



NATIONAL CONFERENCE OF STATE LEGISLATURES

COVID-19 and Congregate Care Facilities A Resource Guide for State Legislators

Issue Summary: The health of children and youth in congregate care settings is among the many challenges child welfare systems are facing due to the COVID-19 pandemic. In stark contrast to orders from state and local officials to avoid close contact with others, residents of congregate care facilities live in close proximity with each other.

Guidance for Legislators: In response to the evolving COVID-19 crisis, some states have released guidance and directives to ensure children in congregate care placements remain safe and healthy. As always, we recommend talking with your state child welfare agency about how you can support their mission.

Summary of State and Federal Activity: Below are examples of how states and the federal government are addressing COVID-19's impact on congregate care in the child welfare system. **As of April 3, 2020, Vermont is the only state legislature to introduce or enact new legislation directly addressing these issues.** NCSL staff will update this information regularly, so check back often.

State Examples

Topics	Sources	Description
Hygiene	California Department of Social Services	The California Department of Social Services has released information and guidelines for children's residential facilities, including hygiene practices and who to contact if a case of COVID-19 is suspected within a facility.
Health care	Illinois Governor's Office	Illinois Executive Order 2020-10 specifies that, for purposes of the Executive Order, individuals may leave their residence to work for or obtain services at any Human Services Operations, including any provider funded by the Illinois Department of Human Services, Illinois Department of Children and Family Services, or Medicaid that is providing services to the public and including state-operated, institutional, or community-based settings providing human services to the public.
Hygiene, health care visitation, facility guidance	Massachusetts Department of Public Health	The Massachusetts Department of Public Health, along with other state agencies, has released guidance and directives for congregate care facilities to address visitation, staff, preventing the spread of COVID-19, and how to respond to outbreaks among residents.

Visitation	Michigan Governor's Office	Governor Gretchen Whitmer issued an executive order effective until 5:00 p.m. April 5, 2020, requiring congregate care facilities to prohibit certain visitors and to institute policy specific to COVID-19.
Visitation, facility guidance	New York Governor's Office	Governor Andrew Cuomo released guidance for residential centers under the Office of Children and Family Services specific to COVID-19 to screen visitors, staff and new residents.
Visitation, facility guidance	Washington Governor's Office	Washington Executive Order 20-31 waives and suspends statutes and rules that require fingerprint-based background checks before a person may be approved to have unsupervised access to children during the COVID-19 pandemic, including foster and adoptive parents and group care staff.
Waivers, health care visitation	Washington State Department of Children, Youth, and Families	The Washington State Department of Children, Youth, and Families has released an update for foster care licensing, including group homes, advising facilities on staffing, healthcare, preventing the spread of COVID-19, and visitation.
Hygiene, health care Visitation	Wisconsin Department of Children and Families	The Wisconsin Department of Children and Families released recommendations to prevent the spread of COVID-19 in congregate care facilities. The recommendations also address how to respond to outbreaks in congregate care facilities.
Health care visitation	Vermont Legislature	Vermont House Bill 742 (Enacted) During a declared state of emergency in Vermont, as a result of COVID-19, the Secretary of Human Services may waive or permit variances from foster care and residential program regulations.

Federal Resources

Topics	Sources	Description
Health care	NCSL	NCSL has released an overview of the Families First Coronavirus Response Act including the bill's provisions for workers and the public health.
Funding	Federal legislation	On March 19, 2020, the Congressional Caucus on Foster Youth requested an increase in funding and increased flexibility in how states use the funds. The Coronavirus Aid, Relief, and Economic Security Act was passed on March 27, 2020 and provides \$6.3 billion overall to the Administration for Children and Families including \$45 million in grants to states for child welfare services. See NCSL's overview of the legislation.