

### Three Branch States Well-Being Legislative Enactments, 2008-2013

The legislation below represents state legislation related to the well-being of children in foster care in the participating Three Branch states. The legislation is divided into the following categories: Behavioral and Mental Health, Physical Health, Psychotropic Medications, Substance Abuse, Child Well-Being Finance, Cross Agency Collaborations, and Education. For information related to the well-being of children in foster care in all fifty states, please see the corresponding 50 state chart and NCSL's 2013 publication, *Educating Children in Foster Care: State Legislation, 2008-2012*.

State	Citation	Behavioral and Mental Health Legislative Enactments
CT	<i>2013 Conn. Acts, SB 972 P.A. 178</i>	Requires the development of a plan for meeting children's mental, emotional and behavioral health needs; requires the inclusion of certain strategies, including school and community-based mental health services integration and early intervention enhancement; provides for collaboration with emergency mobile psychiatric service providers, training of school resource officers, mental health providers, pediatricians and child care providers, home visitation, and a study on nutrition and psychotropic drugs.
NM	<i>2011 N.M. Laws, HB 196, Chap. 98</i>	Creates the Uniform Child Witness Protective Measures Act to give judges authority to allow a child to testify other than in an open courtroom to protect a child witness from the emotional trauma that may be associated with giving testimony. If a judge determines in a criminal case that an alleged child victim would suffer serious emotional trauma that would substantially impair the ability to communicate or, in a noncriminal case, that it would be in the best interests of the child, the child may testify in an alternative manner, and the testimony may be taken by alternative means, such as videotaping.
VA	<i>2011 Va. Acts, HB 1984, Chap. 9</i>	Establishes that, in cases where a child cannot be returned to his or her family or cannot be placed for adoption or where kinship care is not in the best interests of the child, the Department of Social Services shall consider other placements and services that afford the best alternative for protecting the child's welfare. These include family foster care; treatment foster care and residential services; and services such as wraparound, respite, mentoring, adoption support and crisis stabilization that may be in the best interests of the child.
WI	<i>2010 Wis. Laws, AB 823, Act 336</i>	Requires that all foster parents complete training regarding the care and support needs of children who are placed in foster care or treatment foster care. The training shall be completed on an ongoing basis and include parenting skills, the teaching and encouragement of independent living skills, and issues that may confront foster parents of children with special needs.
WV	<i>2010 W.V. Acts, HB 4164, Chap. 20</i>	Establishes a pilot program (to be known as Jacob's Law) for the placement of children ages 4 to 10 in foster care to provide children in crisis with early intervention, assistance with emotional needs, medical evaluations and independent advocates. Requires foster family training and education. The law also requires immediate evaluation and testing following removal from a home.

State	Citation	Physical Health Legislative Enactments
CT	<i>2013 Conn. Acts, SB 833 P.A. 228</i>	Extends to the Department of Children and Families (DCF) or any agency or person to whom DCF has granted temporary care and custody of a child or youth on the basis of a court order of temporary custody (OTC), the following rights regarding that child or youth: 1. the obligation of care and control; 2. the authority to make decisions regarding emergency medical, psychological, psychiatric, or surgical treatment; and 3. other rights and duties that the court orders.
KS	<i>2012 Kan. Sess. Laws, HB 2631, Chap.</i>	Relates to dental care availability and access, provides that the practice of dental hygiene may be performed with consent of the parent or legal guardian, on children participating in residential and nonresidential centers for therapeutic services or receiving family preservation services, on all children in foster care homes, runaway youth programs and homeless shelters as well as on children in schools. Relates to Health.
KS	<i>2008 Kan. Sess. Laws, HB 2214, Chap. 134</i>	Amends the Dental Practices Act to expand the practice of dental hygiene to include service to (1) children receiving services in residential or nonresidential centers for therapeutic services, (2) children in families receiving family preservation services, (3) children in the custody of the Secretary of Social and Rehabilitation Services or the Commissioner of the Juvenile Justice Authority and in out-of-home placement in foster care homes and (4) children being served by runaway youth programs and homeless shelters.

State	Citation	Psychotropic Medication Legislative Enactments
IL	<i>2011 Ill. Laws, HB 286, P.A. 245</i>	Creates the Administration of Psychotropic Medications to Children Act. Requires the Department of Children and Family Services to promulgate rules establishing and maintaining standards and procedures to govern the administration of psychotropic medications to children and youth in state care. Such rules shall include administration to youth in correctional facilities, residential facilities, group homes and psychiatric hospitals.

State	Citation	Substance Abuse Legislative Enactments
NM	<i>2009 N.M. Laws, HB 117, Chap. 2009-259</i>	Provides that exposing a child to methamphetamine use is prima facie evidence of child abuse.
VA	<i>2012 Va. Acts, SB 299</i>	Provides that a local board or child-placing agency may approve as a kinship foster care parent an applicant convicted of drugs or arson under certain circumstances.

State	Citation	Trauma –Informed Care Legislative Enactments
NM	<i>2011 N.M. Laws, HB 196, Chap. 98</i>	Creates the Uniform Child Witness Protective Measures Act to give judges authority to allow a child to testify other than in an open courtroom to protect a child witness from the emotional trauma that may be associated with giving testimony. If a judge determines in a criminal case that an alleged child victim would suffer serious emotional trauma that would substantially impair the ability to communicate or, in a noncriminal case, that it would be in the best interests of the child, the child may testify in an alternative manner, and the testimony may be taken by alternative means, such as videotaping.

State	Citation	Well-Being Finance Legislative Enactments
CT	<i>2009 Conn. Acts, HB 6476, P.A. 166</i>	Required the General Assembly's Program Review and Investigations Committee to begin a pilot project study that assessed selected human services programs using the Results Based Accountability (RBA) framework. RBA is a policy-making method that begins with the identification of societal goals and then moves on to analyze the specific means of achieving those goals. These societal goals (sometimes called results) tend to be broadly-defined and not specific to particular programs (for example, healthy children or safe cities). These results concern entire populations, which may be defined as broadly as all the state's residents, or restricted to a group such as children with learning disabilities. Programs are evaluated based on how much, and how efficiently, they contribute to achieving the societal goal identified.
IL	<i>2010 Ill. Laws, SB 3420, P.A. 1127</i>	Allows the appropriation of funds paid to the state by the federal government under titles XIX and XXI of the Social Security Act for child welfare services delivered by community mental health providers that were certified and paid as Medicaid providers by the Department of Children and Family Services (DCFS) for child welfare services related to Medicaid-eligible clients and families served, consistent with the purposes of the DCFS.
WV	<i>2010 W.V. Acts, SB 636, Chap. 25</i>	Creates a commission to study the residential placement of children who are in need of or at risk of needing social, emotional and behavioral health services. The law finds that the existing categorical structure of government programs and their funding streams discourage collaboration, resulting in duplication of efforts and a waste of limited resources. It establishes a mechanism to achieve systemic reform by which all the state's child-serving agencies involved in the residential placement of at-risk youth jointly and continually study and improve the current system and make recommendations to their respective agencies and to the Legislature regarding funding and statutory, regulatory and policy changes.

State	Citation	Cross-Agency Collaboration Legislative Enactments
CT	<i>2009 Conn. Acts, SB 877 P.A. 205</i>	Implements the recommendations of the Program Review and Investigations Committee concerning the Department of Children and Families by improving the Department's monitoring and evaluation system. Requires that the Department of Children and Families develop a single, comprehensive strategic plan for meeting the needs of children and families served by the Department and identify agency goals and indicators of progress in achieving such goals.
KS	<i>2008 KS Sess. Laws, SB 118, Chap.57</i>	Removes barriers so that a presiding judge for a case under the Code for Care of Children is allowed to read reports regarding the evaluation of the development or needs of the child.
VA	<i>2008 Va. Acts., SB 472, Chap. 873</i>	Eliminates the interdepartmental regulation of children's residential facilities and group homes, and provides that the Departments of Mental Health, Mental Retardation and Substance Abuse Services, Social Services, and Juvenile Justice shall regulate and license children's residential facilities and group homes for which they are the primary licensing agency. Each licensing agency shall conduct background checks of persons working or volunteering at facilities. Requires the Department of Education to be solely responsible for licensure of educational programs in children's residential facilities and group homes.

State	Citation	Education Legislative Enactments
CT	<i>2010 Conn. Acts, SB 31, P.A. 160</i>	Establishes that whenever a child is placed in out-of-home care by the Department of Children and Families, he or she may continue to attend his or her school of origin. Additionally, if it is determined to be in a child's best interests to remain in his or her school of origin, the department and the Board of Education must collaborate on a transportation plan for the child from the town in which he or she is placed to the school of origin.
IL	<i>2012 Ill. Laws, SB 2818, P.A. 799</i>	Changes the class of those who qualify for scholarships and fee waivers granted by the Department of Children and Family Services to include youth under care, youth who aged out of care at age 18 or older, or youth formerly under care who have been adopted or are in a guardianship placement. The qualifying students must have earned a high school diploma from a public school district or a recognized nonpublic school or a certificate of general education development (GED), or who have met the state criteria for high school graduation.
IL	<i>2009 Ill. Laws, HB 4054, P.A. 581</i>	Requires development of transition plans to help youth successfully enter adulthood. The transition plans must cover specific options for the youth, including education; the plans must be personalized at the direction of the youth; and they must include as much detail as the youth wants.
NM	<i>2009 N.M. Laws, SB 248, Chap. 239</i>	Requires development of transition plans to help youth successfully enter adulthood. The transition plans must cover specific options for the youth, including education; the plans must be personalized at the direction of the youth; and they must include as much detail as the youth wants.
VA	<i>2011 Va. Acts, SB 1038, Chap. 154</i>	Allows a child placed in foster care to remain at his or her original school, if it is determined to be in his or her best interests. Requires that determination of the school placement be made in writing by the placing social services agency and the local school division together, and adds school placement to the foster care plan.
VA	<i>2012 Va. Acts, SB 204, Chap. 711</i>	Clarifies that the agreement about where a child placed in foster care will attend school does not need to be made before placing the child in foster care. The local social services agency making such placement shall, in writing, determine jointly with the local school division whether it is in the child's best interests to remain enrolled at the school in which he was enrolled prior to the most recent foster care placement.
VA	<i>2013 Va. Acts, SB 960, Chap. 779</i>	Relates to public schools; relates to residency of children in kinship care; allows a child receiving kinship care from an adult relative to enroll in the school division where the kinship care provider resides; allows local school divisions to require one legal parent and the kinship care provider to sign affidavits detailing the kinship care arrangement as well as a power of attorney authorizing the adult relative to make educational decisions regarding the child.
WI	<i>2009 Wis. Laws, SB 347, Act 79</i>	Requires development of transition plans to help youth successfully enter adulthood. The transition plans must cover specific options for the youth, including education; the plans must be personalized at the direction of the youth; and they must include as much detail as the youth wants.