

## Substance Abuse and Child Welfare Programs in States and Resources

[A Collaborative Approach to the Treatment of Pregnant Women with Opioid Use Disorders](#), National Center on Substance Abuse and Child Welfare (NCSACW), Substance Abuse and Mental Health Services Administration (SAMHSA) and the Children's Bureau

### New Federal Legislation:

- The Child Abuse Prevention and Treatment Act (CAPTA), amended by the Comprehensive Addiction and Recovery Act (CARA) in 2016. See Administration of Children and Families, [Information Memo 16-05](#).
- CAPTA:
  - Requires states to have policies and procedures for hospitals to notify CPS of all children born who are affected by illegal substance use or withdrawal symptoms resulting from prenatal drug exposure or indications of Fetal Alcohol Spectrum Disorder
  - Requires CPS agencies to develop a plan of safe care for every such infant referred to their agency and address the health and substance use disorder treatment needs of the infant.
- CARA:
  - Removed the word illegal so CAPTA applies to all substance abuse
  - Requires the plan of safe care to also address the treatment needs of affected family or caregivers
  - Requires states to report in the National Child Abuse and Neglect Data System (NCANDS), to the extent possible:
    - The number of infants identified as substance exposed
    - Number of infants with a plan of safe care
    - Number of infants who received service referrals, including services to parents or caregivers.
  - Requires states to develop a monitoring system to determine whether and how the local entities are providing referrals to and delivery of appropriate services for the infant and affected family or caregiver.
  - Requires all children who are younger than three years who are substantiated victims of child maltreatment are referred to early intervention agencies that provide developmental disabilities services
- Children's Bureau, Regional Partnership Grants to Increase the Well-Being of and to Improve the Permanency Outcomes for Children Affected by Substance Abuse
  - [First Report to Congress](#) (Pg. 18 for look at grantees and program details)
  - [Second Report to Congress](#) (Pg. 23 for a look at the grantees and program details)
  - [Third Report to Congress](#) (Pg. 23 for look at the round three recipient programs)

### State/Local Programs

- [Connecticut Family Stability Pay for Success Project](#): in short, pay for success is a public-private partnership strategy that ties payment for social programs to the achievement of measurable results. The project will support new treatment teams delivering Family-Based Recovery to families struggling with substance use disorders.
  - [Governor's Press Release](#), Feb. 2016
- Kentucky [Sobriety Treatment and Recovery Teams](#) (START)
- Ohio 2014 [Child Welfare Opiate Engagement Project](#)

- Ohio, [The Opiate MBR: Strengthening Ohio's Fight Against Drug Abuse](#)
- Ohio, [Sobriety, Treatment and Reducing Trauma \(START\)](#) pilot program: Pilot program: collaboration between child protective services, peer mentors, the courts, and behavioral health and treatment providers to work with families whose children have been abused or neglected due to parental addiction.
  - Funded through a Victims of Crime Act grant and Casey Family Programs
- Vermont's [Child and Recovering Mothers \(CHARM\) Collaborative](#): multidisciplinary group of agencies across Vermont serving women with opiate addiction and their infants. The Collaborative includes child welfare, medical, and addiction professionals in coordination of efforts and treatment.
- West Virginia, [Lily's Place](#)
  - [Lily's Place Continuing to Care for Addicted Babies](#), March 3, 2016

### Specialty Courts:

- Early Childhood Courts and Family Dependency Treatment Courts: [Zero to Three](#) has some further information.
  - [Quality Improvement Center for Research-Based Infant-Toddler Court Teams](#): Connecticut, Florida, Hawaii, Iowa, Mississippi, North Carolina.
- Family Drug Courts
  - Jackson County, Oregon [Community Family Court](#)
  - Baltimore City, Maryland [Family Recovery Program](#)
  - National Center on Substance Abuse and Child Welfare, [Family Treatment Drug Courts](#)
    - [NCSACW, Guidance to States](#)

### State Committees/Task Forces/Working Groups:

- Indiana [Governor's Task Force on Drug Enforcement, Treatment & Prevention Final Report](#)
- Maine, [Maine Opioid Collaborative Report](#)
- Maryland Senate [Special Committee on Substance Abuse](#)
- Maryland House [Special Committee on Drug & Alcohol Abuse](#)
- Massachusetts's Opioid Addiction Working Group
  - [Action Plan](#)
  - [Recommendations](#)
- New York Office of Children and Family Services, [Opiate Abuse Resources and Services](#)
- New York [Senate Task Force on Heroin](#)
- Rhode Island [Overdose Prevention and Intervention Task Force](#)
- Wisconsin
  - [Task Force Membership List](#)
  - [Wisconsin Opioid Task Force Website](#)
- New York, [New York Heroin and Opioid Task Force Website](#)
- Colorado, [Colorado Prescription Drug Consortium](#)

### State Legislation:

- Source: [Parental Drug Use as Child Abuse](#), Child Welfare Information Gateway
  - 19 States and D.C. have assessment or reporting procedures for infants who show evidence of pre-natal alcohol or drug exposure.
  - 14 States and D.C. include prenatal substance exposure in their definition of child abuse or neglect.

- Other 50-State Compilations:
  - [Mother/Babies Testing Positive for Drugs at Birth](#), National Center for Prosecution of Child Abuse, National District Attorney Association
  - [NDAA Drug-Endangered Children Compilation](#), National Center for Prosecution of Child Abuse, National District Attorney Association
- 2017 Legislation: this information was compiled by NCSL staff using StateNet, a bill tracking service of Lexis Nexis.
  - **Plans of Safe Care**
    - **Florida 2017 Senate Bill 1400 (Pending):** 39.6001 Safe care plans for substance exposed newborns. --The department, in partnership with the Department of Health, the Agency for Health Care Administration, other state agencies, and community partners, shall develop a strategy for coordinated services to ensure the safety and well-being of newborns with prenatal substance exposure by creating, implementing, and monitoring safe care plans. A safe care plan is a written plan for a newborn with prenatal substance abuse exposure following the newborn's release from the care of a health care provider. The plan must address the health and substance abuse disorder treatment needs of the newborn through infancy and the affected family or caregiver. The department shall monitor such plans to ensure appropriate referrals are made and services are delivered to the newborn and the affected family or caregiver. Also establishes a share family care residential services pilot program to serve substance exposed newborns and their families.
    - **Virginia 2017 Senate Bill 1086 (Enacted):** amends the definition of reason to suspect that a child is abused or neglected to include times within which a health care provider may make a diagnosis of substance exposure. Requires the local department to conduct a family assessment and develop a plan of safe care in accordance with federal law when a report or complaint is made that there is reason to suspect that a child is abused or neglected due to pre-natal substance exposure as defined. Details exceptions to the family assessment. Requires the family assessment to determine whether the mother of a child who was exposed in utero to a controlled substance sought substance abuse counseling or treatment prior to the child's birth.
  - **Definitions of Child Abuse/Neglect**
    - **Illinois 2017 Senate Bill 1870 (Pending):** Amends the Abused and Neglected Child Reporting Act and the Juvenile Court Act; expands the definition of neglected child under both Acts to include a child whose umbilical cord tissue contains any amount of a controlled substance as defined in a specified provision of the Controlled Substances Act or a metabolite thereof.
    - **Illinois 2017 House Bill 3473 (Pending):** Amends the Abused and Neglected Child Reporting Act and the Juvenile Court Act; expands the definition of neglected child under both Acts to include a child whose umbilical cord tissue contains any amount of a controlled substance as defined in a specified provision of the Controlled Substances Act or a metabolite thereof.
    - **Louisiana 2017 House Bill 479 (Prefiled):** Proposed law revises the definition of "prenatal neglect" to mean exposure to chronic or severe use of alcohol or the unlawful use of any controlled dangerous substance, as defined by present law, or in a manner not lawfully prescribed, which results in symptoms of withdrawal in the newborn, observable and harmful effects in the physical appearance or

functioning of the newborn, or the presence of a controlled substance or a metabolic thereof in the newborn's body, blood, urine, or meconium that is not the result of medical treatment, as indicated by the treating physician.

- **Massachusetts 2017 House Bill 1963 (Pending):** Relates to the definitions of child abuse and child neglect in Department of Children and Families regulations.
- **Missouri 2017 House Bill 1176 (Pending):** Expands child neglect to include a child that is born with a controlled substance in the child's fluids because the pregnant mother knowingly used a controlled substance before birth.
- **New Jersey 2017 Senate Bill 198 (Pending):** Expands definitions of "abused child" or "abused or neglected child" to include prenatal exposure of child to controlled substances.
- **New Jersey 2017 Assembly Bill 2118 (Pending):** Expands definitions of abused child or abused or neglected child to include prenatal exposure of child to controlled substances.
- **New York 2017 Assembly Bill 1172 (Pending):** Broadens the scope of child abuse and neglected child to include proof of a positive controlled substance toxicology report on a newborn infant; presence of such controlled substances establishes a rebuttable presumption that the release of the infant to the parent presents an imminent danger to the child's health or life.
- **Virginia 2017 House Bill 1786 (Enacted):** requires local departments of social services to collect information during a family assessment to determine whether the mother of a child who was exposed in utero to a controlled substance sought substance abuse counseling or treatment prior to the child's birth. Amends the definition of reason to suspect that a child is abused or neglected to include children affected by substance abuse resulting from in utero drug exposure and to remove language about prescriptions made by a doctor to a mother.
- ***Designating Drug Exposed Children and CHINS/CHINA***
  - **Iowa 2017 House Bill 259 (Pending):** Relates to adjudicating newborns testing positive for drugs at birth as a child in need of assistance or as part of a family in need of assistance
  - **Iowa 2017 House Bill 208 (Pending):** amends the definition of child abuse to clarify the term "in the presence of the child"
  - **Iowa 2017 House Bill 209 (Pending):** Relates to the presence of a child near certain dangerous substances for purposes of declaring a child a child in need of assistance and establishing the existence of child abuse.
  - **Iowa 2017 House Bill 276 (Pending):** Relates to child in need of assistance and child abuse cases involving certain drugs and other substances
  - **Iowa 2017 Senate Bill 242 (Pending):** Relates to child in need of assistance and child abuse cases involving certain drugs and other substances
  - **Iowa 2017 House Bill 543 (Pending):** Relates to child in need of assistance and child abuse cases involving certain drugs and other substances
- ***Cross-System Collaboration/Communication, Task Forces***
  - **Indiana 2017 House Bill 1282 (Pending):** Relates to social work and substance abuse prevention; requires the office of the secretary of family and social services to implement an evidence based model of social work and substance abuse prevention that includes partnering with elementary and high schools to

provide social and emotional support services to children, parents, caregivers, teachers, and the community; requires the office of the secretary to contract with an entity to implement the evidence based model.

- **Indiana 2017 Senate Bill 469 (Pending)**: Relates to social work and substance abuse prevention; requires the office of the secretary of family and social services to implement an evidence based model of social work and substance abuse prevention that includes partnering with elementary and high schools to provide social and emotional support services to children, parents, caregivers, teachers, and the community.
- **Montana 2017 HJR 6 (Pending)**: Concerns the interim study on the effects of methamphetamine use on state and local services; relates to alcohol and drugs; relates to courts; relates to law enforcement; relates to interim studies legislature; relates to social services.
- **New Jersey 2017 Senate Bill 443 (Pending)**: Requires the Division of Mental Health and Addiction Services in the Department of Human Services to ensure the prompt availability of appropriate mental health and substance abuse treatment services for a parent of a child who is receiving services from the Division of Child Protection and Permanency who has been referred to mental health or substance abuse treatment by the child's case worker, and a parent who is required by a family court to demonstrate that he or she is receiving treatment.
- **Pennsylvania 2017 House Bill 235 (Pending)**: Establishes a task force on the opioid abuse epidemic's impact on children and provides for powers and duties of the task force.
- ***Expectant Mothers and Babies***
  - **Indiana 2017 Senate Bill 446 (Pending)**: Establishes an opioid addiction recovery pilot program to assist expectant mothers with an opioid addiction by providing treatment in a residential care facility and home visitation services following discharge from the residential care facility; provides that the program is administered by the Department of Health; provides that the program shall include three facilities and that medication assisted treatment may be used when appropriate; makes an appropriation.
  - **New York 2017 Senate Bill 2815 (Pending)**: Directs the commissioner of health to establish at least 4 infant recovery centers in areas of need for infants suffering from drug withdrawal as a result of in utero exposure.
- ***Reporting of Substance Exposed Infants***
  - **Maryland 2017 SB 27 (Failed)**: FOR the purpose of repealing certain provisions exempting a health care practitioner from the requirement of making a certain report regarding a substance-exposed newborn under certain circumstances; making this Act an emergency measure; and generally relating to substance-exposed newborns.
  - **Minnesota 2017 House Bill 316 (Pending)**: Relates to children; requires reports of maltreatment; establishes a crime of chemical endangerment of unborn children.
  - **Minnesota 2017 Senate Bill 1724 (Pending)**: recodifies the Maltreatment of Minors Act

- **South Carolina 2017 House Bill 3823 (Pending):** Relates to mandated reporting of suspected child abuse or neglect; requires reporting when an infant or fetus is exposed to alcohol or controlled substances.
    - **South Carolina 2017 Senate Bill 447 (Pending):** Relates to mandated reporting of suspected child abuse or neglect; requires reporting when an infant or fetus is exposed to alcohol or controlled substances.
  - ***Criminal Penalties for Child Endangerment***
    - **Missouri 2017 House Bill 252 (Pending):** Provides that a person commits the offense of endangering the welfare of a child in the first degree if she knowingly uses a narcotic drug without a prescription while pregnant.
    - **Mississippi 2017 Senate Bill 2093 (Failed):** Provides that felonious child abuse is committed when a child tests positive at birth for certain controlled substances that were not prescribed by a physician; provides for mandatory reporting of child abuse and immunity for reporting such abuse.
    - **Mississippi 2017 Senate Bill 2577 (Failed):** Creates the offense of chemical endangerment of a child or fetus; prescribes punishment therefor; mandates that prosecutors offer substance abuse treatment programs as an alternative to prosecution.
    - **New Jersey 2017 Assembly Bill 3571 (Pending):** Provides that unlawful use, manufacture, or distribution of controlled dangerous substance by parent or caregiver in presence of child constitutes crime of endangering welfare of that child.
    - **New Jersey 2017 Senate Bill 2068 (Pending):** Provides that unlawful use, manufacture, or distribution of controlled dangerous substance by parent or caregiver in presence of child constitutes crime of endangering welfare of that child.
    - **New York 2017 Assembly Bill 3218 (Pending):** Establishes crime of endangering the welfare of a child by exposing them to controlled substances.
    - **North Carolina 2017 House Bill 506 (Pending):** Creates the felony offense of chemical endangerment of a child.
    - **Texas 2017 Senate Bill 1182 (Pending):** Relates to the prosecution, punishment, and certain civil consequences of conduct causing the birth of a child born addicted to a controlled substance; creates an offense.
    - **Wyoming 2017 House Bill 215 (Failed-Adjourned):** Relates to crimes and offenses; creates the crimes of drug induced infant homicide and drug induced infant abuse; amends definition of abuse for provisions related to child protective services as specified; provides enhanced penalties in cases where a person delivers controlled substances to a pregnant woman; provides for presumptions and affirmative defenses; provides penalties; provides for an effective date.
- ***Funding***
  - **New Jersey 2017 Senate Resolution 76 (Pending):** Urges Congress to allocate additional funding to understand, prevent, and treat neonatal abstinence syndrome.
- ***Establishment/Support of Specialty Courts***
  - **Hawaii 2017 House Bill 581 (Pending):** Supports the Hawaii zero to three court to provide funding for program manager and case manager positions, transportation for parents to visit children, emergency housing assistance,

parent coaching, visitation enhancement, continued implementation of an incentive program similar to the successful model utilized in family drug court, and continued training and professional development for court team members and community partners.

- **Hawaii 2017 House Bill 499 (Pending):** Supports the Hawaii zero to three court through program manager and case manager positions, transportation for parents to visit children, emergency housing assistance, parent coaching, visitation enhancement, continued implementation of an incentive program similar to the successful model utilized in family drug court, and continued training and professional development of court team members and community partners.
- **North Carolina 2017 Senate Bill 550 (Pending):** Establishes judicially managed accountability and recovery courts throughout the state to provide case management and continuity of care for those enrolled in the program.
- **Tennessee 2017 House Bill 862 (Pending):** Relates to Courts; relates to Juvenile; enacts the Tennessee Zero to Five Initiative to create five additional zero to five court programs throughout the state to be administered by the department of children's services.
- **Tennessee 2017 Senate Bill 887 (Pending):** Relates to Juvenile Courts; enacts the Zero to Five Initiative to create five additional zero to five court programs throughout the state to be administered by the department of children's services.
- **Texas 2017 House Bill 4041 (Pending):** Relates to establishing family drug courts in counties.
- **West Virginia 2017 Senate Bill 317 (Pending):** Authorizes family court judge to order substance abuse counseling of child in emergency situations.
- **Testing/Assessment/Investigation of Substance Exposed Newborns**
  - **New York 2017 SB 137 (Pending):** Directs child protective services to investigate and test a child under the age of 3 who was in the vicinity of a drug arrest of a parent, guardian or person legally responsible for the child.
  - **New York 2017 Senate Bill 520 (Pending):** Amends the Public Health Law; directs physicians to screen newborns for neonatal abstinence syndrome.
  - **New York 2017 Assembly Bill 3900 (Pending):** Directs child protective services to investigate and test, for the presence of controlled substances, a child under the age of 3 who was in the vicinity of a drug arrest of a parent, guardian or person legally responsible for the child; authorizes family courts to order the production of such a child for the purpose of conducting such testing; directs the office of children and family services to compile data on such testing, and to submit a report thereon to the governor and the legislature.
  - **New York 2017 Assembly Bill 5369 (Pending):** Relates to toxicology testing of newborns; directs the commissioner of health to establish a program for toxicology testing of newborns.
  - **North Dakota 2017 Senate Bill 2251 (Enacted):** allows for an alternative response assessment, a child protection response involving substance exposed newborns which is designed to provide referral services to and monitor support services for a person responsible for the child's welfare and the substance exposed newborn and develop a plan of safe care for the substance exposed newborn.

- ***Awareness education***
  - **Pennsylvania 2017 Senate Bill 535 (Pending)**: Amends the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study; provides for child opioid awareness education.