How Did We Get Here?

*The Child Abuse Prevention and Treatment Act (CAPTA)*

Enacted 1974

**What is it?** The largest body of legislation regarding the fair, ethical, and legal treatment of children and is intended to keep them free from all abuse including physical, sexual, emotional, and psychological. Enforces mandatory reporting of child abuse of certain professionals and/or individuals.

**How does that affect CPS?** CAPTA is the governing agency for CPS. CAPTA provides financial assistance for the prevention, identification, and treatment of child abuse and neglect.

*Wetterling Act*

Enacted November 20, 1993

**What is it?** United States law that requires states to implement a registry of sex offenders and crimes against children. It after Jacob Wetterling, an 11-year-old from Minnesota who was abducted by a stranger in 1989 and was missing for almost 27 years until his remains were found in September 2016. The Wetterling Act required states to form registries of offenders convicted of sexually violent offenses or offenses against children. States must all verify addresses of sex offenders annually for at least ten years. Dissemination to the public was recommended, but not required.

**How does this affect CPS?** Must conduct checks on potential caretakers to ensure they are not on the registry.

*Megan’s Law*

Enacted 1994

**What is it?** A federal law that requires law enforcement authorities to make information available to the public regarding registered sex offenders. Prior to the death of Megan Kanka, registration was only required with local law enforcement. This law required state-level registration.

**How does this affect CPS?** Sex offender registries are public and free to use.

*Adam Walsh Child Protection & Safety Act.*

Enacted July 27, 2006

**What is it?** It organizes sex offenders into three tiers according to the crime committed and mandates that Tier 3 offenders (most serious) must update their whereabouts every three months with lifetime registration requirements. Also required searchable databases.

**How does this affect CPS?** Can’t be a foster parent if on the sex offender registry. Can’t be a caretaker to a child not related by blood or marriage.

*Heaven’s Law* (Only in Virginia)

Enacted December 3, 2018

**What is it?** Virginia Code requires social workers/CPS workers who are investigating child abuse cases to reach out to other states to uncover possible prior cases. This law came after Heaven Watkins, an 11-year-old from Norfolk was beaten to death by her caretakers; they had prior CPS history in Minnesota.

**How does that affect CPS?** The law requires all Child Protective Services to check with other states for charges of child abuse and/or neglect before placing a child with a prospective parent/caregiver. Additionally, CPS workers are to check other states if the family has lived outside of Virginia within the past five years for any abuse/neglect cases. If a family lived outside of Virginia, documentation must be made in the case file to show the worker was compliant.

*Erin’s Law* (Only passed in 38 states, Virginia is one)

Enacted March 29, 2018

**What is it?** Virginia Code requires age-appropriate teaching of students on the ways to identify child abuse, child sexual abuse, and abduction. Although many schools already taught about dating and domestic violence and sexual assault, prior to the bill, younger and more vulnerable children did not receive any education about matters relevant to them.

**How does that affect CPS?** In Virginia, schools arrange a program called “Hugs & Kisses” which teaches elementary aged children about good (safe) and bad (unsafe) touches. During these programs, a CPS worker is present in the event a child discloses abuse and/or neglect.