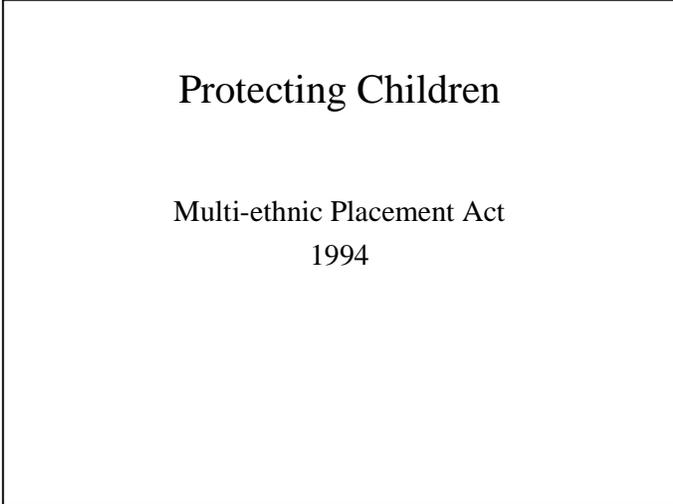
system were not equipped to live on their own, Congress authorized the Independent Living Program. The new program was authorized under the Consolidated Omnibus Budget Reconciliation Act and provided

funding for states to help older foster youth make the transition from foster care to independence.

Despite some improvements in foster care trends in the early 1980s, by the mid-1980s the number of children in foster care began to rise dramatically again. For example, between 1986 and 1995, the number of children in foster care increased from 280,000 to nearly 500,000, a 44 percent increase. In 1993, out of concern that states were focusing too little attention on efforts to prevent foster care placement and reunify children with their families, Congress established the Family Preservation and Family Support Services Program, as part of the Consolidated Omnibus Budget Reconciliation Act (Public Law 103-66). This program provided flexible funding for community-based services to prevent child

abuse and neglect from occurring and help families whose children were at risk of being removed.

Enacted in 1994, the Multi-ethnic Placement Act, or MEPA, prohibited states from delaying or denying adoption and foster care placements on the basis of race or ethnicity. However, MEPA did allow *consideration* of race and ethnicity in making placement decisions.



MEPA also required states to recruit prospective adoptive and foster care families from different racial and ethnic backgrounds to reflect the diversity of children needing placement.

In 1996, MEPA was amended by the Inter-Ethnic Placement Provisions, or

Protecting Children

Inter-ethnic Placement Act (IEPA)
1996

IEPA. Among other things, these amendments repealed the MEPA provision that permitted *routine* consideration of race and ethnicity. Race and ethnicity could not be a condition of placement, though

considerations of the child and family's culture were encouraged. It also clarified that the placement considerations were not only for foster placements, but for adoptions as well.

A summary of MEPA and IEPA can be found on page 32 of your Participant Workbook.

The Adoption and Safe Families Act of 1997 made the most significant changes to the child welfare provisions since they had been established in 1980. ASFA principally addressed three general

Protecting Children

Adoption and Safe Families Act (ASFA)
1997

perceptions about the current child welfare system:

1. Children continued to remain too long in foster care.
2. The child welfare system was biased toward family preservation at the expense of children's safety and well-being.
3. Inadequate attention and resources were devoted to adoption as a permanent placement option for abused and neglected children.

The key provisions of ASFA were designed to:

1. Ensure that child safety, permanency, and well-being are of paramount concern in any child welfare decision.
2. Encourage states to expedite permanency decisions for children in foster care.
3. Promote and increase the number of adoptions, particularly through a new adoption incentive payment program.
4. Establish performance standards and a state accountability system, whereby states face financial penalties for failure to demonstrate improvements in child outcomes.
5. Encourage states to test innovative approaches to delivering child welfare services, by expanding the existing waiver program.

ASFA is still a significant Bill in child welfare today. It guides our timelines, permanency goals and concurrent planning, and establishes reasonable efforts.

A summary of ASFA can be found on page 34 of your Participant
Workbook.

The Foster Care Independence Act of 1999 replaced the Independent Living

Protecting Children

Foster Care Independence Act
1999

Program with the John H. Chafee
Foster Care Independence Program.
In addition to increasing funding,
the Chafee program expanded the
existing independent living program
to include services for both

adolescents making the transition from foster care to self-sufficiency *and* former
foster youth up to age 21. Authorized services included:

- Financial and housing assistance; and
- Counseling and other support services needed to help foster youth
successfully transition to independence.

In addition, Chafee gave states the option to provide continuing Medicaid coverage
to certain former foster youth. Although the program targeted emancipated and
emancipating foster youth, Chafee was specifically designed as a *service* option for
states, rather than a permanency option for foster youth.

The Strengthening Abuse and Neglect Courts Act of 2000 was enacted to

Protecting Children

Strengthening Abuse and Neglect Courts Act
2000

help courts to achieve two primary
goals:

1. Reduce the backlog of abuse
and neglect cases; and
2. Expedite the flow of

individual cases through the court

system by automating case-tracking and data-collection systems.

This Act provides relatively small grants to courts to fund projects that target these goals.

You have been able to follow along with the development of the historical steps leading to child welfare development. On the next page of your Participant Workbook you will see a timeline to summarize and clarify the flow of these steps.

Legal History and Child Welfare A Timeline

Event or Law	Date
Private agencies begin placing orphans into foster homes	1850's
Mary Ellen Wheeler case that created the Society for the Prevention of Cruelty to Children (SPCC)	1875
First laws passed to prevent child abuse	1900's
Social Security Act passed -Child welfare grants -ADC	1935
Moving from foster home to foster home creates emotional problems for children	1959
Social Security Act Amendments -ADC-Foster Care -The Flemming Rule	1960 - 1961
Public Welfare Amendments to the Social Security Act	1962
Child Abuse Prevention and Treatment Act (CAPTA)	1974
Indian Child Welfare Act (ICWA)	1978
The Adoption Assistance and Child Welfare Act (Title IV-E of the Social Security Act)	1980
Consolidated Omnibus Budget Reconciliation Act (Independent Living Programs)	1986
Multi-Ethnic Placement Act (MEPA)	1994
Inter-Ethnic Placement Act (IEPA)	1996
Adoption and Safe Families Act (ASFA)	1997
Foster Care Independence Act	1999
Strengthening Abuse and Neglect Courts Act	2000

Way to go, you have now finished the first section of the training.

Complete the following three quiz questions.

Quiz questions

1. The earliest known case of child abuse and removal resulted in the creation of:
 - a. The Society for the Prevention of Cruelty to Animals
 - b. The Child Welfare League
 - c. Orphanages
 - d. The Society for the Prevention of Cruelty to Children

2. The first major law to be passed that created and provided funding for child welfare was the _____ of 1935.

3. In 1997 the _____ was passed to address issues of permanency for children in foster care.
 - a. Multi-ethnic Placement Act
 - b. Adoption and Safe Families Act
 - c. Indian Child Welfare Act
 - d. Inter-ethnic Placement Act

Check back to make sure your responses are correct. You will take the complete quiz at the end of Section 5 of the training.

These questions cover only a few of the important historical steps that have occurred over the past 150 years as child welfare developed.

You may now go to the training website menu and select Section 2, an overview of the legal terms heard in child welfare work (or come back to it later when you have time). Be sure and print out the Participant Workbook for Section 2 before starting the training.

A Summary of ICWA Indian Child Welfare Act

Purpose

1. To preserve and strengthen Indian families and Indian culture. It is through the children that the elders' teachings, values, languages, unique practices, and traditions are passed on and preserved.
2. ICWA establishes "minimum federal standards for the removal of Indian children from their families and placement in foster or adoptive homes which will reflect the unique values of Indian culture."

Key Points

1. ICWA applies to "child custody proceedings" in state courts, including: foster care placements; termination of parental rights; pre-adoptive placements and adoptive placements.
2. ICWA applies to any child who is unmarried and under 18, and is either a member of an Indian tribe or is eligible for membership in an Indian tribe and is the primary child of a member of an Indian tribe.
3. Child and Family Services must send notice to the tribe(s), the parents and the Indian custodian whenever a child custody proceeding is initiated because, from an Indian perspective, a child is a sacred and precious resource that belongs to the entire tribe.
4. The state must follow priorities in the placement of Indian children:
 - a. extended family members
 - b. members of his or her tribe
 - c. Indian families generally
5. Child and Family Services shall offer the provisions of services of a remedial nature designed to rehabilitate and prevent the breakup of Indian families.

Steps to take in an ICWA Case

1. Inquire if the child has Native American/Alaskan Native heritage.
 - a. Ask the parents
 - b. Ask the child
 - c. Ask the referent
 - d. Ask friends and neighbors
2. If the answer is yes, inquire about tribal affiliation
3. Contact the state office ICWA specialist
4. Contact the AAG
5. Contact the tribe and notify the appropriate tribe that you have child(ren) in protective custody
6. Work with the tribe
7. Notify tribe of all court hearings and actions
8. Respect tribal right to intervene at any point

Resources

<http://www.dcfhs.utah.gov/icwa.htm>

http://www4.law.cornell.edu/uscode/html/uscode25/usc_sup_01_25_10_21.html

<http://www.nicwa.org/>

<http://www.abanet.org/genpractice/compleat/f95child.html>

<http://www.casenet.org/program-services/tribal/act-amend.htm>

**A Summary of MEPA and IEPA
The Multi-Ethnic Placement Act of 1994
The Inter-Ethnic Adoption Provisions Act of 1996**

Purpose

1. To decrease the length of time that children wait to be adopted.
2. To facilitate the recruitment and retention of foster and adoptive parents who can meet the distinctive needs of children awaiting placement.
3. To eliminate discrimination on the basis of the race, color, or national origin of the child or the prospective parent.
4. Prohibits states from delaying or denying a child's foster care or adoptive placement on the basis of the child's or the prospective parent's race, color, or national origin.
5. Prohibits states from denying to any individual the opportunity to become a foster or adoptive parent on the basis of the prospective parents or the child's race, color, or national origin.
6. Requires that states diligently recruit foster and adoptive parents who reflect the racial and ethnic diversity of the children in the state who need foster and adoptive homes.

Key Points

1. Placements in foster or adoptive homes cannot be denied or delayed based on race, color or national origin of either the child or the foster parent.
2. Reunification must be pursued regardless of a parent or child's race, color or national origin.

3. Termination of parental rights may not be based on race, color or national origin.
4. Concurrent planning, what to do and who will do it, may not be based on race, color or national origin.
5. Consideration in making placement decisions "must be tailored to meeting the child's needs and interests." They must be made on an individualized basis for an individual child. Factors may include:
 - a) Child's needs: such as education, medical, mental health
 - b) What makes the child comfortable: such as traditions, linguistics, religious beliefs
 - c) Child's wishes
 - d) Child's willingness to accept a family
 - e) Child's age or factors that should be considered for the child's age
6. Agencies cannot deny to any person the opportunity to become an adoptive or foster parent, on the basis of race, color, or national origin of the person.
7. ICWA takes priority over MEPA and IEPA.

Web resources:

www.acf.hhs.gov/programs/cb/publications/mepa94

<http://adoption.about.com/cs/wantingtoadopt/g/multiethplac.htm>

A Summary of ASFA Adoption and Safe Families Act

Purpose

1. To promote safety and permanency for children with an emphasis on adoption.
2. Reasonable efforts must be made to preserve families before children can be placed in out-of-home care.
3. Reasonable efforts must be made to reunify families and make it possible for children to return home safely.

Key Points

1. A Permanency hearing must be held within 12 months of a child's entry into care.
2. Identifies circumstances under which reasonable efforts to reunify are not required.
3. Allows for the following Permanency plans:
 - Return to parent (reunification for Utah)
 - Adoption (relative or non-relative)
 - Legal Guardianship (relative or non-relative)
 - Another planned permanent living arrangement (Individualized Permanency for Utah which requires documentation to the court annually of compelling reasons why individualized permanency is the most appropriate goal as well as why none of the other goals are appropriate).

4. If a child has been in care for 15 of the most recent 22 months, the parent's rights must be terminated unless the child is being cared for by a relative or there are compelling reasons not to do so.
5. Foster parents or relative caring for a child must be given notice of court and a right to be heard at reviews.
6. Focuses on the adoptability of all children and provided incentive payments to states to encourage the adoption of children out of foster care.
7. States are permitted to place children in a home willing to adopt or in other permanent placements concurrently with efforts to reunify a child with their family.
8. Reasonable efforts must be made to:
 - Prevent placement
 - Reunify families
 - Find permanent homes within designated timeframes

Web Resources:

<http://www.acf.hhs.gov/programs/cb/laws/pi/pi9802.htm>

http://www.acf.hhs.gov/programs/cb/laws/public_law/pl105_89.htm

<http://www.casenet.org/library/adoption/asfa-has-made-a-difference.htm>

<http://library.adoption.com/Resources-and-Information/Summary-of-The-Adoption-And-Safe-Families-Act-of-1997/article/3522/1.html>

<http://www.calib.com/nccanch>