



S. 1927 CAPTA Reauthorization Top Ten Reform Proposals

United Family Advocates is a bipartisan coalition of child and family advocates who seek policy solutions to create a more compassionate and effective child welfare system focused on strengthening rather than separating families. Our recommendations for S. 1927, CAPTA Reauthorization Act of 2021, are as follows:

Stop Unnecessary and Traumatic Family Separations, Including Separations Based on Poverty Rather than Neglect:

- P. 61, line 4: “(iv) procedures for immediate steps to be taken to ensure and protect the safety of a victim of child abuse or neglect and of any other child under the same care who may also be in danger of child abuse or neglect and ensuring their placement in a safe environment, which may include placements with kinship caregivers, insuring that reports concerning a child’s living arrangements or subsistence needs are addressed through services or benefits and that no child is separated from his parent for reasons of poverty, and providing that no child shall be separated from a parent unless there is imminent risk of serious harm that cannot be alleviated through the provision of services or benefits.”

Ensure Family Care Plans are Family-Led and Exclude CPS Involvement in the Absence of an Identified Safety Threat

- P. 131, line 5: “(3) the State’s policies and procedures to ensure the development of a multi-disciplinary family care plan, which shall be designed by the family in collaboration with health care and/or other community-based providers, and shall not involve child protection staff in the absence of a documented safety threat to the infant, for the infant born with, and identified as being affected by, substance use disorder, and such infant’s affected family member or caregiver, to ensure the safety and well-being of such infant following release from the care of health care providers, including by—”

Require Data on Hidden Foster Care, Including “Safety Plans” that Compel Family Separation

- P. 78 “(iii) the number that were removed from their families during the year by disposition of the case, including the number of children removed from the care of their parent or legal guardian by a safety plan or other voluntary agreement recommended by the agency in the absence of a judicial order.”

Ensure that States Protect Innocent Parents and Caregivers from Wrongful Inclusion on Central Registries of Child Abuse and Neglect

- p. 43, line 9 “procedures for appealing and responding to appeals of substantiated reports of child abuse or neglect, which shall include an assurance that the child abuse and neglect registry of such State provides for registry of reasonable duration in relation to the specific allegation against the person named and provides procedural due process protections prior to placement on a registry, including: timely written notice; the opportunity for an evidentiary hearing before a neutral arbiter; a swift, fair and efficient appeals process; and free legal representation to indigent accused.”

Enhance Training for Mandated Reporters

- P. 48, line 2 “and basis for reporting suspected incidents of child abuse and neglect, including alternatives to reporting for families needing concrete supports and/or services, as well as the potential adverse consequences to a child and family of an unnecessary child protective services investigation.”
- P. 85, line 3 “including changes in the rates of overrepresentation of children or youth in the child protective services system by race or ethnicity and efforts to reduce bias and unwarranted reports by mandated reporters.”

Limit Law Enforcement Authority to Separate Families

- P. 63, line 2 “assessment, prosecution, and treatment of child abuse and neglect, and provisions clarifying that State law enforcement official shall not have the authority to remove a child from a parent or guardian’s care in the absence of a judicial order or exigent circumstances.”

Preventing Misdiagnosis of Neglect or Abuse.

- P. 14 at line 19, insert a comma after “neglect” and add the following language: including medical conditions that mimic child maltreatment or are frequently misdiagnosed as child maltreatment and protocols for obtaining second opinions from physicians, other than child abuse pediatricians, who are board certified in a relevant field or specialty to diagnose and treat such conditions.

Helplines Should be Separate from Abuse and Neglect Reporting Hotlines.

- On P. 15, delete parenthetical at lines 5 - 8 and replace with the following language: which are operated by an entity other than the state’s child protective services agency that is equipped to refer families to appropriate community-based services capable of assisting the family with meeting basic needs or addressing other risk factors.

Protections for Non-abusing Caregivers Who are Victims of Domestic Violence.

- On P. 17 insert a comma at line 7 after “services” and add the following language: which emphasize the harm to children when they are separated from the non-abusing parent and prioritize services and supports that keep children and their non-abusing parent together.

Clarify that a Notification for a Family Care Plan Fulfills the Mandated Reporting Requirement.

- On P. 132 at line 11, insert the following after “neglect”: **Such plan shall include provisions that relieve mandatory reporters who refer a family to the lead agency responsible for developing and implementing family care plans of any duty to notify the state’s child protection agency in the absence of additional concerns of abuse or neglect.**

In addition to the above recommendations, United Family Advocates supports provisions included in S. 1927 that require early appointment of legal counsel for parents and children involved with child protective services. Thank you for the opportunity to provide feedback. If you have any questions, please feel free to reach out to us.

Sincerely,

Kathleen Creamer, J.D.
Managing Attorney
Community Legal Services of Philadelphia
Co-Chair, United Family Advocates
kcreamerc@clsphila.org

Andrew C. Brown, J.D.
Distinguished Senior Fellow of Child & Family Policy
Texas Public Policy Foundation
Co-Chair, United Family Advocates
abrown@texaspolicy.com