

21st Century Children and Families Act

Section by Section

November 4, 2021

Sec. 2(a) Non-discrimination

Would require non-discrimination in foster care services based on race, color, sex (including sexual orientation, gender identity, and gender expression), religion, or national origin for children and families in adoption and foster care.

Would require non-discrimination in foster care or adoptive placements based on race, color, sexual orientation, gender identity, gender expression, religion, or national origin for children and families in adoption and foster care.

Would clarify that service and placement decisions cannot be based solely on a protected characteristic but agencies may consider these characteristics among the factors used to determine the best interests of the child and the capacity of the prospective placement to affirm the cultural, ethnic, racial, or religious background of the child.

When a child or parent makes the request, would require the state agency to consider the cultural, ethnic, sexual orientation, gender identity, gender expression, racial background, and religion of the child and the capacity of the prospective placement to affirm the identities of the child.

Sec. 2(b) State Plan

Would require states to include data in state plans that demonstrates that the child welfare agency is addressing disproportionality in child welfare and disparities in access to services

Sec. 3 Modification of Parental Rights

Would extend ASFA timeline for modification of parental rights to 24 consecutive months when a child is not in the care of a relative.

Prior to modification or termination of parental rights, the state would be required to demonstrate by clear and convincing evidence that they provided the family services, supports, and time needed to address the reasons for foster care and provide compelling reasons why modification of parental rights is in the best interest of the child.

Would prevent a state from seeking modification or termination of parental rights when

- A parent is actively engaged in services;
- Based principally on incarceration of the parent; or
- Based principally on the detention of the parent by DHS.

Sec. 4 Legal Representation and Training

Would require state child welfare Court Improvement Programs to increase high quality legal representation at all stages of a child welfare case for all parties to a child welfare case.

Would require state child welfare Court Improvement Programs to train judicial officers and child welfare staff on race, culture, and equity.