

Child Welfare Policy Manual

Questions & Answers

2.1F.1 CAPTA, Assurances and Requirements, Infants Affected by Substance Abuse, Plan of Safe Care

1. Question: Which agency is responsible for developing the plan of safe care and what is a plan of safe care, as required by section 106(b)(2)(B)(iii) of the Child Abuse Prevention and Treatment Act (CAPTA)?

Answer: The statute does not specify which agency or entity (such as hospitals or community-based organizations) must develop the plan of safe care; therefore, the State may determine which agency will develop it. The development of a plan of safe care for infants born and identified as being affected by substance abuse or withdrawal symptoms or Fetal Alcohol Spectrum Disorder must ensure the safety and well-being of infants following the release from the care of health care providers by:

- addressing the health and substance use disorder treatment needs of the infant and family; and
- monitoring these plans to determine whether and how local entities are making referrals and delivering appropriate services to the infant and affected family or caregiver (in accordance with state requirements).

The development of plans of safe care is required for infants affected by all substance abuse, not just illegal substance abuse.

There may be Federal confidentiality restrictions for the State to consider when implementing this CAPTA provision.

- **Source/Date:** updated 9/27/11, 10/11/16
- **Legal and Related References:** Child Abuse Prevention and Treatment Act (CAPTA), as amended (42 U.S.C. 5101 et seq.) § section 106(b)(2)(B)(iii).