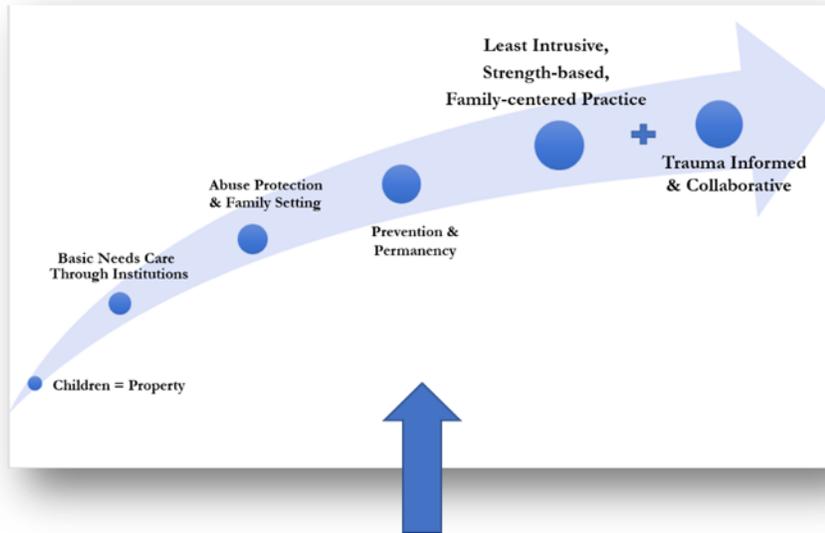


The Child Welfare Evolution



A Unified Approach

- For the first time, the federal government took responsibility for the application of our society's child welfare values in the form of universally applicable federal legislation.
- Through amendments to the Social Security Act, in 1962, the United States government required each state to develop a plan to assign child welfare services to subdivisions throughout their respective states.
- The Title XX amendment to the Social Security Act made protective services mandatory, and by 1978, protective services were provided by all 50 states.
- The roots of family preservation reform were a result of the convergence of values in the early 1970s. The 1970s has often been referred to as the decade of the child rights movement.
 - The American Civil Liberties Union began publishing the "Children's Rights Report."
 - The Children's Defense Fund was established to champion the rights of children.

- Many articles began to appear in child welfare journals discussing children's rights, and children's rights issues were more frequently being addressed in state legislatures.
 - The conceptualization of the child's fundamental right to a permanent and stable home emerged and fostered the permanency planning movement.
 - The results of longitudinal research had illuminated the serious negative consequences to children of lengthy and impermanent foster care placements. [Fanshel & Shinn 1978].
- The common practice of placing children in one or more "temporary" placements, often from months to years in duration with no expedient plan for a permanent family placement, was referred to as "foster care drift." The child in impermanent placement had lost sight of the point of origin and could not be certain of the ultimate destination.
 - Initially, permanency planning was to provide permanent families for children in long-term foster care, either by reuniting them with their biological families, or by placing them with adoptive families.
 - However, many of these children had been in foster care for extended periods of time, and their parents' legal rights had been permanently terminated.
 - Many of these children had "special needs" because of behavior problems, developmental disabilities, mental health problems, and other characteristics that made adoption more difficult.
- In 1974, the federal government passed the Child Abuse Prevention and Treatment Act (CAPTA), which outlined federal mandates for prevention, assessment, investigation, prosecution, and treatment for child abuse and neglect. CAPTA continues to be reauthorized, most recently in 2016.
 - CAPTA required minimal for defining abuse and neglect.
 - Ohio followed those requirements in the Ohio Revised Code (ORC) as follows:
 - Abuse:
 - “No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age, shall create a substantial risk to the

health or safety of the child, by violating a duty of care, protection, or support.”

<http://codes.ohio.gov/orc/2919.22>

- Adequate parental care “means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.”

<http://codes.ohio.gov/orc/2151>

- Neglected Child (including medical neglect):

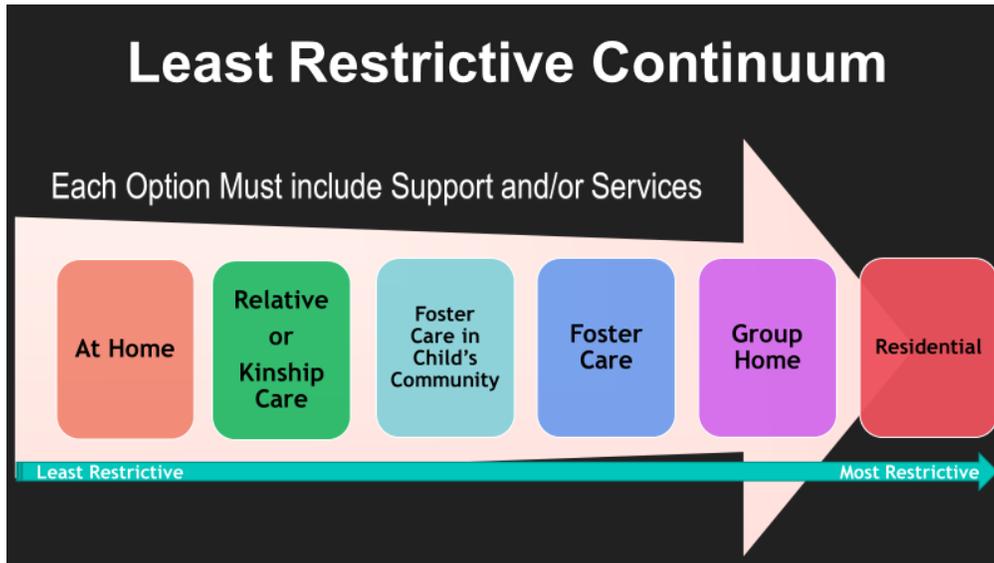
- Abandoned by the child's parents, guardian, or custodian
 - Lacks adequate parental care because of the faults or habits of the child's parents, guardian, or custodian
 - Parents, guardian, or custodian neglects the child or refuses to provide proper or necessary subsistence, education, medical or surgical care or treatment, or other care necessary for the child's health, morals, or well being
 - Parents, guardian, or custodian neglects the child or refuses to provide the special care made necessary by the child's mental condition
 - Because of the omission of the child's parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare
- <http://codes.ohio.gov/orc/2151.03v1>

- CAPTA also mandates:

- Requirements for child protection agencies to uphold clients’ Constitutional Rights and that caseworkers receive training on protecting parents’ rights.
- Requirements for caseworkers to notify the adult subject of the investigation of the allegations of abuse or neglect (in general terms) made against them upon first contact with that person.
- A mandate for the federal government to support research, evaluation, technical assistance, and data collection activities for child welfare.

- The permanency planning movement evolved to include for the development of strategies and technologies to promote and maintain the adoption of children with complex needs.
- Later, the scope of permanency planning was expanded to assure permanence for children in their own homes as well, by preventing placement.
- Promoting permanence for Native American children in their own homes and communities was the purpose of the Indian Child Welfare Act (ICWA)(P.L. 95-608), enacted by the U.S. Congress in 1978. (Most recently updated in OAC (Ohio Administrative Code) rule in February of 2018.)
 - It had become evident that many child welfare interventions in Native American communities were actually eroding Indian families.
 - Prior to the passage of ICWA, approximately 25% of all Indian children had been removed from their families, and of those, 85% had been placed in non-Indian homes and settings, including boarding schools [Byler 1977].
 - The Indian Child Welfare Act assigned full responsibility and jurisdiction to tribal governments for child welfare and adoption decisions for children of Native American descent. This assured that child welfare interventions remained consistent with the Native American tradition of the tribal community retaining responsibility for the care of its own children.
- Casework strategies to assure permanence for children were formalized into law in the United States in P.L. 96-272, the Adoption Assistance and Child Welfare Act of 1980. This legislation was designed to reduce the incidence and length of foster care placement by mandating that child welfare agencies:
 - Provide in-home family supportive services to prevent separation of children from their families.
 - Make timely and "reasonable" efforts to reunify children in placement with their primary families.
 - Or to place children into other permanent placements, with relatives or adoptive families, as quickly as possible.
 - Permanency planning evolved to include the provision of services during all phases of child welfare practice that addressed children's need for a stable, permanent home.
 - Permanency planning was a major impetus to develop more intensive, home-based, and family-centered child welfare services.
 - Required a statewide data collection system, which became SACWIS (Statewide Automated Child Welfare Information System) in Ohio.

- Required least restrictive and closest to home placement setting.



- Requiring 6-month reviews by court or agency for any child in a nonpermanent setting, with most emphasis placed on children returning home as soon as possible.
- Required courts to determine the child's future status, whether a return to parents, adoption, or continued foster care, within 18 months of initial placement into foster care.