

Social Security Act (SSA) and Federal Child Welfare Law Amendments

Many federal laws governing the child welfare system are amendments to the federal Social Security Act (SSA) of 1935. The Social Security Act is very large and complex; it is divided into Titles and sections.

Title IV-E

Title IV Section E is one of the major areas of the SSA that applies directly to child welfare. This section is referred to as “Title IV-E.” Title IV-E is a very complex federal entitlement program; the information presented here provides a general overview of Title IV-E.

Purpose

Title IV-E includes Federal Foster Care Program Funds which provide reimbursement of Minnesota’s costs to maintain children in out-of-home placement. Title IV-E addresses three major concerns:

1. Children were too frequently removed from their families without good reason or adequate placement prevention efforts.
2. Agency efforts to reunite children with their families were not being made; many children suffered permanent loss of all family contact.
3. Children spent years in foster care without a real sense of family or permanency.

Primary Goal

The primary goal of Title IV-E is to improve the quality of state foster care and adoption programs throughout the nation. Broad-spectrum achievement of the goal increases child safety, permanency and well-being.

1. Compliance is monitored through federal Title IV-E Foster Care Eligibility Reviews, Federal Child and Family Service Reviews (CFSR), and other analysis processes.
2. Minnesota DHS aids in monitoring compliance by providing comprehensive training, technical assistance, consultation, and county-level CFSRs.

Program Areas

There are four major program areas within Title IV-E:

1. Foster Care Maintenance Payments: received by counties and Minnesota’s American Indian Child Welfare Initiative (AICWI) Tribes
2. Adoption Assistance Payments: received by Minnesota DHS
3. Foster Care Administrative and Training Funds: received by counties, tribes, children’s mental health and family services collaboratives, and Minnesota DHS
4. Adoption Assistance Administrative and Training Funds: received by counties, Minnesota’s AICWI Tribes and Minnesota DHS.

Table of Federal Child Welfare Laws with Major Provisions Amending the Social Security Act

Year	Name of Federal Law / Act	Major Provisions
1980	Adoption Assistance and Child Welfare Act (AACWA)	<ul style="list-style-type: none"> ▪ Establishes “reasonable efforts” to prevent child removal and to reunify children and families as soon as possible ▪ Requires children be placed in the least restrictive setting possible ▪ Requires court or agency reviews of child’s placement status every six months
1993	Family Preservation and Support Services Program Act	<ul style="list-style-type: none"> ▪ Broadens definition of “family” to include people with service needs regardless of family configuration ▪ Provides preservation and support services to assist families in crisis and strengthen stability of families
1994	Multi-Ethnic Placement Act (MEPA)	<ul style="list-style-type: none"> ▪ Prohibits delaying, denying or discriminating when making licensing or placement decisions based on the parent or child’s race, color or national origin ▪ Requires recruitment of foster and adoptive families that reflect ethnic and racial diversity of children needing placement ▪ Makes failure to comply a Civil Rights Act violation
1996	Inter-Ethnic Provisions Act (IEPA)	<ul style="list-style-type: none"> ▪ Strengthens and enhances MEPA

Year	Name of Federal Law / Act	Major Provisions
1997	Adoption and Safe Families Act (ASFA)	<ul style="list-style-type: none"> ▪ Increases state accountability; establishes safety, permanency and well-being outcome measures to monitor and improve state performance for children in their homes or in foster care • Federal and State CFSR’s focus on three primary goals of child safety, permanency and well-being; goal progress is measured by assessing specific outcomes: <ul style="list-style-type: none"> ○ Child Safety: 1) Children are, first and foremost, protected from abuse and neglect; and 2) Children are safely maintained in their homes whenever possible and appropriate ○ Child Permanency: 1) Children have permanency and stability in their living situation; and 2) The continuity of family relationships and connections is preserved for children ○ Child Well-being: 1) Families have enhanced capacity to provide for their children’s needs; 2) Children receive appropriate services to meet their educational needs; and 3) Children receive adequate services to meet their physical and mental health needs ▪ Adds “safety of the child” to every step of the case plan and review process ▪ Promotes adoptions ▪ Clarifies reasonable efforts through emphasis on child health and safety ▪ Requires shorter time limits for permanent placement decisions: <ul style="list-style-type: none"> • Permanency hearings held no later than 12 months after entering care • Termination of parental rights (TPR) proceedings when children have been in care 15 of the previous 22 months unless the child is in relative care or the TPR is not in the child’s best interests
2001	Promoting Safe and Stable Families Amendments	<ul style="list-style-type: none"> ▪ Authorizes Chafee funds for education and training, including post-secondary training and education, to youth who have aged out of foster care

2006	Safe and Timely Interstate Placement of Foster Children Act	<ul style="list-style-type: none"> ▪ Increases required frequency of caseworker visits for children in out-of-state foster care placements ▪ Requires child health and education records be supplied to foster parents at the time of placement ▪ Provides for the right of the relative caregiver, foster parent, and pre-adoptive parent to be heard in certain court proceedings for the child in their care
2006	Child and Family Services Improvement Act	<ul style="list-style-type: none"> ▪ Requires states to describe standards for content and frequency of caseworker visits for children in foster care that, at a minimum, ensure: <ul style="list-style-type: none"> • Monthly face-to-face visits with children • Visits are well-planned and focused on case planning and service delivery issues to ensure child safety, permanency and well-being
2008	Fostering Connections to Success and Increasing Adoptions Act	<ul style="list-style-type: none"> ▪ Requires child welfare agency workers to: <ul style="list-style-type: none"> • Exercise due diligence to identify and notify all adult relatives of options to become child placement resources within 30 days of the child’s removal • Ensure that each child receiving Title IV-E funding be a full-time student, or be incapable of attending school due to a documented medical condition • Make reasonable efforts to place siblings in the same foster care, adoptive or guardianship placement, or facilitate visitation or ongoing contacts with those that can’t be placed together, unless it is contrary to the safety or well-being of any of the siblings to do so ▪ Improves State/Tribal incentives to promote adoption and provides support to some relative caregivers ▪ Provides for direct Title IV-E funding to Indian Tribes who apply to the Secretary ▪ Adds a new definition of “child”: <ul style="list-style-type: none"> • An individual who has not yet turned 18 years old; or, at State/Tribal option • A child in foster care, kinship guardianship, or adopted who has not turned 19, 20, or 21 years old when the youth meets conditions for continued payments