To amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2011

Mr. DAVIS of Kentucky (for himself and Mr. Doggett) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

Be it enacted by the Senate and House of Representa-
vies of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Child and Family Serv-
ices Extension and Enhancement Act”.

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SEC. 2. EXTENSION OF STEPHANIE TUBBS JONES CHILD WELFARE SERVICES PROGRAM.

(a) In General.—Section 425 of the Social Security Act (42 U.S.C. 625) is amended by striking “2007 through 2011” and inserting “2012 through 2016”.

(b) Modification of Certain State Plan Requirements.—

(1) Response to Emotional Trauma.—Section 422(b)(15)(A)(ii) of such Act (42 U.S.C. 622(b)(15)(A)(ii)) is amended by inserting “, including emotional trauma associated with a child’s maltreatment and removal from home” before the semicolon.

(2) Procedures on the Use of Psychotropic Medications.—Section 422(b)(15)(A)(v) of such Act (42 U.S.C. 622(b)(15)(A)(v)) is amended by inserting “, including protocols for the appropriate use and monitoring of psychotropic medications” before the semicolon.

(3) Description of Activities to Address Developmental Needs of Very Young Children.—Section 422(b) of such Act (42 U.S.C. 622(b)) is amended—

(A) by striking “and” at the end of paragraph (16);
(B) by striking the period at the end of paragraph (17) and inserting ‘‘; and’’; and

(C) by adding at the end the following:

“(18) include a description of the activities that the State has undertaken to reduce the length of time children who have not attained 5 years of age are without a permanent family placement, and the activities the State undertakes to address the developmental needs of such children who receive benefits or services under this part or part E.”.

(c) Child Visitation by Caseworkers.—Section 424 of such Act (42 U.S.C. 624) is amended by striking the 2nd subsection (e), as added by section 7(b) of the Child and Family Services Improvement Act of 2006, and inserting the following:

“(f)(1)(A) Each State shall take such steps as are necessary to ensure that the total number of visits made by caseworkers on a monthly basis to children in foster care under the responsibility of the State during a fiscal year is not less than 90 percent of the total number of such visits that would occur during the fiscal year if each such child were so visited once every month while in such care.

“(B) If the Secretary determines that a State has failed to comply with subparagraph (A) for a fiscal year,
then the percentage that would otherwise apply for purposes of subsection (a) for the fiscal year shall be reduced by—

“(i) 1, if the number of full percentage points by which the State fell short of the percentage specified in subparagraph (A) is less than 10;

“(ii) 3, if the number of full percentage points by which the State fell short, as described in clause (i), is not less than 10 and less than 20; or

“(iii) 5, if the number of full percentage points by which the State fell short, as described in clause (i), is not less than 20.

“(2)(A) Each State shall take such steps as are necessary to ensure that not less than 50 percent of the total number of visits made by caseworkers to children in foster care under the responsibility of the State during a fiscal year occur in the residence of the child involved.

“(B) If the Secretary determines that a State has failed to comply with subparagraph (A) for a fiscal year, then the percentage that would otherwise apply for purposes of subsection (a) for the fiscal year shall be reduced by—

“(i) 1, if the number of full percentage points by which the State fell short of the percentage specified in subparagraph (A) is less than 10;
“(ii) 3, if the number of full percentage points by which the State fell short, as described in clause (i), is not less than 10 and less than 20; or
“(iii) 5, if the number of full percentage points by which the State fell short, as described in clause (i), is not less than 20.”.

(d) TECHNICAL CORRECTION.—Section 423(b) of such Act (42 U.S.C. 623(b)) is amended by striking “per centum” each place it appears and inserting “percent”.

SEC. 3. EXTENSION OF PROGRAM TO PROMOTE SAFE AND STABLE FAMILIES.

(a) IN GENERAL.—Section 436 of the Social Security Act (42 U.S.C. 629f) is amended—

(1) in subsection (a), by striking all that follows “$345,000,000” and inserting “for each of fiscal years 2012 through 2016.”; and

(2) in subsection (b)—

(A) in paragraph (2), by striking “$30,000,000” and inserting “$20,000,000”; and

(B) in paragraph (4)(A), by striking “433(e)” and all that follows and inserting “433(e) $20,000,000 for each of fiscal years 2012 through 2016.”; and

(C) in paragraph (5), by striking “437(f)” and all that follows and inserting “437(f)
$20,000,000 for each of fiscal years 2012 through 2016”.

(b) Discretionary and Targeted Grants.—Section 437 of such Act (42 U.S.C. 629g) is amended in each of subsections (a) and (f)(3)(A) by striking “2007 through 2011” and inserting “2012 through 2016”.

(c) Entitlement Funding for State Courts to Assess and Improve Handling of Proceedings Relating to Foster Care and Adoption.—Section 438 of such Act (42 U.S.C. 629h) is amended—

(1) in subsection (a)(2)(A), by inserting “, including the requirements in the Act related to concurrent planning and the ability to bypass reunification efforts in certain egregious situations” before the semicolon;

(2) in each of subsections (c)(1)(A) and (d), by striking “2002 through 2011” and inserting “2012 through 2016”;

(3) in subsection (c)(2)(A)—

(A) by striking “2006 through 2011” and inserting “2012 through 2016”; and

(B) by striking “the amount made available under whichever of paragraph (1) or (2) of subsection (e) applies with respect to the grant” and inserting “the amount reserved pursuant to
section 436(b)(2) (and the amount, if any, reserved pursuant to section 437(b)(2))’’;

(4) in subsection (c)(2)(B), by striking “the amount made available under subsection (e) for such a grant” and inserting “the amount reserved pursuant to section 436(b)(2) (and the amount, if any, reserved pursuant to section 437(b)(2))”; and

(5) by striking subsection (e).

(d) Submission to Congress of State Summaries of Financial Data; Publication on HHS Web Site.—Section 432(c) of such Act (42 U.S.C. 629b(c)) is amended—

(1) by striking all that precedes “shall” and inserting the following:

“(c) Annual Submission of State Reports to Congress.—

“(1) In general.—The Secretary”; and

(2) by adding after and below the end the following:

“(2) Information to be included.—The compilation shall include the individual State reports and tables that synthesize State information into national totals for each element required to be included in the reports, including planned and actual spending by service category for the program authorized
under this subpart and planned spending by service
category for the program authorized under subpart
1.

“(3) Public accessibility.—Not later than
September 30 of each year, the Secretary shall pub-
lish the compilation on the Web site of the Depart-
ment of Health and Human Services in a location
easily accessible by the public.”.

(e) Elimination of references to
methamphetamines in substance abuse grants.—
Section 437(f) of such Act (42 U.S.C. 629g(f)) is amend-
ed—

(1) in the subsection heading, by striking
“methamphetamine or other”;

(2) in each of paragraphs (1), (4)(A), (7)(A)(i),
and (9)(B)(iii), by striking “methamphetamine or
other”; and

(3) in paragraph (7)—

(A) by striking “shall—” and all that fol-
lows through “(A) take” and inserting “shall
take”;

(B) in subparagraph (A)(iv), by striking “;
and” and inserting a period;

(C) by striking subparagraph (B); and
(D) by redesignating clauses (i) through (iv) of subparagraph (A) as subparagraphs (A) through (D), respectively, and moving each of such provisions 2 ems to the left.

(f) GRANTS FOR PROGRAMS FOR MENTORING CHILDREN OF PRISONERS.—Section 439 of such Act (42 U.S.C. 629i) is amended—

(1) by striking subsection (a)(2) and inserting the following:

“(2) PURPOSE.—The purpose of this section is to authorize the Secretary to make competitive grants to applicants in areas with substantial numbers of children of incarcerated parents, in order to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring services for children of prisoners.”;

(2) in subsection (c)—

(A) by striking “(i) for a fiscal year that remain after applying subsection (i)(2)” and inserting “(h) for a fiscal year that remain after applying subsection (h)(2)”;

(B) by striking “2007 through 2011” and inserting “2012 through 2016”;

(3) by striking subsection (g);
(4) in subsection (h)—

(A) in paragraph (1), by striking “, including the service delivery demonstration project authorized under subsection (g)”;

(B) in paragraph (2)—

(i) by striking subparagraph (B);

(ii) in subparagraph (C), by striking “and how the evaluation has been expanded to include an evaluation of the demonstration project authorized under subsection (g)”;

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(5) in subsection (i)—

(A) in paragraph (1), by striking “such sums as may be necessary for fiscal years 2007 through 2011” and inserting “$25,000,000 for each of fiscal years 2012 through 2016”; and

(B) in paragraph (2)—

(i) by striking all through “The Secretary” and inserting the following:

“(2) Reservation for research, technical assistance, and evaluation.—The Secretary”;

and
(ii) by striking subparagraph (B); and

(6) by redesignating subsections (h) and (i) as subsections (g) and (h), respectively.

(g) TECHNICAL CORRECTIONS.—

(1) Section 432(a)(8)(B) of the Social Security Act (42 U.S.C. 629b(a)(8)(B)) is amended in each of clauses (i) and (ii) by striking “forms CFS 101–Part I and CFS 101–Part II (or any successor forms)” and inserting “form CFS–101 (including all parts and any successor forms)”.

(2) Section 433(c)(2) of the Social Security Act (42 U.S.C. 629c(c)(2)) is amended by striking “benefits benefits” each place it appears and inserting “benefits”.

(3) Effective as if included in the enactment of the Safe and Timely Interstate Placement of Foster Children Act of 2006, section 8(b) of such Act (120 Stat. 513) is amended by striking “438(b) of such Act (42 U.S.C. 638(b))” inserting “438(b)(1) of such Act (42 U.S.C. 629h(b)(1))”.

SEC. 4. DATA STANDARDIZATION FOR IMPROVED DATA MATCHING.

(a) In General.—Part B of title IV of the Social Security Act (42 U.S.C. 621–629i) is amended by adding at the end the following:

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“Subpart 3—Common Provisions

“SEC. 440. DATA STANDARDIZATION FOR IMPROVED DATA MATCHING.

“(a) STANDARD DATA ELEMENTS.—

“(1) DESIGNATION.—The Secretary, in consultation with an interagency work group established by the Office of Management and Budget, and considering State perspectives, shall, by rule, designate standard data elements for any category of information required to be reported under this part.

“(2) DATA ELEMENTS MUST BE NONPROPRIETARY AND INTEROPERABLE.—The standard data elements designated under paragraph (1) shall, to the extent practicable, be nonproprietary and interoperable.

“(3) OTHER REQUIREMENTS.—In designating standard data elements under this subsection, the Secretary shall, to the extent practicable, incorporate—

“(A) interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization;

“(B) interoperable standards developed and maintained by intergovernmental partner-
ships, such as the National Information Exchange Model; and

“(C) interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance, such as the Federal Acquisition Regulations Council.

“(b) DATA STANDARDS FOR REPORTING.—

“(1) DESIGNATION.—The Secretary, in consultation with an interagency work group established by the Office of Management and Budget, and considering State government perspectives, shall, by rule, designate data reporting standards to govern the reporting required under this part.

“(2) REQUIREMENTS.—The data reporting standards required by paragraph (1) shall, to the extent practicable—

“(A) incorporate a widely accepted, nonproprietary, searchable, computer-readable format;

“(B) be consistent with and implement applicable accounting principles; and

“(C) be capable of being continually upgraded as necessary.
“(3) Incorporation of nonproprietary standards.—In designating reporting standards under this subsection, the Secretary shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Business Reporting Language.”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2012, and shall apply with respect to information required to be reported on or after such date.

SEC. 5. PROVISIONS RELATING TO FOSTER CARE OR ADOPTION.

(a) Educational Stability for Each Foster Placement.—Section 475(1)(G) of the Social Security Act (42 U.S.C. 675(1)(G)) is amended—

(1) in clause (i), by striking “the placement” and inserting “each placement”; and

(2) in clause (ii)(I), by inserting “each” before “placement”.

(b) Study on Recruitment of and Support for Foster Parents, Adoptive Parents, and Kin Guardians.—

(1) In General.—The Secretary of Health and Human Services shall, in accordance with paragraph (2), conduct a study on the recruitment of and sup-
port for families caring for children served by any program funded under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.), including foster parents, adoptive parents, and kin guardians.

(2) CONTENTS OF STUDY.—The study shall include—

(A) a survey of foster parents, who care for children served by any foster care program funded under part E of title IV of the Social Security Act;

(B) an evaluation of the role of respite care training and services;

(C) the identification of the capacity of respite care service providers in each State;

(D) the identification of any barriers that limit the ability of States to successfully recruit and retain foster families in the foster care system;

(E) the identification of any barriers that limit the ability of States to successfully recruit and support adoptive parents and relative caregivers; and

(F) any other matters that the Secretary of Health and Human Services deems appropriate for this study.
(3) Report.—Within 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report containing the findings of the study required by paragraph (1), and such recommendations with respect to the matters studied as the Secretary deems appropriate.

(c) Description of Adoption Spending.—Section 473(a)(8) of the Social Security Act (42 U.S.C. 673(a)(8)) is amended by inserting “, and shall document how such amounts are spent, including on post-adoption services” before the period.

SEC. 6. EFFECTIVE DATE.

(a) In General.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on October 1, 2011, and shall apply to payments under parts B and E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) Delay Permitted if State Legislation Required.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to subpart 1 of part B, or a State plan
approved under subpart 2 of part B or part E, of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.