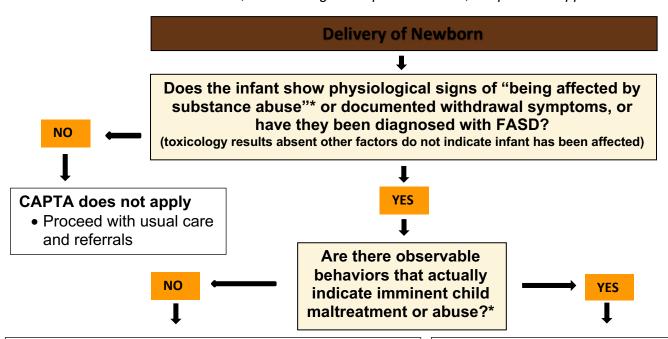


Child Abuse Prevention and Treatment Act (CAPTA) Requirements Related to Newborns "Affected By Substance Abuse"*

CAPTA is designed to track needs and facilitate provision of supports to families who need it. That is distinct from CPS reports, which instigate investigation, intervention, and potential separation of parents and newborns, and is designed to prevent abuse, not provide support.



CAPTA NOTIFICATION REQUIRED

CAPTA notification does not require a "report" to CPS, and should not include personally identifying information. Deidentified notification is required where:

 A newborn has withdrawal symptoms or is diagnosed with neonatal abstinence syndrome (NAS) as a result of exposure to opioids, whether prescribed or not, whether part of a treatment plan or not...

OR

- A newborn has been deemed by a health care provider to have Fetal Alcohol Spectrum Disorder (FASD).
 - OR
- an infant is "affected by substance abuse" in a manner evidenced by something more than exposure.*

Prenatal care provider or hospital should work with patient to develop a Plan of Safe Care for the infant and family/caregiver, as you would in any discharge planning.

Complete CAPTA Notification Form and fax to [your state's designated recipient]

CPS REPORT REQUIRED

- Provider has observed behaviors that indicate actual imminent child maltreatment or abuse or risk of abuse in accordance with your Mandated Reporter Protocol**.
- Reports, as opposed to *notifications* (see left), lead to CPS investigations and interventions.

In all cases, the prenatal care provider or hospital should work with the patient to develop a Plan of Safe Care for the infant and family/caregiver, as you would with any discharge planning.

A CPS-imposed "safety plan" is not the same as a Plan of Safe Care.***

*CAPTA uses the term "affected by substance abuse" but fails to define it. There is no list of identifiable physiological effects known to be caused by prenatal substance exposure to federally scheduled drugs other than withdrawal. A positive toxicology does not, and cannot, distinguish between substance use and drug dependency or drug dependency problems or provide any indication of parenting ability.

**Mandated reporting has never been shown to reduce the incidence of child abuse and has in fact been shown to increase harm to children and to families. See Harm Reduction Coalition and Academy of Perinatal Harm Reduction's "Pregnancy and Substance Use: A Harm Reduction Toolkit" for how to reduce harm in your practice.

***For more information about the actual impacts of CPS on families, see Movement for Family Power's report, "Whatever they do, I'm her comfort, I'm her protector: How the foster system has become ground zero for the U.S. Drug War." bit.ly/groundzeroreport