

The Child Welfare Oversight and Accountability Act

Introduced by Senate Finance Committee Chairman Orrin Hatch and Ranking Member Ron Wyden

Every year about 1,600 children die from abuse and/or neglect in the United States. In many cases, the deaths of these children could have been prevented if child welfare professionals knew about the dangers children faced. Sometimes those professionals don't have all of the training or tools they need to protect children who are in harm's way. Moreover, child welfare accountability and oversight at all levels of government is lacking. This bill would improve the state and federal governments' ability to monitor child welfare practices and keep vulnerable children safe.

Specifically, the Child Welfare Oversight and Accountability Act:

Creates more accountability for foster care providers:

- Requires states to maintain a public website containing all agreements and contracts with private foster care providers including whether the providers are for-profit or non-profit.
- Requires states to assess and publicly report to the Department of Health and Human Services individual foster care providers' performance outcomes on measures such as child fatalities, maltreatment rates and average number of placements.

Enhances federal oversight of state child welfare systems:

- Establishes a new penalty process for states that are out of compliance with federal child welfare program benchmarks and requires reinvestment of penalty dollars into the areas most in need of improvement.
- Specifies that children in foster care, or formerly in foster care, have an explicit right to seek appropriate relief (i.e., file a civil suit in court) if a state fails to meet the case plan and case review requirements established under federal law.

Promotes family placements:

- Eliminates an outdated funding formula so that states may receive federal support on behalf of all children in eligible kinship guardianship placements, not just those removed from very poor families.
- Provides new flexibility so that relative guardians do not need to go through the same licensing process as non-relative foster families.

Improves caseworker training, support and workload standards:

- Simplifies the process for states to claim federal support for new caseworker training costs and expands the types of caseworker training that are eligible for federal support.
- Requires states to create guidelines for the maximum size of child welfare caseloads and caseworker to supervisor ratios.

Increases understanding of child fatalities to improve prevention:

- Requires each state to conduct an annual review of all child maltreatment fatalities and develop related recommendations so that child outcomes and fatalities can be better monitored, studied, and prevented.
- Requires the creation of a unified definition of a "child maltreatment fatality" so that states are reporting consistent and comparable data for the purposes of the annual reviews and recommendations.