

# Bulletin

March 15, 2007

Minnesota Department of Human Services ■ P.O. Box 64943 ■ St. Paul, MN 55164-0943

**OF INTEREST TO**

- County Directors
- Social Services Supervisors and Staff
- Corrections
- Tribal Social Services Agencies

**ACTION**

For your information.

**EXPIRATION DATE**

January, 2009

## Overview of the Adam Walsh Act and the Child and Family Services Improvement Act

**TOPIC**

The Bulletin summarizes the Adam Walsh Child Protection and Safety Act of 2006 and the Child and Family Services Improvement Act of 2006. These new laws impact foster care practice.

**PURPOSE**

To inform counties and tribes of the new federal laws and provide an overview of the basic provisions of these laws.

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**SIGNED**

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CHARLES E. JOHNSON  
Assistant Commissioner  
Children and Family Services

### **Adam Walsh Act (Public Law 109-248)**

The Adam Walsh Child Protection and Safety Act became law on July 27, 2006.

This Act:

- Amended the Title IV-E background study requirements.
- Made information in the National Crime Information Databases (NCID) available to government agencies when investigating abuse and neglect.
- Requires fingerprint-based checks from the NCID for child welfare agencies for certain purposes.
- Requires the U.S. Department of Health and Human Services to establish a national registry of substantiated cases of child abuse and neglect.

### **The Title IV-E Background Check Amendments**

This law amends the Social Security Act, section 471(a)(20), regarding the requirements for foster and adoptive parents' background studies. The law requires:

- Procedures for conducting fingerprint-based background studies of the NCID for all prospective foster and adoptive parents.
- Background checks for prospective foster and adoptive parents must include a check of any child abuse and neglect registry in each state where the prospective parent(s) and any other adult(s) living in the home have lived in the preceding five years. This check must be made regardless of whether Title IV-E maintenance payments or Adoption Assistance payments are made on behalf of the child.
- Safeguards to be in place to prevent unauthorized disclosure of child abuse and neglect information for the state registry.
- Sharing of information from the registry be limited to the purposes stated in the law and compliance with child abuse and neglect registry checks made by other states.

States were required to comply with the criminal record check requirements on October 1, 2006, unless state legislation is required before changes can be made to a Title IV-E state plan. If legislation is required, the timeframe is linked to the legislative session. The Department has recommended legislative changes in state statute to comply with these requirements.

This law requires the U.S. Department of Health and Human Services to create an electronic national registry of substantiated cases of child abuse and neglect. The national registry will have case-specific identifying information that is limited to the name of the perpetrator and the nature of the substantiated case(s) of child abuse and neglect.

### **The Child and Family Services Improvement Act of 2006 (Public Law 109-288)**

The Child and Family Services Improvement Act of 2006 was passed by Congress and signed by the president on September 28, 2006. In general, provisions of the Act took effect on October 1, 2006.

This legislation amended Title IV-E, part B of the Social Security Act that reauthorized various child welfare programs; directed that some of the authorized funding be used to support monthly caseworker visits with foster children; and funded services for children affected by methamphetamine or other substance abuse. The legislation also reauthorized and continued funding for both the Promoting Safe and Stable Families Program and the Court Improvement Act until 2011.

The new law recognizes that children in foster care achieve better outcomes when they were visited more frequently by their caseworkers. The law requires that states set standards for the content and frequency of caseworker visits, which “at a minimum, ensures that children are visited on a monthly basis, and that the caseworker visits are well-planned and focused on issues pertinent to case planning and service delivery to ensure the safety, permanency, and well-being of children.”

States are now required to submit data on the frequency and location of caseworker visits, as well as the state’s ability to verify the frequency of visits. The law now requires that monthly visits occur in 90 percent of foster care cases, and authorizes the allotment of financial supports (\$200 million over five years) to the states to improve monthly caseworker visits.

Additionally, the new legislation includes:

- Requirements that states must now have a description, instead of an assurance, of how they actively consult with and involve physicians, or other appropriate medical professionals, in assessing the health and well-being of children in foster care, and determining appropriate medical treatment.
- Requirements for foster care proceedings to include an age-appropriate consultation with the child that is the subject of the proceeding: procedural safeguards shall be applied to assure that in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to independent living, the court or administrative body conducting the hearing consults in an age-appropriate manner with the child regarding their proposed permanency or transition plan.
- Requirements that states must have a disaster response plan in place by September 28, 2007, to:
  - a. Identify, locate, and continue availability of services for children under state care or supervision who are displaced or adversely affected by a disaster,

- b. Respond as appropriate to new child welfare cases in areas adversely affected by a disaster and provide services in those cases,
- c. Remain in communication with caseworkers and other essential child welfare personnel who are displaced because of a disaster,
- d. Preserve essential program records,
- e. Coordinate services and share information with other states.

**Special Needs**

This information is available in other forms to persons with disabilities by contacting us at (651) 431-4660 (voice), or through the Minnesota Relay Service at (800) 627-3529 (TDD), 7-1-1 or (877) 627-3848 (speech-to-speech relay service).