

CHILD AND FAMILY SERVICES IMPROVEMENT AND
INNOVATION ACT

SEPTEMBER 19, 2011.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. CAMP, from the Committee on Ways and Means,
submitted the following

R E P O R T

[Including cost estimate of the Congressional Budget Office]

The Committee on Ways and Means, to whom was referred the bill (H.R. 2883) 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Child and Family Services Improvement and Innovation Act”.

**TITLE I—EXTENSION OF CHILD AND FAMILY
SERVICES PROGRAMS**

SEC. 101. STEPHANIE TUBBS JONES CHILD WELFARE SERVICES PROGRAM.

(a) EXTENSION OF PROGRAM.—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, 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.”.

(4) DATA SOURCES FOR CHILD DEATH REPORTING.—Section 422(b) of such Act (42 U.S.C. 622(b)), as amended by paragraph (3) of this subsection, is amended—

- (A) by striking “and” at the end of paragraph (17);
- (B) by striking the period at the end of paragraph (18) and inserting “; and”; and
- (C) by adding at the end the following:

“(19) contain a description of the sources used to compile information on child maltreatment deaths required by Federal law to be reported by the State agency referred to in paragraph (1), and to the extent that the compilation does not include information on such deaths from the State vital statistics department, child death review teams, law enforcement agencies, or offices of medical examiners or coroners, the State shall describe why the information is not so included and how the State will include the information.”.

(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 (or, in the case of fiscal year 2015 or thereafter, 95 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. 102. PROMOTING SAFE AND STABLE FAMILIES PROGRAM.

(a) EXTENSION OF FUNDING AUTHORIZATIONS.—

(1) IN GENERAL.—Section 436(a) of the Social Security Act (42 U.S.C. 629f(a)) is amended by striking all that follows “\$345,000,000” and inserting “for each of fiscal years 2012 through 2016.”.

(2) DISCRETIONARY GRANTS.—Section 437(a) of such Act (42 U.S.C. 629g(a)) is amended by striking “2007 through 2011” and inserting “2012 through 2016”.

(b) TARGETING OF SERVICES TO POPULATIONS AT GREATEST RISK OF MALTREATMENT.—Section 432(a) of such Act (42 U.S.C. 629b(a)) is amended—

- (1) by striking “and” at the end of paragraph (8);
- (2) by striking the period at the end of paragraph (9) and inserting “; and”; and

- (3) by adding at the end the following:
“(10) describes how the State identifies which populations are at the greatest risk of maltreatment and how services are targeted to the populations.”.
- (c) REVISED PURPOSES OF FAMILY SUPPORT SERVICES AND TIME-LIMITED FAMILY REUNIFICATION SERVICES.—
- (1) FAMILY SUPPORT SERVICES.—Section 431(a)(2) of such Act (42 U.S.C. 629a(a)(2)) is amended to read as follows:
“(2) FAMILY SUPPORT SERVICES.—
“(A) IN GENERAL.—The term ‘family support services’ means community-based services designed to carry out the purposes described in subparagraph (B).
“(B) PURPOSES DESCRIBED.—The purposes described in this subparagraph are the following:
“(i) To promote the safety and well-being of children and families.
“(ii) To increase the strength and stability of families (including adoptive, foster, and extended families).
“(iii) To increase parents’ confidence and competence in their parenting abilities.
“(iv) To afford children a safe, stable, and supportive family environment.
“(v) To strengthen parental relationships and promote healthy marriages.
“(vi) To enhance child development, including through mentoring (as defined in section 439(b)(2)).”.
- (2) TIME-LIMITED FAMILY REUNIFICATION SERVICES.—Section 431(a)(7)(B) of such Act (42 U.S.C. 629a(a)(7)(B)) is amended by redesignating clause (vi) as clause (viii) and inserting after clause (v) the following:
“(vi) Peer-to-peer mentoring and support groups for parents and primary caregivers.
“(vii) Services and activities designed to facilitate access to and visitation of children by parents and siblings.”.
- (d) UNIFORM DEFINITIONS OF INDIAN TRIBE AND TRIBAL ORGANIZATION.—Section 431(a) of such Act (42 U.S.C. 629a(a)(5) and (6)) is amended by striking paragraphs (5) and (6) and inserting the following:
“(5) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 428(c).
“(6) TRIBAL ORGANIZATION.—The term ‘tribal organization’ has the meaning given the term in section 428(c).”.
- (e) SUBMISSION TO CONGRESS OF STATE SUMMARIES OF FINANCIAL DATA; PUBLICATION ON HHS WEBSITE.—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 publish the compilation on the website of the Department of Health and Human Services in a location easily accessible by the public.”.
- (f) GAO REPORT ON MULTIPLE SOURCES OF FEDERAL SPENDING AND FAMILY ACCESS TO SERVICES.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—
- (1) identifies alternative sources of Federal funding that are being employed by States or other entities for the same purposes for which funding is provided under subpart 1 or 2 of part B of title IV of the Social Security Act; and
(2) assesses the needs of families eligible for services under such program, including identification of underserved communities and information regarding—
(A) the supports available for caseworkers to appropriately investigate and safely manage their caseloads;
(B) the length of the wait time for families to receive substance abuse and other preventive services; and
(C) the number of families on waiting lists for such services and the effect of the delay on healthy, successful reunification outcomes for such families.

(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—

(A) in the paragraph heading, by striking “FOOD STAMP” and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS”; and

(B) by striking “benefits benefits” each place it appears and inserting “benefits”.

SEC. 103. GRANTS FOR TARGETED PURPOSES.

(a) EXTENSION OF FUNDING RESERVATIONS FOR MONTHLY CASEWORKER VISITS AND REGIONAL PARTNERSHIP GRANTS.—Section 436(b) of the Social Security Act (42 U.S.C. 629f(b)) is amended—

(1) 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

(2) 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) REVISION IN USE OF MONTHLY CASEWORKER VISITS GRANTS.—Section 436(b)(4)(B)(i) of such Act (42 U.S.C. 629f(b)(4)(B)) is amended—

(1) by striking “support” and insert “improve the quality of”; and

(2) by striking “a primary emphasis” and all that follows and inserting “an emphasis on improving caseworker decision making on the safety, permanency, and well-being of foster children and on activities designed to increase retention, recruitment, and training of caseworkers.”; and

(c) REAUTHORIZATION OF REGIONAL PARTNERSHIP GRANTS TO ASSIST CHILDREN AFFECTED BY PARENTAL SUBSTANCE ABUSE.—

(1) EXTENSION OF PROGRAM.—Section 437(f)(3)(A) of such Act (42 U.S.C. 629g(f)(3)(A)) is amended by striking “2007 through 2011” and inserting “2012 through 2016”.

(2) REVISIONS TO PROGRAM.—Section 437(f) of such Act (42 U.S.C. 629g(f)) is amended—

(A) in the subsection heading, by striking “METHAMPHETAMINE OR OTHER”;

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

(C) in paragraph (3), by striking subparagraph (B) and inserting the following:

“(B) REQUIRED MINIMUM PERIOD OF APPROVAL.—

“(i) IN GENERAL.—A grant shall be awarded under this subsection for a period of not less than 2, and not more than 5, fiscal years, subject to clause (ii).

“(ii) EXTENSION OF GRANT.—On application of the grantee, the Secretary may extend for not more than 2 fiscal years the period for which a grant is awarded under this subsection.

“(C) MULTIPLE GRANTS ALLOWED.—This subsection shall not be interpreted to prevent a grantee from applying for, or being awarded, separate grants under this subsection.”;

(D) in paragraph (6)(A)—

(i) by striking “and” at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting a semicolon; and

(iii) by adding at the end the following:

“(iv) 70 percent for the sixth such fiscal year; and

“(v) 65 percent for the seventh such fiscal year.”;

(E) in paragraph (7)—

(i) by striking “shall—” and all that follows through “(A) take” and inserting “shall take”;

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

(iii) by striking subparagraph (B); and

(iv) 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; and

(F) by adding at the end the following:

“(10) LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES OF THE SECRETARY.—Not more than 5 percent of the amounts appropriated or reserved

for awarding grants under this subsection for each of fiscal years 2012 through 2016 may be used by the Secretary for salaries and Department of Health and Human Services administrative expenses in administering this subsection.”

(3) EVALUATIONS.—Not later than December 31, 2012, and not later than December 31, 2017, the Secretary of Health and Human Services shall evaluate the effectiveness of the grants awarded to regional partnerships under section 437(f) of the Social Security Act (42 U.S.C. 629g(f)) and shall publish a report regarding the results of each evaluation on the website of the Department of Health and Human Services. Each report required to be published under this subsection shall include—

(A) an evaluation of the programs and activities conducted, and the services provided, with the grant funds awarded under such section for fiscal years 2007 through 2011, in the case of the evaluation required by December 31, 2012, and for fiscal years 2012 through 2016, in the case of the evaluation required by December 31, 2017;

(B) an analysis of the regional partnerships awarded such grants that have, and have not, been successful in achieving the goals and outcomes specified in their grant applications and with respect to the performance indicators established by the Secretary under paragraph (8) of such section that are applicable to their grant awards; and

(C) an analysis of the extent to which such grants have been successful in addressing the needs of families with methamphetamine or other substance abuse problems who come to the attention of the child welfare system and in achieving the goals of child safety, permanence, and family stability.

SEC. 104. COURT IMPROVEMENT PROGRAM.

(a) GRANT PURPOSES.—Section 438(a) of the Social Security Act (42 U.S.C. 629h(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking “; and” and inserting “, including the requirements in the Act related to concurrent planning;”;

(B) in subparagraph (B), by adding “and” at the end; and

(C) by adding at the end the following:

“(C) to increase and improve engagement of the entire family in court processes relating to child welfare, family preservation, family reunification, and adoption;” and

(2) in paragraph (4)—

(A) by inserting “(A)” after “(4)”;

(B) by striking the period and inserting “; and”; and

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

“(B) to increase and improve engagement of the entire family in court processes relating to child welfare, family preservation, family reunification, and adoption.”

(b) SINGLE GRANT APPLICATION.—Section 438(b)(2) of such Act (42 U.S.C. 629h(b)(2)) is amended to read as follows:

“(2) SINGLE GRANT APPLICATION.—Pursuant to the requirements under paragraph (1) of this subsection, a highest State court desiring a grant under this section shall submit a single application to the Secretary that specifies whether the application is for a grant for—

“(A) the purposes described in paragraphs (1) and (2) of subsection (a);

“(B) the purpose described in subsection (a)(3);

“(C) the purpose described in subsection (a)(4); or

“(D) the purposes referred to in 2 or more (specifically identified) of subparagraphs (A), (B), and (C) of this paragraph.”

(c) AMOUNT OF GRANT.—Section 438(c) of such Act (42 U.S.C. 629h(c)) is amended to read as follows:

“(c) AMOUNT OF GRANT.—

“(1) IN GENERAL.—With respect to each of subparagraphs (A), (B), and (C) of subsection (b)(2) that refers to 1 or more grant purposes for which an application of a highest State court is approved under this section, the court shall be entitled to payment, for each of fiscal years 2012 through 2016, from the amount allocated under paragraph (3) of this subsection for grants for the purpose or purposes, of an amount equal to \$85,000 plus the amount described in paragraph (2) of this subsection with respect to the purpose or purposes.

“(2) AMOUNT DESCRIBED.—The amount described in this paragraph for any fiscal year with respect to the purpose or purposes referred to in a subparagraph of subsection (b)(2) is the amount that bears the same ratio to the total of the amounts allocated under paragraph (3) of this subsection for grants for

the purpose or purposes as the number of individuals in the State who have not attained 21 years of age bears to the total number of such individuals in all States the highest State courts of which have approved applications under this section for grants for the purpose or purposes.

“(3) ALLOCATION OF FUNDS.—

“(A) MANDATORY FUNDS.—Of the amounts reserved under section 436(b)(2) for any fiscal year, the Secretary shall allocate—

“(i) \$9,000,000 for grants for the purposes described in paragraphs (1) and (2) of subsection (a);

“(ii) \$10,000,000 for grants for the purpose described in subsection (a)(3);

“(iii) \$10,000,000 for grants for the purpose described in subsection (a)(4); and

“(iv) \$1,000,000 for grants to be awarded on a competitive basis among the highest courts of Indian tribes or tribal consortia that—

“(I) are operating a program under part E, in accordance with section 479B;

“(II) are seeking to operate a program under part E and have received an implementation grant under section 476; or

“(III) has a court responsible for proceedings related to foster care or adoption.

“(B) DISCRETIONARY FUNDS.—The Secretary shall allocate all of the amounts reserved under section 437(b)(2) for grants for the purposes described in paragraphs (1) and (2) of subsection (a).”

(d) EXTENSION OF FEDERAL SHARE.—Section 438(d) of such Act (42 U.S.C. 629h(d)) is amended by striking “2002 through 2011” and inserting “2012 through 2016”.

(e) TECHNICAL CORRECTION.—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. 105. 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:

“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 partnerships, 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 Regulatory 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, non-proprietary, 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. 106. 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) FOSTER YOUTH ID THEFT.—Section 475(5) of such Act (42 U.S.C. 675(5)) is amended—

(1) by striking “and” at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting “; and”; and

(3) by adding at the end the following:

“(I) each child in foster care under the responsibility of the State who has attained 16 years of age receives without cost a copy of any consumer report (as defined in section 603(d) of the Fair Credit Reporting Act) pertaining to the child each year until the child is discharged from care, and receives assistance (including, when feasible, from any court-appointed advocate for the child) in interpreting and resolving any inaccuracies in the report.”.

(c) DESCRIPTION OF ADOPTION SPENDING.—Section 473(a)(8) of such 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.

(d) INCLUSION IN ANNUAL REPORT OF ADDITIONAL INFORMATION ON CHILD VISITATION BY CASEWORKERS.—Section 479A(6) of such Act (42 U.S.C. 679b(6)) is amended—

(1) by striking “and” at the end of subparagraph (A); and

(2) by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following:

“(B) 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 as a percentage of the total number of the visits that would occur during the fiscal year if each child were so visited once every month while in such care; and”.

SEC. 107. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this title, this title and the amendments made by this title 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 title, 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.

TITLE II—CHILD WELFARE DEMONSTRATION PROJECTS

SEC. 201. RENEWAL OF AUTHORITY TO APPROVE DEMONSTRATION PROJECTS DESIGNED TO TEST INNOVATIVE STRATEGIES IN STATE CHILD WELFARE PROGRAMS.

Section 1130 of the Social Security Act (42 U.S.C. 1320a–9) is amended—
(1) in subsection (a)—

(A) by amending paragraph (2) to read as follows:

“(2) LIMITATION.—During fiscal years 2012 through 2014, the Secretary may authorize demonstration projects described in paragraph (1), with not more than 10 demonstration projects to be authorized in each fiscal year.”.

(B) by striking paragraph (3) and inserting the following:

“(3) CONDITIONS FOR STATE ELIGIBILITY.—For purposes of a new demonstration project under this section that is initially approved in any of fiscal years 2012 through 2014, a State shall be authorized to conduct such demonstration project only if the State satisfies the following conditions:

“(A) IDENTIFY 1 OR MORE GOALS.—

“(i) IN GENERAL.—The State shall demonstrate that the demonstration project is designed to accomplish 1 or more of the following goals:

“(I) Increase permanency for all infants, children, and youth by reducing the time in foster placements when possible and promoting a successful transition to adulthood for older youth.

“(II) Increase positive outcomes for infants, children, youth, and families in their homes and communities, including tribal communities, and improve the safety and well-being of infants, children, and youth.

“(III) Prevent child abuse and neglect and the re-entry of infants, children, and youth into foster care.

“(ii) LONG-TERM THERAPEUTIC FAMILY TREATMENT CENTERS; ADDRESSING DOMESTIC VIOLENCE.—With respect to a demonstration project that is designed to accomplish 1 or more of the goals described in clause (i), the State may elect to establish a program—

“(I) to permit foster care maintenance payments to be made under part E of title IV to a long-term therapeutic family treatment center (as described in paragraph (8)(B)) on behalf of a child residing in the center; or

“(II) to identify and address domestic violence that endangers children and results in the placement of children in foster care.

“(B) DEMONSTRATE READINESS.—The State shall demonstrate through a narrative description the State’s capacity to effectively use the authority to conduct a demonstration project under this section by identifying changes the State has made or plans to make in policies, procedures, or other elements of the State’s child welfare program that will enable the State to successfully achieve the goal or goals of the project.

“(C) DEMONSTRATE IMPLEMENTED OR PLANNED CHILD WELFARE PROGRAM IMPROVEMENT POLICIES.—

“(i) IN GENERAL.—The State shall demonstrate that the State has implemented, or plans to implement within 3 years of the date on which the State submits its application to conduct the demonstration project or 2 years after the date on which the Secretary approves such demonstration project (whichever is later), at least 2 of the child welfare program improvement policies described in paragraph (7).

“(ii) PREVIOUS IMPLEMENTATION.—For purposes of the requirement described in clause (i), at least 1 of the child welfare program improvement policies to be implemented by the State shall be a policy that the State has not previously implemented as of the date on which the State submits an application to conduct the demonstration project.

“(iii) IMPLEMENTATION REVIEW.—The Secretary may terminate the authority of a State to conduct a demonstration project under this section if, after the 3-year period following approval of the demonstration project, the State has not made significant progress in implementing the child welfare program improvement policies proposed by the State under clause (i).”;

(C) in paragraph (5), by inserting “and the ability of the State to implement a corrective action plan approved under section 1123A” before the period; and

(D) by adding at the end the following:

“(6) INAPPLICABILITY OF RANDOM ASSIGNMENT FOR CONTROL GROUPS AS A FACTOR FOR APPROVAL OF DEMONSTRATION PROJECTS.—For purposes of evaluating an application to conduct a demonstration project under this section, the Secretary shall not take into consideration whether such project requires random assignment of children and families to groups served under the project and to control groups.

“(7) CHILD WELFARE PROGRAM IMPROVEMENT POLICIES.—For purposes of paragraph (3)(C), the child welfare program improvement policies described in this paragraph are the following:

“(A) The establishment of a bill of rights for infants, children, and youth in foster care that is widely shared and clearly outlines protections for infants, children, and youth, such as assuring frequent visits with parents, siblings, and caseworkers, access to attorneys, and participation in age-appropriate extracurricular activities, and procedures for ensuring the protections are provided.

“(B) The development and implementation of a plan for meeting the health and mental health needs of infants, children, and youth in foster care that includes ensuring that the provision of health and mental health care is child-specific, comprehensive, appropriate, and consistent (through means such as ensuring the infant, child, or youth has a medical home, regular wellness medical visits, and addressing the issue of trauma, when appropriate).

“(C) The inclusion in the State plan under section 471 of an amendment implementing the option under subsection (a)(28) of that section to enter into kinship guardianship assistance agreements.

“(D) The election under the State plan under section 471 to define a ‘child’ for purposes of the provision of foster care maintenance payments, adoption assistance payments, and kinship guardianship assistance payments, so as to include individuals described in each of subclauses (I), (II), and (III) of section 475(8)(B)(i) who have not attained age 21.

“(E) The development and implementation of a plan that ensures congregate care is used appropriately and reduces the placement of children and youth in such care.

“(F) Of those infants, children, and youth in out-of-home placements, substantially increasing the number of cases of siblings who are in the same foster care, kinship guardianship, or adoptive placement, above the number of such cases in fiscal year 2008.

“(G) The development and implementation of a plan to improve the recruitment and retention of high quality foster family homes trained to help assist infants, children, and youth swiftly secure permanent families. Supports for foster families under such a plan may include increasing maintenance payments to more adequately meet the needs of infants, children, and youth in foster care and expanding training, respite care, and other support services for foster parents.

“(H) The establishment of procedures designed to assist youth as they prepare for their transition out of foster care, such as arranging for participation in age-appropriate extra-curricular activities, providing appropriate access to cell phones, computers, and opportunities to obtain a driver’s license, providing notification of all sibling placements if siblings are in care and sibling location if siblings are out of care, and providing counseling and financial support for post-secondary education.

“(I) The inclusion in the State plan under section 471 of a description of State procedures for—

“(i) ensuring that youth in foster care who have attained age 16 are engaged in discussions, including during the development of the transition plans required under paragraphs (1)(D) and (5)(H) of section 475, that explore whether the youth wishes to reconnect with the youth’s biological family, including parents, grandparents, and siblings, and, if so, what skills and strategies the youth will need to successfully and safely reconnect with those family members;

“(ii) providing appropriate guidance and services to youth whom affirm an intent to reconnect with biological family members on how to successfully and safely manage such reconnections; and

“(iii) making, when appropriate, efforts to include biological family members in such reconnection efforts.

“(J) The establishment of one or more of the following programs designed to prevent infants, children, and youth from entering foster care or to provide permanency for infants, children, and youth in foster care:

“(i) An intensive family finding program.

“(ii) A kinship navigator program.

“(iii) A family counseling program, such as a family group decision-making program, and which may include in-home peer support for families.

“(iv) A comprehensive family-based substance abuse treatment program.

“(v) A program under which special efforts are made to identify and address domestic violence that endangers infants, children, and youth and puts them at risk of entering foster care.

“(vi) A mentoring program.

“(8) DEFINITIONS.—In this subsection—

“(A) the term ‘youth’ means, with respect to a State, an individual who has attained age 12 but has not attained the age at which an individual is no longer considered to be a child under the State plans under parts B and E of title IV, and

“(B) the term ‘long-term therapeutic family treatment center’ means a State licensed or certified program that enables parents and their children to live together in a safe environment for a period of not less than 6 months and provides, on-site or by referral, substance abuse treatment services, children’s early intervention services, family counseling, legal services, medical care, mental health services, nursery and preschool, parenting skills training, pediatric care, prenatal care, sexual abuse therapy, relapse prevention, transportation, and job or vocational training or classes leading to a secondary school diploma or a certificate of general equivalence.”;

(2) by striking subsection (d) and inserting the following:

“(d) DURATION OF DEMONSTRATION.—

“(1) IN GENERAL.—Subject to paragraph (2), a demonstration project under this section may be conducted for not more than 5 years, unless in the judgment of the Secretary, the demonstration project should be allowed to continue.

“(2) TERMINATION OF AUTHORITY.—In no event shall a demonstration project under this section be conducted after September 30, 2019.”;

(3) in subsection (e)—

(A) in paragraph (1), by striking “(which shall provide,” and all that follows before the semicolon;

(B) by striking “and” at the end of paragraph (6);

(C) by redesignating paragraph (7) as paragraph (8); and

(D) by inserting after paragraph (6) the following:

“(7) an accounting of any additional Federal, State, and local investments made, as well as any private investments made in coordination with the State, during the 2 fiscal years preceding the application to provide the services described in paragraph (1), and an assurance that the State will provide an accounting of that same spending for each year of an approved demonstration project; and”;

(4) by redesignating subsection (g) as subsection (h);

(5) by striking subsection (f) and inserting the following:

“(f) EVALUATIONS.—Each State authorized to conduct a demonstration project under this section shall obtain an evaluation by an independent contractor of the effectiveness of the project, using an evaluation design approved by the Secretary which provides for—

“(1) comparison of methods of service delivery under the project, and such methods under a State plan or plans, with respect to efficiency, economy, and any other appropriate measures of program management;

“(2) comparison of outcomes for children and families (and groups of children and families) under the project, and such outcomes under a State plan or plans, for purposes of assessing the effectiveness of the project in achieving program goals; and

“(3) any other information that the Secretary may require.

“(g) REPORTS.—

“(1) STATE REPORTS; PUBLIC AVAILABILITY.—Each State authorized to conduct a demonstration project under this section shall—

“(A) submit periodic reports to the Secretary on the specific programs, activities, and strategies used to improve outcomes for infants, children, youth, and families and the results achieved for infants, children, and youth during the conduct of the demonstration project, including with respect to those infants, children, and youth who are prevented from entering foster care, infants, children, and youth in foster care, and infants, children, and youth who move from foster care to permanent families; and

“(B) post a copy of each such report on the website for the State child welfare program concurrent with the submission of the report to the Secretary.

“(2) REPORTS TO CONGRESS.—The Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

“(A) periodic reports based on the State reports submitted under paragraph (1); and

“(B) a report based on the results of the State evaluations required under subsection (f) that includes an analysis of the results of such evaluations and such recommendations for administrative or legislative changes as the Secretary determines appropriate.”; and

(6) by adding at the end the following:

“(i) INDIAN TRIBES OPERATING IV–E PROGRAMS CONSIDERED STATES.—An Indian tribe, tribal organization, or tribal consortium that has elected to operate a program under part E of title IV in accordance with section 479B shall be considered a State for purposes of this section.”.

TITLE III—BUDGET PROVISIONS

SEC. 301. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

I. SUMMARY AND BACKGROUND

A. PURPOSE AND SUMMARY

The legislation, H.R. 2883 as amended, as ordered reported by the Committee on Ways and Means on September 14, 2011, extends and makes modest adjustments to the Stephanie Tubbs Jones Child Welfare Services and the Promoting Safe and Stable Families programs, whose authorizations expire on September 30, 2011. To achieve these and other purposes, including renewing authority for States to obtain cost-neutral waivers of Federal child welfare law, the bill amends relevant provisions of Title IV–B of the Social Security Act, as well as child welfare and waiver provisions in Titles IV–E and XI of the Social Security Act, respectively.

Specifically, Section 101 of the bill makes changes to the Child Welfare Services program, adding several requirements to State plans for that program: to explain how they plan to respond to emotional trauma of children; to describe protocols for the use and monitoring of psychotropic medications; to describe activities designed to reduce time that children under age five spend without a permanent family; and to describe information sources used to report child maltreatment deaths and how any gaps in that data will be filled. Section 101 also adjusts current Federal child visitation standards for State caseworkers. Instead of requiring that 90 percent of children be visited each month to maintain the existing State/Federal match rate, States must complete 90 percent of all expected visits, rising to 95 percent in 2015 and later.

Section 102 reauthorizes the Promoting Safe and Stable Families program for five years, and makes several generally technical adjustments to that program. For example, it conforms the definition of tribes and tribal organizations across programs, and requires an annual HHS report of program spending by service category.

Section 103 extends the authorization of several set-aside programs under the Promoting Safe and Stable Families program, which provide funding for monthly caseworker visits and regional partnership grants to combat parental substance abuse, among other changes.

Section 104 extends for five years the Court Improvement Program within the Promoting Safe and Stable Families program, while maintaining program funding at the current \$30 million annual level. It highlights activities related to concurrent planning and involving families in child welfare court proceedings, while easing administration by allowing States to submit one instead of as many as three applications for program funds. A set-aside for Indian tribes or tribal consortia is authorized.

Section 105 directs the Secretary of Health and Human Services (HHS) to develop standard data elements for child welfare services programs, designed to ease program administration, improve program accountability, and ultimately improve the services provided to program participants.

Section 106 makes several modest adjustments to foster care and adoption assistance programs. For example, it specifies that promoting educational stability is a goal for each foster care placement, requires States to provide older foster youth a free copy of their credit report and help in resolving any inaccuracies, and requires States to document program spending as the expanded eligibility of children for Federal adoption assistance payments phases in through FY 2018, including a requirement to report on spending on post-adoption services.

Section 107 makes changes in Title I of the legislation effective on October 1, 2011, but permits delays if State legislation is required to meet requirements under the legislation.

Title II of the legislation renews child welfare waiver authority for fiscal years 2012 through 2014. During each of those years, HHS could approve up to 10 new waiver applications, for programs lasting generally up to 5 years, but all demonstration projects must be completed by the end of fiscal year 2019. Among other conditions, States receiving waivers must demonstrate that they have implemented or plan to implement at least two child welfare improvement policies specified in the bill. Those policies range from establishing a foster care bill of rights to operating a kinship guardianship program to increasing the number of sibling placements, among other options specified in the legislation.

Title III of the legislation provides a statement of budgetary effects.

B. BACKGROUND AND THE NEED FOR LEGISLATION

On September 12, 2011, Rep. Geoff Davis (R-KY), Chairman of the Subcommittee on Human Resources of the House Committee on Ways and Means, and Rep. Lloyd Doggett (D-TX), Ranking Member of the Subcommittee on Human Resources of the House Committee on Ways and Means, introduced H.R. 2883, the “Child and Family Services Improvement and Innovation Act,” a bill to amend Title IV-B of the Social Security Act to extend certain child and family services programs through fiscal year 2016, and for other purposes. The Committee on Ways and Means received the referral for the bill because the bill includes child welfare provisions that

fall within the jurisdiction of the Committee, including relevant provisions of the Social Security Act. The Committee found the changes appropriate to ensure that families have the needed support so children can safely remain with their own parents or be supported by other caretaker adults, among other purposes.

C. LEGISLATIVE HISTORY

Background

H.R. 2883 was introduced on September 12, 2011, and was referred to the Committee on Ways and Means.

Related prior legislation includes H.R. 2790, a bill extending child welfare services programs, which was introduced by Human Resources Subcommittee Chairman Davis (R-GA) and Ranking Member Doggett (D-TX) on August 2, 2011, and H.R. 1194, a bill to extend child welfare waiver authority, which was introduced by Human Resources Subcommittee Member McDermott (D-WA) and Subcommittee Chairman Davis (R-KY) on March 17, 2011 and which was approved by the House on May 31, 2011 by a voice vote.

Committee action

The Committee on Ways and Means marked up H.R. 2883 on September 14, 2011, and ordered the bill as amended favorably reported, by a voice vote.

Committee hearings

On July 12, 2011, the Subcommittee on Human Resources of the Committee on Ways and Means held a hearing on child deaths due to maltreatment. On June 16, 2011, the Subcommittee on Human Resources of the House Committee on Ways and Means held a hearing on improving programs designed to protect at-risk youth. On March 11, 2011, the Subcommittee on Human Resources of the House Committee on Ways and Means held a hearing on the use of data matching to improve customer service, program integrity, and taxpayer savings.

II. EXPLANATION OF THE BILL

A. EXTENSION OF STEPHANIE TUBBS JONES CHILD WELFARE SERVICES PROGRAM (SEC. 101 OF THE BILL AND PART B OF TITLE IV OF THE SOCIAL SECURITY ACT)

Present law

The Stephanie Tubbs Jones Child Welfare Services (hereafter Child Welfare Services) program authorizes formula grants to States. The primary purpose of these funds is—through the provision of services to children and their families—to protect and promote the welfare of all children; prevent child abuse and neglect; permit children to remain in their own homes, or to return to those homes whenever it is safe and appropriate; promote safety, permanency, and well-being for children in foster care or those in adoptive families; and provide training, professional development, and support to ensure a well-qualified child welfare workforce.

The program is authorized to receive discretionary appropriations of up to \$325 million in each of Fiscal Year 2007 through Fiscal Year 2011. For Fiscal Year 2011, it received \$281 million.

As part of its Child Welfare Services plan, each State must develop a health oversight plan to identify and respond to the health and mental health care needs of children in foster care. The plan must outline certain procedures as now listed in law.

Under Federal law, State child welfare agencies are required—to the maximum extent practicable—to report annually to the U.S. Department of Health and Human Services (HHS) on the number of deaths in the State due to child abuse or neglect.

Beginning with Fiscal Year 2007, States were required to report data to HHS on the percentage of children in foster care who received a visit from their caseworker at least once in each month they were in care and to take steps to ensure that, as of October 1, 2011, no less than 90% of those children receive a caseworker visit in each month they are in care. Further, beginning with FY2008, States were required to establish annual target percentages (as approved by HHS) to ensure that they reach this standard.

A State's percentage of monthly caseworker visits is calculated by dividing the number of children in foster care who received a visit in each month they were in care during the fiscal year by the total number of children in care during that same fiscal year.

States are required to provide non-Federal funding of no less than 25% of total program costs in order to receive their full allotment of Federal funds under the Child Welfare Services program. However, States that fail to meet their annual target percentage of children in foster care who are visited on a monthly basis are subject to reduced Federal cost-sharing under the program. The amount of this reduction ranges from 1 percentage point to 5 percentage points, depending on the degree of failure by the State to meet its target percentage for monthly caseworker visits. Specifically, a State that failed to meet that target percentage by less than 10 full percentage points is required to provide no less than 26% of total program costs in non-Federal funds to receive its full Federal allotment of Child Welfare Services funds; a State that missed that target percentage by at least 10 but less than 20 full percentage points is required to provide no less than 28% of the total program costs; and a State that missed its target percentage by 20 full percentage points or more must provide no less than 30% of total program costs.

States are required to ensure that, as of October 1, 2011, a majority of the monthly caseworker visits with children in foster care occur where the child lives.

Finally, there is currently no provision in current law addressing the developmental needs of young children.

Reasons for change

H.R. 2883 would extend the current Child Welfare Services program for five years, while strengthening it in several key ways. Under this bill, States are expected to provide additional information in their State plans on how they will address emotional trauma of children, and address the developmental needs of the youngest children in care. States also must ensure the proper oversight of psychotropic medications provided to children in foster care, which has been an ongoing concern in recent years and the subject of several Human Resources Subcommittee hearings. The legislation also responds to concerns about incomplete data on the num-

ber of children who die each year due to maltreatment, by requiring States to describe how they currently report such data and how they intend to provide more complete and accurate data in the future. Finally, this provision improves the calculation of caseworker visits of children, while raising from 90 to 95 percent the target rate for such visits, among other changes.

Explanation of provision

H.R. 2883 would extend funding authorization for this program for five years (FY2012–FY2016) at the current law level.

As part of their health oversight plan for children in foster care, States would additionally be required to (1) outline how identified emotional trauma, associated with a child’s maltreatment and removal from home, will be monitored and treated; and (2) include protocols for the appropriate use and monitoring of psychotropic medications.

H.R. 2883 would require each State, as part of its Child Welfare Services plan, to describe the activities it undertakes to address the developmental needs of children that it serves who are four years of age or younger; and to reduce the length of time these young children spend without a permanent family.

H.R. 2883 would require each State, as part of its Child Welfare Services plan, to describe the sources it uses to compile this information on deaths due to child abuse or neglect and, if certain specified sources are not included, would further require States to describe why this is the case and how those sources of information will be included. Specified information sources are State vital statistics departments, child death review teams, law enforcement agencies, and offices of medical examiners or coroners.

For Fiscal Year 2012 through Fiscal Year 2014, each State would be required to ensure that it completed no fewer than 90% of required monthly caseworker visits; for Fiscal Year 2015, and for every subsequent year, each State would be required to ensure that it made no fewer than 95% of those visits.

A State’s percentage of children visited on a monthly basis would be calculated by dividing the number of caseworker visits made on a monthly basis during the fiscal year by the total number of monthly caseworker visits required during that same fiscal year.

States that failed to complete at least 90% of the required monthly caseworker visits in each of Fiscal Year 2012 through Fiscal Year 2014, and at least 95% of those visits for Fiscal Year 2015 and every subsequent year, would be subject to reduced Federal cost-sharing under the Child Welfare Services program. As under current law, the amount of this reduction would range from 1 percentage point to 5 percentage points, depending on the degree of failure by the State to meet its target monthly caseworker visit percentage.

States would be required to ensure that no less than 50% of caseworker visits with children in foster care occur where the child lives. States that failed to meet the 50% target for Fiscal Year 2012 and every subsequent year would be subject to reduced Federal cost-sharing under the Child Welfare Services program. The amount of this reduction would range from 1 percentage point to 5 percentage points, depending on the degree of failure by the State to meet this requirement.

Effective date

October 1, 2011, or later if State implementing legislation is required (see Section 107).

B. EXTENSION OF PROGRAM TO PROMOTE SAFE AND STABLE FAMILIES
(SECTION 102 OF THE BILL AND PART B OF TITLE IV OF THE SOCIAL SECURITY ACT)

Present law

The Promoting Safe and Stable Families Program (hereafter the Safe and Stable program) authorizes formula grants to States for provision of family support, family preservation, time-limited reunification, and adoption promotion and support services. In addition, certain funds appropriated for the Safe and Stable program must be reserved for grants under the Court Improvement Program and for other purposes, including grants to support monthly caseworker visits, and grants to regional partnerships.

For each of Fiscal Year 2007 through Fiscal Year 2010, the Safe and Stable program was authorized to receive \$345 million in mandatory funds. For Fiscal Year 2011, it is authorized to receive \$365 million in mandatory funds.

For Fiscal Year 2007 through Fiscal Year 2011, the Safe and Stable program is additionally authorized to receive up to \$200 million annually in discretionary appropriations. For Fiscal Year 2011, Congress provided \$63 million in discretionary appropriations for the program.

One purpose of the Safe and Stable program is to “prevent child maltreatment among families at risk through the provision of supportive family services.”

States are required to spend significant portions of their Safe and Stable program funds on each of four defined categories of services, one of which is family support services. Those services are defined as community-based services intended to: promote the safety and well-being of children and families; increase the strength and stability of families (including adoptive, foster, and extended families); increase parents’ confidence and competence in their parenting abilities; afford children a safe, stable, and supportive family environment; strengthen parental relationships and promote healthy marriages; and enhance child development.

As part of the Mentoring Children of Prisoners program, the term “mentoring” is defined as a “structured, managed program in which children are appropriately matched with screened and trained adult volunteers for one-on-one relationships, involving meetings and activities on a regular basis, intended to meet, in part, the child’s needs for involvement with a caring and supportive adult who provides a positive role model.”

States are required to spend significant portions of their Safe and Stable program funds on each of four defined categories of services, one of which is time-limited family reunification services. These are services and activities intended to safely permit a child and his/her parent(s) to be reunited within the first 15 months after the child was removed from the parent’s home (and placed in foster care). Those services and activities are stipulated as counseling, substance abuse treatment, assistance to address domestic

violence, services to provide temporary child care (including crisis nurseries), and transportation to and from any of these services.

For purposes of the Title IV–B, Subpart 1 Child Welfare Services program the terms “Indian tribe” and “tribal organization” have the meanings given them in Section 4 of the Indian Self-Determination and Education Assistance Act. In general, that Act defines “Indian tribe” as any Federally recognized Indian tribe including Alaska Native Villages. Further it generally defines a “tribal organization” as the “recognized governing body” of an Indian tribe and certain other legally established organizations.

For purposes of the Title IV–B, Subpart 2 Safe and Stable program an “Indian tribe” has the meaning given it under the prior law Title IV–F JOBS program; (that program was repealed in 1996). In general, that definition includes any Federally recognized tribe that has a reservation, public domain allotments, or is in Oklahoma and formerly had a reservation. Further “tribal organization” is defined as the “recognized governing body” of any Indian tribe.

As of June 30 of each year, and as part of their Safe and Stable program plan, States must provide to HHS information on planned and actual spending for child welfare-related child and family services and on the numbers of children and families served among other things. The information is to be submitted on standard forms. HHS, in turn, is required to compile these financial reports made by States and, not later than September 30 of each year, submit the compilation to the House Ways and Means Committee and the Senate Finance Committee.

Reasons for change

H.R. 2883 would extend the current Promoting Safe and Stable Families program for five years, while strengthening it in several key ways. For example, States are expected to describe how they will target program services to populations at the greatest risk of maltreatment, and mentoring, among other services, are explicitly added to the types of services program funds may support. To simplify program administration, the same definition of Indian tribe and tribal organization as is already used in the Child Welfare Services program will apply. Additional information about program spending by service category will be made available to Congress and the public each year, among other reports.

Explanation of provision

H.R. 2883 would authorize annual mandatory funding for the Safe and Stable program of \$345 million for each of five years (Fiscal Year 2012 through Fiscal Year 2016).

H.R. 2883 would extend this current annual discretionary funding authorization of \$200 million for five years (Fiscal Year 2012 through Fiscal Year 2016).

H.R. 2883 would require each State, as part of its Safe and Stable program plan, to describe how it identifies which populations are at greatest risk of maltreatment and how services are targeted to the populations.

H.R. 2883 would reorganize and restate the current law definition of family support services, maintaining all current provisions but adding that as part of enhancing a child’s development, a State

may provide mentoring services. The bill further stipulates that the definition of “mentoring” would be as it is currently defined in the Mentoring Children of Prisoners program.

H.R. 2883 would add the following services and activities to the definition of time-limited family reunification services: peer-to-peer mentoring and support groups for parents and primary caregivers; and services and activities designed to facilitate access to and visitation of children in foster care by parents and siblings.

H.R. 2883 would provide that, for purposes of the Safe and Stable program, “Indian tribe” and “tribal organization” would be defined in the same way that they are now defined in the Child Welfare Services program (i.e., the definitions given in Section 4 of the Indian Self-Determination and Education Assistance Act).

H.R. 2883 would further stipulate that HHS must include in this compilation both individual State reports as well as tables that— for each element the State is required to include in these reports— show national totals derived from the reports, including national totals related to planned and actual spending by service category for the Safe and Stable program and planned spending by service category for the Child Welfare Services program. In addition to providing these reports to the House Ways and Means Committee and the Senate Finance Committee by September 30 of each year, HHS also would be required (by that same date) to publish the compiled information on the agency’s website in a location easily accessible to the public.

H.R. 2883 would require the Government Accountability Office (GAO) to submit a report to Congress not later than 12 months after enactment of this bill that: (1) Identifies alternative sources of Federal funding that States or other entities use to support the same purposes that are supported by any Federal funds provided under Title IV-B, including those under the Child Welfare Services and Safe and Stable programs; and (2) Assesses the needs of families eligible for such services and programs, including identifying underserved communities, and providing information on supports for caseworkers to manage their caseloads in a safe and appropriate manner, the length of time families wait to receive substance abuse and other preventive services, the number of families waiting for such services, and the effect of the delay on healthy, successful reunification outcomes for families.

Effective date

October 1, 2011, or later if State implementing legislation is required (see Section 107).

C. GRANTS FOR TARGETED PURPOSES (SEC. 103 OF THE BILL AND PART B OF TITLE IV OF THE SOCIAL SECURITY ACT)

Present law

Out of the mandatory funds provided for the Safe and Stable program from Fiscal Year 2006 through Fiscal Year 2011, a total of \$95 million was reserved for formula grants to States to support monthly caseworker visits, including \$20 million in each of Fiscal Year 2010 and Fiscal Year 2011.

States are required to use these grant funds to support monthly caseworker visits with children who are in foster care, with a pri-

mary emphasis on activities designed to improve caseworker retention, recruitment, training and ability to access the benefits of technology.

Out of the mandatory funds provided for the Safe and Stable program from Fiscal Year 2007 through Fiscal Year 2011, a total of \$145 million was reserved for competitive grants to regional partnerships (to improve outcomes of children affected by parental substance abuse), including \$20 million in each of Fiscal Year 2010 and Fiscal Year 2011.

Present law requires HHS to make competitive grants to regional partnerships for each of Fiscal Year 2007 through Fiscal Year 2011.

Regional partnership grants are made for the purpose of improving the safety, permanence, and wellbeing of children who are in foster care, or who are at risk of placement in foster care, as a result of their parent or caretaker's abuse of methamphetamine or other substances. The grant authority contains numerous specific references to parents' abuse of methamphetamine, including in the section heading, application requirements for regional partnerships, factors HHS must consider when awarding grants, and in the annual report HHS is required to make to Congress on these grants.

HHS may award grants to regional partnerships for not less than two years and not more than five years.

A regional partnership must provide non-Federal matching funds of no less than 15% of the project costs in the first and second year; no less than 20% in any third or fourth years of the project; and no less than 25% in any fifth year of the project.

HHS is required to prepare annual reports for Congress on—(1) the services provided and activities conducted with the funds provided to regional partnerships; (2) performance indicators established to assess the performance of those partnerships; and (3) the progress made in achieving the grant's purposes.

Finally, there is no provision in current law limiting Federal administrative spending.

Reasons for change

The authorization of grants specifically for monthly caseworker visits and addressing parental substance abuse is extended and amended. In the case of monthly caseworker visits, the legislation increases the focus on improving caseworker decision-making to better protect children. In the case of grants to address parental substance abuse, the legislation broadens the focus of these grants by removing the current priority on methamphetamine, promoting additional flexibility to focus on the greatest need, and administrative funds are capped at 5 percent, among other changes. To improve accountability, evaluation reports about the effectiveness of substance abuse grants are expected in CYs 2012 and 2017.

Explanation of provision

Out of the mandatory funds provided for the Safe and Stable program, H.R. 2883 would reserve \$20 million for the monthly caseworker grants in each of five years (Fiscal Year 2012 through Fiscal Year 2016).

H.R. 2883 would require States to use these grant funds to improve the quality of monthly caseworker visits with children in foster care with an emphasis on improving caseworker decision-making on the safety, permanency, and well-being of children in foster care and on activities designed to increase retention, recruitment, and training of caseworkers.

Out of the mandatory funds provided for the Safe and Stable program, H.R. 2883 would reserve \$20 million for regional partnership grants in each of five years (Fiscal Year 2012 through Fiscal Year 2016).

H.R. 2883 would require HHS to make these grants to regional partnerships for each of Fiscal Year 2012 through Fiscal Year 2016.

In general, H.R. 2883 would retain current law focus on improving safety, permanence, and well-being outcomes of children affected by their parent's substance abuse but would strike all the specific references to "methamphetamine" and would eliminate the requirement that HHS give additional weight to applications that give specific attention to methamphetamine abuse.

H.R. 2883 would retain this general grant duration but would also stipulate that HHS may extend the length of a grant made to a regional partnership for a maximum of two additional years (e.g., a regional partnership that received an initial five-year grant could apply for a two year extension and, if approved, its total grant period would be seven years.) The legislation would additionally clarify that any regional partnership may apply for, and be awarded, more than one grant.

H.R. 2883 would further stipulate that for any grant extended to a sixth year, a regional partnership must provide non-Federal matching funds of no less than 30% of the project costs and for any grant extended to a seventh year, no less than 35% of the project costs.

H.R. 2883 would stipulate that HHS may use not more than five percent of the amounts reserved (or otherwise appropriated) for regional partnership grants (for each of Fiscal Year 2012 through Fiscal Year 2016) for salaries and agency administrative expenses related to administering the grants.

H.R. 2883 would retain the current annual report requirement but would additionally stipulate that HHS must evaluate the effectiveness of the regional partnership grants and publish the results of the evaluation on its website in two reports, the first not later than December 31, 2012 and the second not later than December 31, 2017.

Both reports must evaluate the programs and activities conducted and services provided under the regional partnership grant program with the first report focusing on funds awarded to regional partnerships in Fiscal Year 2007 through Fiscal Year 2011 and the second report focusing on awards made for Fiscal Year 2012 through Fiscal Year 2016. Both evaluation reports must also include an analysis of: the grantees that were successful in achieving the goals in the application, and those that were not; grantees' achievements related to applicable performance indicators established by HHS to assess their work; the success of the regional partnership grants in addressing the needs of child-welfare-involved families who have methamphetamine or other substance

abuse problems; and the success of the grants in achieving the goals of child safety, permanency and family stability.

Effective date

October 1, 2011, or later if State implementing legislation is required (see Section 107).

D. COURT IMPROVEMENT PROGRAM (SEC. 104 OF THE BILL AND PART B OF TITLE IV OF THE SOCIAL SECURITY ACT)

Present law

HHS is required to make grants to the highest court in each State to enable those courts to (1) Conduct assessments of how they handle child welfare proceedings and to make improvements based on those assessments, including, providing for children's safety, permanence, and well-being as set forth in the Adoption and Safe Families Act (ASFA); (2) Ensure children's safety, permanence, and well-being needs are met in a timely and complete manner (through better collection and analysis of data); and (3) Provide for training of judges, attorneys, and legal personnel in child welfare cases.

Each State's highest court may receive grants for each of the three purposes (described above) but must submit a separate application for each purpose for which they wish to receive funds. Certain application requirements apply to all grants and certain application requirements apply only to the grants to support better data collection and analysis, or to the training grants.

For each of Fiscal Year 2006 through Fiscal Year 2011, a highest State court was entitled to a base allotment of \$85,000 for each Court Improvement Program grant application it successfully submitted in a given year, plus a portion of any remaining funds provided for the specific grant (based on the share of individuals under the age of 21 in its State compared to all individuals under that age in every State where the highest court has an approved Court Improvement Program application for that kind of Court Improvement Program grant.) This means, for example, that a highest State court that successfully submitted three grant applications received a base allotment of \$255,000 plus a portion of the remaining grant funds that was specified for each of the three grants.

Thirty million dollars in mandatory Promoting Safe and Stable funds are reserved for the Court Improvement Program plus 3.3% of any discretionary funding provided to the program. The Fiscal Year 2011 funding reserved totaled \$32 million. The statute divided those funds as follows: Out of the mandatory funds reserved for court improvement—\$10 million was provided for basic grants (related to the purposes of conducting assessments and making improvements to court handling of child welfare cases); \$10 million was for data grants (related to improving outcomes for children through better collection and analysis of data); and \$10 million was for training grants (related to training court personnel in child welfare cases).

All funds reserved out of any discretionary appropriations for the Promoting Safe and Stable Families program were provided for purposes associated with the basic grants.

For each of Fiscal Year 2002 through Fiscal Year 2011, a highest State court must provide non-Federal funds to support no less than 25% of the total Court Improvement Program activities.

Under current law, tribes do not receive Court Improvement Program funds.

Reasons for change

The legislation extends current funding for the Court Improvement Program, while easing program administration by allowing States to submit a single grant application and adding a program focus on improving engagement of the entire family, among other changes. The legislation also allows tribes to apply for and receive funding through the Court Improvement Program.

Explanation of provision

H.R. 2883 would amend the purpose related to conducting assessments and making improvements to specifically highlight the ASFA requirements for concurrent planning (i.e., moving a child toward permanence via the child).

In addition it would add a new purpose—to increase and improve engagement of the entire family in court processes relating to child welfare, family preservation, family reunification and adoption. This new purpose would be associated with both the basic Court Improvement Program grants (related to conducting assessments and making improvements) and with those related to training of court personnel in child welfare cases.

H.R. 2883 would provide that a court need only submit a single application to receive funds associated with one or more Court Improvement Program purposes. The court would need to indicate in their application for which one or more of the specific purposes the application was being made and would be required to meet any current law application requirements related to receiving funds for a given purpose.

For each of Fiscal Year 2012 through Fiscal Year 2016, H.R. 2883 would entitle a highest State court to the same allotment of funds based on the number of purposes (maximum of three) it included in its single application. This means, for example, that a highest State court with a successful single application requesting funds for all three purposes would continue to be entitled to a base allotment of \$255,000 plus a portion of remaining grant funds that was specified for each of the three purposes.

H.R. 2883 would maintain the current level of funding reserved (\$30 million in mandatory funds plus 3.3% of any discretionary Safe and Stable funding). The legislation would divide those funds (for each of Fiscal Year 2012 through Fiscal Year 2016) as follows: Out of the mandatory funds reserved for court improvement: \$9 million would be provided for basic program purposes (including for conducting assessments and making improvements to child welfare proceedings and for increasing engagement of families in those processes); \$10 million would be provided for purposes related to improved collection and use of data; \$10 million would be provided for training purposes (related to training court personnel in child welfare cases and increasing engagement of families); and \$1 million would be provided for competitive grants to highest tribal courts.

As under current law, all funds reserved out of any discretionary appropriations made for the Promoting Safe and Stable Families program are reserved for the basic purposes of the Court Improvement Program (including for conducting assessments and making improvements to child welfare proceedings and for increasing engagement of families in those processes).

H.R. 2883 would make certain tribal courts eligible for Court Improvement Program grants. Courts eligible to compete for these program funds would be the highest courts of an Indian tribe or tribal consortia that (1) is operating an approved Title IV–E Foster Care and Adoption Assistance Program; (2) has been awarded a tribal implementation grant (indicating that it is seeking to implement a Title IV–E plan); or (3) has a court responsible for proceedings related to foster care or adoption.

H.R. 2883 would extend this same cost sharing provision for State highest courts for each of Fiscal Year 2012 through Fiscal Year 2016.

Effective date

October 1, 2011, or later if State implementing legislation is required (see Section 107).

E. DATA STANDARDIZATION FOR IMPROVED DATA MATCHING (SEC. 105 OF THE BILL AND PART B OF TITLE IV OF THE SOCIAL SECURITY ACT)

Present law

Title IV–B of the Social Security Act authorizes two State formula grant programs, the Child Welfare Services program (Subpart 1), and the Promoting Safe and Stable Families program (Subpart 2). In addition (or as part of those programs) it authorizes, in those same subparts, several competitive grant programs or funding streams under which grantees (which may be public or private) are required to report data. These include Family Connection Grants, Regional Partnership Grants (under the Safe and Stable program) and Mentoring Children of Prisoners grants.

Reasons for change

The Committee believes the programs within its jurisdiction should, from an information technology standpoint, operate consistently within and across programs. By beginning the process of data standardization and the use of common reporting mechanisms in this section, the Committee is achieving three goals: better preventing and identifying fraud and abuse; ensuring appropriate access; and producing program savings for U.S. taxpayers.

The Subcommittee on Human Resources, in its March 11, 2011 hearing on the use of data matching to improve customer service, program integrity, and taxpayer savings, received testimony in support of consistent data standards that are non-proprietary and promote the interoperability of data across various information technology platforms, including State legacy systems. The hearing confirmed that not only are programs within the Subcommittee's jurisdiction in silos, but so is the accompanying data. Improved data standards will help increase the efficiency of data exchanges to use and reuse data within and across programs.

Therefore, the Committee believes that non-proprietary, interoperable data standards in child and family services programs are the first step to better organizing and using data to address fraud and abuse and increase administrative efficiency. This process will have the additional important benefit of improving the services these programs provide to children and families.

Explanation of provision

Under a new Subpart 3, the legislation would require HHS to issue a rule designating standard data elements for any category of information required to be reported under Title IV–B and would also require the agency to develop a rule providing for standard data reporting under Title IV–B. The rules would need to be developed by HHS in consultation with an interagency workgroup established by the Office of Management and Budget (OMB) and with consideration of State perspectives.

To the extent practicable, the standard data elements required by the rule would need to be non-proprietary; permit data to be exchanged and used (i.e., interoperable); and incorporate the interoperable standards developed and maintained by other recognized bodies (as named in the bill).

To the extent practicable, the data reporting standards required by the rule would need to incorporate a widely-accepted, non-proprietary, searchable, computer-readable format; be consistent with and implement applicable accounting principles; be capable of being continually upgraded as necessary; and incorporate existing nonproprietary standards, such as the eXtensible Business Reporting Language.

Effective date

The provision becomes effective on October 1, 2012.

F. PROVISIONS RELATING TO FOSTER CARE OR ADOPTION (SECTION 106 OF THE BILL AND PART E OF TITLE IV OF THE SOCIAL SECURITY ACT)

Present law

Present law requires that a State have a written education stability plan for each child in foster care that includes assurances that the child’s placement in foster care takes into account the appropriateness of the current educational setting and the proximity to the school where the child is enrolled at the time of the placement. Present law also requires that the State child welfare agency coordinate with appropriate local educational agencies to ensure that the child remains in the school in which he/she is enrolled at the time of placement or, if this is not in the child’s best interest, that the child is provided immediate and appropriate enrollment in a new school with all of his/her educational records supplied to that school.

States are required to have procedures in place to periodically review the status of each child in foster care, including procedures to address a range of requirements stipulated in statute. The Fair Credit Reporting Act defines what kind of information may (and may not) be included in a credit report (“consumer report”) and also grants each consumer the right to at least one free consumer report annually.

States are required to enter into an adoption assistance agreement with the adoptive parents of any child that the State determines has “special needs.” Not all children determined to have special needs are currently Title IV–E eligible. However, beginning with Fiscal Year 2010, expanded eligibility for Title IV–E adoption assistance is being phased in so that as of Fiscal Year 2018, any adopted child who is determined by a State to have “special needs” will be eligible for this assistance. States are required to spend any savings they realize, due to this expanded Federal eligibility criteria, on child welfare-related child and family services (authorized under Title IV–B or Title IV–E), which include post-adoption services.

HHS must submit an annual report to Congress that shows the performance of each State on certain child welfare outcome measures. Beginning with the report for Fiscal Year 2007, the report must include State-by-State data on the percentage of children in foster care who were visited on a monthly basis by their caseworker and the percentage of those monthly caseworker visits that took place where the child lived.

Reasons for change

The legislation reinforces the Committee’s longstanding interest in promoting the educational stability of youth in foster care by ensuring that educational stability is a goal of each placement involving foster youth, and not just their first placement. To combat identity theft involving foster youth, the legislation expects States to obtain a free credit report for older youth in care, to share that with the youth, and to assist the youth in resolving any inaccuracies in his or her credit report, which if unresolved would hinder his or her successful transition to adulthood. The legislation also reinforces the Committee’s interest in ensuring that any savings resulting from expanded Federal eligibility for adoption assistance are reinvested in child welfare services.

Explanation of provision

H.R. 2883 would amend current law to ensure that educational stability planning provisions apply to a child’s initial placement in foster care as well as any subsequent placements during the child’s stay in foster care.

H.R. 2883 would add that a State’s case review system must include procedures to ensure that each youth in foster care who is age 16 or older receives a copy of his/her credit report each year until he or she is discharged from care. The report would need to be provided without cost to the youth and the State would need to ensure that the youth received assistance in interpreting the report and resolving any inaccuracies in the report, (including, when possible, assistance from any court-appointed advocate for the child).

H.R. 2883 would require each State to document how it spent any adoption assistance savings that results from this expanded Federal eligibility, including spending on post-adoption services. The bill would additionally require this report to include State-by-State data on the number of monthly caseworker visits each State completed as a share of its total required monthly caseworker visits.

Effective date

October 1, 2011, or later if State implementing legislation is required (see Section 107).

G. EFFECTIVE DATE (SEC. 107 OF THE BILL AND PART B OF TITLE IV OF THE SOCIAL SECURITY ACT)

Present law

Not applicable.

Reason for change

This section provides an effective date for several sections of Title I of the legislation.

Explanation of provision

Except for the data standardization provisions, (which have an October 1, 2012 effective date), the amendments made by Title I of this bill would generally be effective on October 1, 2011. They would apply to payments under Title IV–B or Title IV–E beginning with the first quarter of Fiscal Year 2012 without regard to whether regulations implementing the amendments are promulgated by that date. However, if HHS were to determine that a State needed to pass legislation (other than an appropriations act) to allow a State to come into compliance with a plan requirement(s) added by the bill, a State may have additional limited time (specified in the bill) to come into compliance.

H. RENEWAL OF AUTHORITY TO APPROVE DEMONSTRATION PROJECTS DESIGNED TO TEST INNOVATIVE STRATEGIES IN STATE CHILD WELFARE PROGRAMS (SECTION 201 OF THE BILL AND TITLE XI OF THE SOCIAL SECURITY ACT)

Present law

HHS may waive certain requirements of Title IV–B and Title IV–E to permit a State to conduct a child welfare demonstration project. For each of Fiscal Year 1998 through March 31, 2006, HHS was authorized to annually grant such waivers for as many as ten demonstration (a.k.a. “waiver”) projects annually.

A demonstration project may not be conducted for more than five years unless the Secretary of HHS determines that it should continue beyond five years.

HHS may not approve a State to conduct a child welfare demonstration project if that State fails to provide health insurance coverage to any child with special needs for whom the State has an agreement in place with the child’s adoptive parents to provide adoption assistance.

If an appropriate application for such a project is received, HHS must consider authorizing child welfare demonstration projects that identify and address barriers to timely adoptions out of foster care; identify and address parental substance abuse issues that endanger children and result in their placement in foster care; and address kinship care.

There is no provision describing “child welfare program improvement policies.” As of October 2009, States are permitted to choose to offer kinship guardianship assistance to eligible children under

their Title IV–E program. Further, as of October 2010, they are permitted to amend that same plan to enable provision of Federal Title IV–E support to eligible youth after their 18th birthday (and up to their 21st birthday).

States are required to establish a health oversight plan relevant to all children in foster care, and to provide certain transition planning for older youth in care, including those about to leave care without placement in a permanent family. Further they must make reasonable efforts to place siblings removed from their homes in the same foster, adoptive, or guardianship settings whenever this is not contrary to safety or well-being of one of the siblings.

States seeking to implement a demonstration project must send an application to HHS that meets specific application requirements. Among these, a State must provide in the application that, where appropriate, children and families will be randomly assigned to a group that will receive the demonstration project services or to a group that will not receive those services.

States must provide certain information in their application for a child welfare demonstration project.

Each State that conducts a demonstration project must evaluate the effectiveness of the project and the evaluation must be done by an independent contractor. HHS must approve the evaluation design and that design must permit comparison of methods of service delivery under the demonstration project with those otherwise used under the States plan(s); a comparison of outcomes for children and families (and groups of children and families) served under the project with outcomes of those not served by the project; and any other information that HHS would require.

A State must provide interim and final evaluation reports to HHS at the times and in the manner that HHS requires.

Under current law, there are no provisions to discontinue project authority if improvement policies are not implemented, to define youth, or to include tribes.

Reasons for change

The legislation renews for three years the authority for HHS to provide new waivers of Federal child welfare law, which is designed to improve State effectiveness in protecting children and assisting families as well as point the way to potential broader national reforms to benefit children and families in the coming years. At the same time, the legislation conditions the awarding of new waivers to States in several ways, including by requiring States receiving new waivers to identify one or more goals, to demonstrate their readiness to successfully achieve those goals, and to demonstrate that they have implemented, or plan to implement, at least two of the “child welfare program improvement policies” listed in the legislation. These features are designed to promote the adoption of several identified program and policy options (including some tested in prior waiver programs) that seem especially promising in advancing the wellbeing of children and families.

Explanation of provision

H.R. 2883 would extend the authority for HHS to grant up to ten new child welfare demonstration projects annually for each of three years, Fiscal Year 2012 through Fiscal Year 2014.

H.R. 2883 would extend the authority for HHS to grant up to ten new child welfare demonstration projects annually for each of three years, Fiscal Year 2012 through Fiscal Year 2014.

H.R. 2883 would add the following conditions of eligibility, for any State seeking approval of a new demonstration project (first conducted in any of Fiscal Year 2012 through Fiscal Year 2014). The State must: demonstrate that its proposed demonstration project will meet one or more of the following identified goals: reduce the lengths of stay in foster care for children of all ages and promote successful transitions to adulthood for older youth; increase positive outcomes for children who remain in their own homes and communities; and prevent child abuse and neglect, as well as re-entries to foster care. The State must also provide a written description of changes the State has made, or will make, to its child welfare policies and procedures to enable the State to successfully achieve the goal(s) of its demonstration project. The State must also implement at least two of ten child welfare program improvement policies (specified in the bill). At least one of these program improvement policies must be new to the State (i.e., not have been implemented before the date the State submits its demonstration project application.) The State must demonstrate in its application that any new policy (or policies) will be implemented by the later of three years from the date on which it submits its application of the demonstration project or two years from the date when HHS approves the demonstration project.

H.R. 2883 would permit HHS to terminate the authority of a State to conduct a child welfare demonstration project, if within three years of granting that approval, HHS determines that the State has not made significant progress in implementing the child welfare program improvement policies it cited in its application for that project.

H.R. 2883 would provide that any State seeking to implement a demonstration project meeting any of the goals specified above may choose to establish a program that would identify and address domestic violence that endangers children and results in their placement in foster care or permit Federal (Title IV-E) foster care maintenance payments to be made on behalf of a child residing in a long-term therapeutic family treatment center.

For purposes of this provision, H.R. 2883 would define a “long-term therapeutic family treatment center” as a program licensed or certified by the State that “enables parents and their children to live together in a safe environment” for not less than six months and that provides, either on-site or by referral, the following services or activities: substance abuse treatment, children’s early intervention, family counseling, legal, nursery and preschool, parenting skills training, pediatric care, prenatal care, sexual abuse therapy, relapse prevention, transportation, and job or vocational training (or classes leading to a high school diploma or a GED).

H.R. 2883 would describe ten child welfare program improvement policies that States may implement to meet the requirements as follows:

(1) Establish a bill of rights for infants, children, and youth, who are in foster care, which must outline protections to be provided and procedures for ensuring the protections are provided, and must be widely shared.

(2) Develop and implement a plan to meet the health and mental health needs of infants, children, and youth, who are in foster care, which ensures child-specific provision of health and mental health services that are comprehensive, appropriate, and consistent.

(3) Opt to provide kinship guardianship assistance under the State's Title IV-E plan.

(4) Opt to define "child" (under the State's Title IV-E plan) to include individuals up to their 21st birthday (Doing this would require a State to provide Title IV-E assistance on behalf of eligible youth up to their 21st birthday, whether they were in foster care or had left foster care after their 16th birthday for guardianship or adoption).

(5) Develop and implement a plan to ensure appropriate use of congregate care and that reduces its use for children and youth in foster care.

(6) Substantially increase (above a Fiscal Year 2008 baseline) the number of cases where siblings (whether infants, children, or youth) who are in out-of-home care are placed in the same foster care, kinship guardianship, or adoptive placements.

(7) Develop and implement a plan to improve the recruitment and retention of high quality foster family homes, which may include increased maintenance payments, expanded training, and other supports for families that provide foster care.

(8) Establish procedures to aid youth preparing to transition out of foster care, for example, by arranging for participation in age-appropriate extra-curricular activities; providing appropriate access to cell phones, computers, and opportunities to obtain a driver's license; providing notification of where siblings that are in foster care are placed (or, if they are not in care, where siblings are located) as well as counseling and financial support for post-secondary education.

(9) Include in the State's Title IV-E plan a description of State procedures for ensuring that a youth in foster care who has attained 16 years of age is engaged in discussions (including during transition planning activities required under current law) that explore whether the youth wishes to reconnect with his or her biological family members (including parents, siblings, grandparents or others) and, if so, that the skills and strategies needed to allow this to happen safely are discussed, as well as guidance and services to manage any desired reconnections. These procedures must also seek to include biological family members in these reconnection efforts when appropriate.

(10) To prevent the entry of infants, children, and youth to foster care, and to provide permanency for those already in care, by establishing one or more of the following programs or services—intensive family finding; a kinship navigator program; family counseling (e.g., family group decision-making or in-home peer support for families); a comprehensive family-based substance abuse treatment program; a program to identify and address domestic violence that endangers infants, children, and youth and puts them at risk of entering foster care; and a mentoring program.

For purposes only of the paragraph in the bill describing "child welfare program improvement policies," H.R. 2883 would define "youth" to mean any individual who is at least 12 years of age but who has not attained the age at which he or she is no longer con-

sidered a “child” under the State’s Title IV–E or Title IV–B plans (i.e., at least up to age 18 but possibly up to age 21).

Before approving a State’s child welfare demonstration project application, H.R. 2883 would require HHS to consider the effect of such an approval on the ability of that State to implement any approved Program Improvement Plan (PIP) in the State.

H.R. 2883 would strike the application requirement related to random assignment from the law, but would continue to require that States evaluate the effectiveness of their projects by comparing methods of service delivery to measure effectiveness. Separately, the legislation would prohibit HHS from taking into consideration the fact that a State is using (or not using) a random assignment design as part of its decision to approve or disapprove of a child welfare demonstration project.

H.R. 2883 would require that States provide an accounting of any “additional” Federal, State, or local funds—as well as any private investments made in coordination with the State—that were used in the two years preceding the State’s application to provide the services the State proposes to offer under the demonstration project, and further that the State would provide this same spending information for each year of an approved demonstration project.

H.R. 2883 would strike the current evaluation report requirement and would instead require each State conducting a demonstration project to submit periodic reports to HHS on specific programs, activities, and strategies used to improve outcomes for infants, children, youth, and families, including the results achieved and without regard to whether those children were prevented from entering foster care, were in foster care, or had been moved from foster care to permanent families. At the same time it submitted such a report to HHS (and each time it did so), the State would further be required to post a copy of the report on the State child welfare agency’s website.

Further, H.R. 2883 would require HHS to submit to the House Committee on Ways and Means and the Senate Finance Committee: (1) Periodic reports (based on State-supplied periodic reports) regarding programs, strategies, and activities to improve outcomes for infants, children, youth and families in States with approved demonstration projects and the results achieved. (2) A report based on the results of State demonstration project evaluation reports that analyzes the results and makes recommendations for administrative or legislation changes that HHS determines appropriate.

For purposes of seeking and receiving authority to operate a child welfare demonstration project, H.R. 2883 would consider as a “State” any Indian tribe, tribal organization or consortium of tribes that has chosen to operate a Title IV–E program under the Social Security Act.

Effective date

The legislation provides HHS the authority to grant new child welfare waivers to States during Fiscal Years 2012 (which begins on October 1, 2011) through 2014.

I. BUDGET PROVISIONS (TITLE III OF THE BILL AND THE STATUTORY
PAY-AS-YOU-GO ACT OF 2010)

Present law

The Statutory Pay-As-You-Go-Act of 2010 generally requires that direct spending and revenue legislation (referred to as PAYGO legislation) enacted into law not increase the deficit. As a general matter, the budgetary effects are expected to reflect cost estimates prepared by the Congressional Budget Office (CBO) as included in statements inserted into the Congressional Record by the Chairman of the Budget Committee. If this procedure is not followed for a PAYGO measure, then the budgetary effects of the measure are determined by the Office of Management and Budget (OMB).

Reasons for change

To provide a statement regarding the budgetary effect of the legislation.

Explanation of provision

H.R. 2883 would stipulate that: For purposes of complying with the “Statutory Pay-As-You-Go-Act of 2010,” the budgetary effect of this bill must be determined by referring to the latest statement titled “Budgetary Effects of PAYGO Legislation” as submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, but only if such a statement has been submitted prior to a vote on the passage of the bill.

Effective date

Not applicable.

III. VOTES OF THE COMMITTEE

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the following statements are made concerning the votes of the Committee on Ways and Means in its consideration of the bill, H.R. 2883:

The bill H.R. 2883 was ordered favorably reported, as amended, by voice vote (with a quorum being present).

IV. BUDGET EFFECTS OF THE BILL

A. COMMITTEE ESTIMATE OF BUDGETARY EFFECTS

In compliance with clause 3(d) of rule XIII of the Rules of the House of Representatives, the following statement is made concerning the effects on the budget of the revenue provisions of the bill, H.R. 2883 as reported:

The Committee agrees with the estimates prepared by the Congressional Budget Office (CBO), which is included below.

STATEMENT REGARDING NEW BUDGET AUTHORITY AND TAX
EXPENDITURES BUDGET AUTHORITY

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee states that the bill involves no new or increased budgetary authority. The Committee

states further that the bill involves no new or increased tax expenditures.

B. COST ESTIMATE PREPARED BY THE CONGRESSIONAL BUDGET OFFICE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, requiring a cost estimate prepared by the CBO, the following statement by CBO is provided.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 19, 2011.

Hon. DAVE CAMP,
*Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2883, the Child and Family Services Improvement and Innovation Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jonathan Morancy,
Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

H.R. 2883—Child and Family Services Improvement and Innovation Act

Summary: H.R. 2883 would make numerous modifications to various federal child welfare programs. The bill would modify two programs (the Stephanie Tubbs Jones Child Welfare Services Program and the Safe and Stable Families program) and reauthorize the programs for five years.

The bill also would authorize the appropriation of \$345 million a year in mandatory funds from 2012 through 2016 for the Safe and Stable Families program, but that funding is already assumed in CBO's baseline. Finally, H.R. 2883 would reauthorize the child welfare waivers in section 1130 of the Social Security Act from 2012 through 2014.

CBO estimates that implementing H.R. 2883 would have a discretionary cost of about \$2.1 billion over the 2012–2016 period, assuming appropriation of the authorized amounts.

Because enacting the legislation could affect direct spending, pay-as-you-go procedures apply; however, CBO estimates the legislation would have an insignificant effect on direct spending. Enacting the bill would not affect revenues.

H.R. 2883 would impose intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) because it would increase the stringency of conditions of assistance under the Foster Care and Adoption Assistance Programs. CBO estimates, however, that the costs to state and local governments to comply with the mandates would be small and not exceed the threshold established in UMRA (\$71 million in 2011, as adjusted by inflation). The bill contains no new private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2883 is shown in the following table. The costs

of this legislation fall within budget functions 500 (education, training, employment, and social services) and 600 (income security).

	By fiscal year, in millions of dollars—					
	2012	2013	2014	2015	2016	2012–2016
CHANGES IN SPENDING SUBJECT TO APPROPRIATION ^{a,b}						
Child Welfare Services Program:						
Authorization Level	325	325	325	325	325	1,625
Estimated Outlays	111	270	312	315	315	1,323
Safe and Stable Families:						
Authorization Level	200	200	200	200	200	1,000
Estimated Outlays	64	168	196	198	200	826
Total Changes:						
Authorization Level	525	525	525	525	525	2,625
Estimated Outlays	175	438	508	513	515	2,149

^aTitle II would reauthorize section 1130 of the Social Security Act. That section requires any waivers approved by the Secretary of Health and Human Services to be cost neutral over the approved term of the project or some other time period as the Secretary finds appropriate. CBO expects that although this provision would not have a significant budgetary effect over the course of the waivers, the costs during any given year could be slightly higher or lower than zero.

^bSection 102 authorizes the appropriation of \$345 million per year in mandatory funds from 2012 to 2016 for the Safe and Stable Families program. That level of funding is already assumed in CBO's baseline.

Basis of estimate: For the purposes of this estimate, CBO assumes H.R. 2883 will be enacted early in fiscal year 2012, that the full amounts authorized will be appropriated for each year, and that outlays will follow historical patterns.

SPENDING SUBJECT TO APPROPRIATION

H.R. 2883 would authorize the appropriation of \$325 million each year from 2012 through 2016 for the Stephanie Tubbs Jones Child Welfare Services Program and \$200 million per year from 2012 through 2016 for the Safe and Stable Families program. The authorizations for both programs expire at the end of fiscal year 2011. In 2011, the Congress appropriated \$282 million for Child Welfare Services and \$63 million for Safe and Stable Families. CBO estimates that implementing these provisions would have a discretionary cost of \$2.1 billion over the 2012–2016 period, assuming appropriation of the authorized amounts.

DIRECT SPENDING

H.R. 2883 would authorize the appropriation of \$345 million per year in mandatory funds from 2012 through 2016 for the Safe and Stable Families program. Consistent with the budget projection rules in section 257 of the Balanced Budget and Emergency Deficit Control Act, the costs of extending the mandatory component of the Safe and Stable Families program are included in CBO's baseline and are therefore not included in the costs attributable to this bill. CBO estimates those costs would total about \$1.4 billion over the 2012–2016 period.

The bill also would reauthorize the child welfare waiver program in section 1130 of the Social Security Act. Current law requires that any waivers a state engages in be cost neutral over the approved term of the project or some other time period as the Secretary of Health and Human Services finds appropriate. The department has mechanisms in place to ensure that this cost neutrality is maintained and CBO thinks those mechanisms are effective. Thus, CBO expects that reauthorizing this waiver program

would have no significant effect on direct spending, though there could be costs or savings in any given year.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget reporting and enforcement procedures for legislation affecting direct spending or revenues. Because enacting the bill could affect direct spending, pay-as-you-go procedures apply. Relative to the baseline, however, CBO estimates that enacting the bill would have an insignificant effect on direct spending in every year and over the 2011–2021 period.

Estimated impact on state, local, and tribal governments: For large entitlement programs like the Foster Care and Adoption Assistance Programs, UMRA defines an increase in the stringency of conditions as an intergovernmental mandate if the affected governments lack authority to offset those costs while continuing to provide required services. The bill would require states to comply with new standards for reporting spending on adoption services and for assisting youth in foster care with identifying and resolving inaccuracies in their consumer credit reports. Because states and local governments have limited flexibility to amend their programmatic or financial responsibilities in those programs, the new requirements would be intergovernmental mandates. In aggregate, CBO estimates that the costs to governmental entities would be small and not exceed the annual threshold established in UMRA (\$71 million in 2011, adjusted annually for inflation).

Estimated impact on the private sector: H.R. 2883 contains no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Jonathan Morancy; Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum; Impact on the Private Sector: Jimmy Jin.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

V. OTHER MATTERS TO BE DISCUSSED UNDER THE RULES OF THE HOUSE OF REPRESENTATIVES

A. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives (relating to oversight findings), the Committee concluded that it was appropriate and timely to enact the sections included in the bill, as reported.

B. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

With respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee advises that the bill contains no measure that authorizes new or additional funding compared with the current law baseline, so no statement of general performance goals and objectives for which any measure authorizes funding is required.

C. INFORMATION RELATING TO UNFUNDED MANDATES

This information is provided in accordance with section 423 of the Unfunded Mandates Reform Act of 1995 (Pub. L. No. 104–4).

The Committee has determined that the revenue provisions of the bill do not impose a Federal mandate on the private sector. The Committee has determined that the revenue provisions of the bill

do not impose a Federal intergovernmental mandate on State, local, or tribal governments.

D. APPLICABILITY OF HOUSE RULE XXI 5(b)

Clause 5(b) of rule XXI of the Rules of the House of Representatives provides, in part, that “A bill or joint resolution, amendment, or conference report carrying a Federal income tax rate increase may not be considered as passed or agreed to unless so determined by a vote of not less than three-fifths of the Members voting, a quorum being present.” The Committee has carefully reviewed the sections of the bill, and states that the bill does not involve any Federal income tax rate increases within the meaning of the rule.

E. CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

With respect to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee has carefully reviewed the provision of the bill, and states that the provisions of the bill do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits within the meaning of the rule.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SOCIAL SECURITY ACT

* * * * *

TITLE IV—GRANTS TO STATES FOR AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN AND FOR CHILD-WELFARE SERVICES

* * * * *

PART B—CHILD AND FAMILY SERVICES

Subpart 1—Stephanie Tubbs Jones Child Welfare Services Program

* * * * *

STATE PLANS FOR CHILD WELFARE SERVICES

SEC. 422. (a) * * *

(b) Each plan for child welfare services under this subpart shall—

(1) * * *

* * * * *

(15)(A) provides that the State will develop, in coordination and collaboration with the State agency referred to in paragraph (1) and the State agency responsible for administering

the State plan approved under title XIX, and in consultation with pediatricians, other experts in health care, and experts in and recipients of child welfare services, a plan for the ongoing oversight and coordination of health care services for any child in a foster care placement, which shall ensure a coordinated strategy to identify and respond to the health care needs of children in foster care placements, including mental health and dental health needs, and shall include an outline of—

(i) * * *

(ii) how health needs identified through screenings will be monitored and treated, *including emotional trauma associated with a child’s maltreatment and removal from home;*

* * * * *

(v) the oversight of prescription medicines, *including protocols for the appropriate use and monitoring of psychotropic medications;*

* * * * *

(16) provide that, not later than 1 year after the date of the enactment of this paragraph, the State shall have in place procedures providing for how the State programs assisted under this subpart, subpart 2 of this part, or part E would respond to a disaster, in accordance with criteria established by the Secretary which should include how a State would—

(A) * * *

* * * * *

(E) coordinate services and share information with other States; **[and]**

(17) not later than October 1, 2007, describe the State standards for the content and frequency of caseworker visits for children who are in foster care under the responsibility of the State, which, at a minimum, ensure that the children are visited on a monthly basis and that the caseworker visits are well-planned and focused on issues pertinent to case planning and service delivery to ensure the safety, permanency, and well-being of the children**[.]**;

(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, 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; and*

(19) *contain a description of the sources used to compile information on child maltreatment deaths required by Federal law to be reported by the State agency referred to in paragraph (1), and to the extent that the compilation does not include information on such deaths from the State vital statistics department, child death review teams, law enforcement agencies, or offices of medical examiners or coroners, the State shall describe why the information is not so included and how the State will include the information.*

* * * * *

ALLOTMENTS TO STATES

SEC. 423. (a) * * *

(b) DETERMINATION OF STATE ALLOTMENT PERCENTAGES.—The “allotment percentage” for any State shall be 100 [per centum] percent less the State percentage; and the State percentage shall be the percentage which bears the same ratio to 50 [per centum] percent as the per capita income of such State bears to the per capita income of the United States; except that (1) the allotment percentage shall in no case be less than 30 [per centum] percent or more than 70 [per centum] percent, and (2) the allotment percentage shall be 70 [per centum] percent in the case of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

* * * * *

PAYMENT TO STATES

SEC. 424. (a) * * *

* * * * *

[(e)(1) The Secretary may not make a payment to a State under this subpart for a period in fiscal year 2008, unless the State has provided to the Secretary data which shows, for fiscal year 2007—

[(A) the percentage of children in foster care under the responsibility of the State who were visited on a monthly basis by the caseworker handling the case of the child; and

[(B) the percentage of the visits that occurred in the residence of the child.

[(2)(A) Based on the data provided by a State pursuant to paragraph (1), the Secretary, in consultation with the State, shall establish, not later than June 30, 2008, an outline of the steps to be taken to ensure, by October 1, 2011, that at least 90 percent of the children in foster care under the responsibility of the State are visited by their caseworkers on a monthly basis, and that the majority of the visits occur in the residence of the child. The outline shall include target percentages to be reached each fiscal year, and should include a description of how the steps will be implemented. The steps may include activities designed to improve caseworker retention, recruitment, training, and ability to access the benefits of technology.

[(B) Beginning October 1, 2008, if the Secretary determines that a State has not made the requisite progress in meeting the goal described in subparagraph (A) of this paragraph, then the percentage that shall apply for purposes of subsection (a) of this section for the period involved shall be the percentage set forth in such subsection (a) reduced by—

[(i) 1, if the number of full percentage points by which the State fell short of the target percentage established for the State for the period pursuant to such subparagraph 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.]

(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 (or, in the case of fiscal year 2015 or thereafter, 95 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.*

LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS

SEC. 425. To carry out this subpart (other than sections 426, 427, and 429), there are authorized to be appropriated to the Secretary not more than \$325,000,000 for each of fiscal years [2007 through 2011] 2012 through 2016.

* * * * *

Subpart 2—Promoting Safe and Stable Families

* * * * *

SEC. 431. DEFINITIONS.

(a) **IN GENERAL.**—As used in this subpart:

(1) * * *

[(2) **FAMILY SUPPORT SERVICES.**—The term “family support services” means community-based services to promote the safety and well-being of children and families designed to increase the strength and stability of families (including adoptive, fos-

ter, and extended families), to increase parents' confidence and competence in their parenting abilities, to afford children a safe, stable, and supportive family environment, to strengthen parental relationships and promote healthy marriages, and otherwise to enhance child development.】

(2) FAMILY SUPPORT SERVICES.—

(A) IN GENERAL.—The term “family support services” means community-based services designed to carry out the purposes described in subparagraph (B).

(B) PURPOSES DESCRIBED.—The purposes described in this subparagraph are the following:

- (i) To promote the safety and well-being of children and families.
- (ii) To increase the strength and stability of families (including adoptive, foster, and extended families).
- (iii) To increase parents' confidence and competence in their parenting abilities.
- (iv) To afford children a safe, stable, and supportive family environment.
- (v) To strengthen parental relationships and promote healthy marriages.
- (vi) To enhance child development, including through mentoring (as defined in section 439(b)(2)).

* * * * *

【(5) TRIBAL ORGANIZATION.—The term “tribal organization” means the recognized governing body of any Indian tribe.

【(6) INDIAN TRIBE.—The term “Indian tribe” means any Indian tribe (as defined in section 482(i)(5), as in effect before August 22, 1996) and any Alaska Native organization (as defined in section 482(i)(7)(A), as so in effect).】

(5) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 428(c).

(6) TRIBAL ORGANIZATION.—The term “tribal organization” has the meaning given the term in section 428(c).

(7) TIME-LIMITED FAMILY REUNIFICATION SERVICES.—

(A) * * *

(B) SERVICES AND ACTIVITIES DESCRIBED.—The services and activities described in this subparagraph are the following:

(i) * * *

* * * * *

(vi) Peer-to-peer mentoring and support groups for parents and primary caregivers.

(vii) Services and activities designed to facilitate access to and visitation of children by parents and siblings.

【(vi)】 (viii) Transportation to or from any of the services and activities described in this subparagraph.

* * * * *

SEC. 432. STATE PLANS.

(a) PLAN REQUIREMENTS.—A State plan meets the requirements of this subsection if the plan—

(1) * * *

* * * * *

(8)(A) * * *

(B) provides that, not later than June 30 of each year, the State will submit to the Secretary—

(i) copies of **forms CFS 101–Part I and CFS 101–Part II (or any successor forms) form CFS–101 (including all parts and any successor forms)** that report on planned child and family services expenditures by the agency for the immediately succeeding fiscal year; and

(ii) copies of **forms CFS 101–Part I and CFS 101–Part II (or any successor forms) form CFS–101 (including all parts and any successor forms)** that provide, with respect to the programs authorized under this subpart and subpart 1 and, at State option, other programs included on such forms, for the most recent preceding fiscal year for which reporting of actual expenditures is complete—

(I) * * *

* * * * *

(IV) the actual expenditures of funds provided to the State agency; **and**

(9) contains assurances that in administering and conducting service programs under the plan, the safety of the children to be served shall be of paramount concern~~...~~; *and*

(10) *describes how the State identifies which populations are at the greatest risk of maltreatment and how services are targeted to the populations.*

* * * * *

[(c) ANNUAL SUBMISSION OF STATE REPORTS TO CONGRESS.—The Secretary]

(c) ANNUAL SUBMISSION OF STATE REPORTS TO CONGRESS.—

(1) IN GENERAL.—The Secretary shall compile the reports required under subsection (a)(8)(B) and, not later than September 30 of each year, submit such compilation to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(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 publish the compilation on the website of the Department of Health and Human Services in a location easily accessible by the public.

SEC. 433. ALLOTMENTS TO STATES.

(a) * * *

* * * * *

(c) OTHER STATES.—

(1) * * *

(2) **FOOD STAMP SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS PERCENTAGE DEFINED.**—

(A) **IN GENERAL.**—As used in paragraph (1) of this subsection, the term “supplemental nutrition assistance program benefits percentage” means, with respect to a State and a fiscal year, the average monthly number of children receiving supplemental nutrition assistance program **benefits** in the State for months in the 3 fiscal years referred to in subparagraph (B) of this paragraph, as determined from sample surveys made under section 16(c) of the Food and Nutrition Act of 2008, expressed as a percentage of the average monthly number of children receiving supplemental nutrition assistance program **benefits** in the States described in such paragraph (1) for months in such 3 fiscal years, as so determined.

* * * * *

SEC. 436. AUTHORIZATION OF APPROPRIATIONS; RESERVATION OF CERTAIN AMOUNTS.

(a) **AUTHORIZATION.**—In addition to any amount otherwise made available to carry out this subpart, there are authorized to be appropriated to carry out this subpart \$345,000,000 **for each of fiscal years 2007 through 2010** *for each of fiscal years 2012 through 2016.*

(b) **RESERVATION OF CERTAIN AMOUNTS.**—From the amount specified in subsection (a) for a fiscal year, the Secretary shall reserve amounts as follows:

(1) * * *

* * * * *

(4) **SUPPORT FOR MONTHLY CASEWORKER VISITS.**—

(A) **RESERVATION.**—The Secretary shall reserve for allotment in accordance with section **433(e)**—

[(i) \$5,000,000 for fiscal year 2008;

[(ii) \$10,000,000 for fiscal year 2009; and

[(iii) \$20,000,000 for each of fiscal years 2010 and 2011.] 433(e) \$20,000,000 for each of fiscal years 2012 through 2016.

(B) **USE OF FUNDS.**—

(i) **IN GENERAL.**—A State to which an amount is paid from amounts reserved under subparagraph (A) shall use the amount to **support** *improve the quality of monthly caseworker visits with children who are in foster care under the responsibility of the State, with a primary emphasis on activities designed to improve caseworker retention, recruitment, training, and ability to access the benefits of technology.* *an emphasis on improving caseworker decision making on the safety, permanency, and well-being of foster children and on activities designed to increase retention, recruitment, and training of caseworkers.*

* * * * *

(5) **REGIONAL PARTNERSHIP GRANTS.**—The Secretary shall reserve for awarding grants under section **437(f)**—

- [(A) \$40,000,000 for fiscal year 2007;
 - [(B) \$35,000,000 for fiscal year 2008;
 - [(C) \$30,000,000 for fiscal year 2009; and
 - [(D) \$20,000,000 for each of fiscal years 2010 and 2011.]
- 437(f) \$20,000,000 for each of fiscal years 2012 through 2016.*

SEC. 437. DISCRETIONARY AND TARGETED GRANTS.

(a) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In addition to any amount appropriated pursuant to section 436, there are authorized to be appropriated to carry out this section \$200,000,000 for each of fiscal years [2007 through 2011] *2012 through 2016.*

* * * * *

(f) TARGETED GRANTS TO INCREASE THE WELL-BEING OF, AND TO IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY [METHAMPHETAMINE OR OTHER] SUBSTANCE ABUSE.—

(1) PURPOSE.—The purpose of this subsection is to authorize the Secretary to make competitive grants to regional partnerships to provide, through interagency collaboration and integration of programs and services, services and activities that are designed to increase the well-being of, improve permanency outcomes for, and enhance the safety of children who are in an out-of-home placement or are at risk of being placed in an out-of-home placement as a result of a parent’s or caretaker’s [methamphetamine or other] substance abuse.

* * * * *

(3) AUTHORITY TO AWARD GRANTS.—

(A) IN GENERAL.—In addition to amounts authorized to be appropriated to carry out this section, the Secretary shall award grants under this subsection, from the amounts reserved for each of fiscal years [2007 through 2011] *2012 through 2016* under section 436(b)(5), to regional partnerships that satisfy the requirements of this subsection, in amounts that are not less than \$500,000 and not more than \$1,000,000 per grant per fiscal year.

[(B) REQUIRED MINIMUM PERIOD OF APPROVAL.—A grant shall be awarded under this subsection for a period of not less than 2, and not more than 5, fiscal years.]

(B) REQUIRED MINIMUM PERIOD OF APPROVAL.—

(i) IN GENERAL.—*A grant shall be awarded under this subsection for a period of not less than 2, and not more than 5, fiscal years, subject to clause (ii).*

(ii) EXTENSION OF GRANT.—*On application of the grantee, the Secretary may extend for not more than 2 fiscal years the period for which a grant is awarded under this subsection.*

(C) MULTIPLE GRANTS ALLOWED.—*This subsection shall not be interpreted to prevent a grantee from applying for, or being awarded, separate grants under this subsection.*

(4) APPLICATION REQUIREMENTS.—To be eligible for a grant under this subsection, a regional partnership shall submit to the Secretary a written application containing the following:

(A) Recent evidence demonstrating that [methamphetamine or other] substance abuse has had a substantial im-

pact on the number of out-of-home placements for children, or the number of children who are at risk of being placed in an out-of-home placement, in the partnership region.

* * * * *

(6) MATCHING REQUIREMENT.—

(A) FEDERAL SHARE.—A grant awarded under this subsection shall be available to pay a percentage share of the costs of services provided or activities conducted under such grant, not to exceed—

- (i) * * *
- (ii) 80 percent for the third and fourth such fiscal years; **[and]**
- (iii) 75 percent for the fifth such fiscal year**【.】**;
- (iv) 70 percent for the sixth such fiscal year; and
- (v) 65 percent for the seventh such fiscal year.

* * * * *

(7) CONSIDERATIONS IN AWARDING GRANTS.—In awarding grants under this subsection, the Secretary **【shall—**

【(A) take】 shall take into consideration the extent to which applicant regional partnerships—

【(i) (A) demonstrate that [methamphetamine or other] substance abuse by parents or caretakers has had a substantial impact on the number of out-of-home placements for children, or the number of children who are at risk of being placed in an out-of-home placement, in the partnership region;

【(ii) (B) have limited resources for addressing the needs of children affected by such abuse;

【(iii) (C) have a lack of capacity for, or access to, comprehensive family treatment services; and

【(iv) (D) demonstrate a plan for sustaining the services provided by or activities funded under the grant after the conclusion of the grant period【; and】.

【(B) after taking such factors into consideration, give greater weight to awarding grants to regional partnerships that propose to address methamphetamine abuse and addiction in the partnership region (alone or in combination with other drug abuse and addiction) and which demonstrate that methamphetamine abuse and addiction (alone or in combination with other drug abuse and addiction) is adversely affecting child welfare in the partnership region.】

* * * * *

(9) REPORTS.—

(A) * * *

(B) REPORTS TO CONGRESS.—On the basis of the reports submitted under subparagraph (A), the Secretary annually shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on—

- (i) * * *

* * * * *

(iii) the progress that has been made in addressing the needs of families with **[methamphetamine or other]** substance abuse problems who come to the attention of the child welfare system and in achieving the goals of child safety, permanence, and family stability.

(10) LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES OF THE SECRETARY.—Not more than 5 percent of the amounts appropriated or reserved for awarding grants under this subsection for each of fiscal years 2012 through 2016 may be used by the Secretary for salaries and Department of Health and Human Services administrative expenses in administering this subsection.

SEC. 438. ENTITLEMENT FUNDING FOR STATE COURTS TO ASSESS AND IMPROVE HANDLING OF PROCEEDINGS RELATING TO FOSTER CARE AND ADOPTION.

(a) **IN GENERAL.**—The Secretary shall make grants, in accordance with this section, to the highest State courts in States participating in the program under part E, for the purpose of enabling such courts—

(1) * * *

(2) to implement improvements the highest state courts deem necessary as a result of the assessments, including—

(A) to provide for the safety, well-being, and permanence of children in foster care, as set forth in the Adoption and Safe Families Act of 1997 (Public Law 105–89)**[; and]**, *including the requirements in the Act related to concurrent planning;*

(B) to implement a corrective action plan, as necessary, resulting from reviews of child and family service programs under section 1123A of this Act; *and*

(C) *to increase and improve engagement of the entire family in court processes relating to child welfare, family preservation, family reunification, and adoption;*

* * * * *

(4)(A) to provide for the training of judges, attorneys and other legal personnel in child welfare cases**[.]; and**

(B) *to increase and improve engagement of the entire family in court processes relating to child welfare, family preservation, family reunification, and adoption.*

(b) **APPLICATIONS.**—

(1) * * *

[(2) SEPARATE APPLICATIONS.—A highest State court desiring grants under this section for 2 or more purposes shall submit separate applications for the following grants:

[(A) A grant for the purposes described in paragraphs (1) and (2) of subsection (a).

[(B) A grant for the purpose described in subsection (a)(3).

[(C) A grant for the purpose described in subsection (a)(4).]

(2) **SINGLE GRANT APPLICATION.**—*Pursuant to the requirements under paragraph (1) of this subsection, a highest State court desiring a grant under this section shall submit a single*

application to the Secretary that specifies whether the application is for a grant for—

(A) the purposes described in paragraphs (1) and (2) of subsection (a);

(B) the purpose described in subsection (a)(3);

(C) the purpose described in subsection (a)(4); or

(D) the purposes referred to in 2 or more (specifically identified) of subparagraphs (A), (B), and (C) of this paragraph.

[(c) ALLOTMENTS.—

[(1) GRANTS TO ASSESS AND IMPROVE HANDLING OF COURT PROCEEDINGS RELATING TO FOSTER CARE AND ADOPTION.—

[(A) IN GENERAL.—Each highest State court which has an application approved under subsection (b) of this section for a grant described in subsection (b)(2)(A) of this section, and is conducting assessment and improvement activities in accordance with this section, shall be entitled to payment, for each of fiscal years 2002 through 2011, from the amount reserved pursuant to section 436(b)(2) (and the amount, if any, reserved pursuant to section 437(b)(2)), of an amount equal to the sum of \$85,000 plus the amount described in subparagraph (B) of this paragraph for the fiscal year.

[(B) FORMULA.—The amount described in this subparagraph for any fiscal year is the amount that bears the same ratio to the amount reserved pursuant to section 436(b)(2) (and the amount, if any, reserved pursuant to section 437(b)(2)) for the fiscal year (reduced by the dollar amount specified in subparagraph (A) of this paragraph for the fiscal year) as the number of individuals in the State who have not attained 21 years of age bears to the total number of such individuals in all States the highest State courts of which have approved applications under subsection (b) for such a grant.

[(2) GRANTS FOR IMPROVED DATA COLLECTION AND TRAINING.—

[(A) IN GENERAL.—Each highest State court which has an application approved under subsection (b) of this section for a grant referred to in subparagraph (B) or (C) of subsection (b)(2) shall be entitled to payment, for each of fiscal years 2006 through 2011, from the amount made available under whichever of paragraph (1) or (2) of subsection (e) applies with respect to the grant, of an amount equal to the sum of \$85,000 plus the amount described in subparagraph (B) of this paragraph for the fiscal year with respect to the grant.

[(B) FORMULA.—The amount described in this subparagraph for any fiscal year with respect to a grant referred to in subparagraph (B) or (C) of subsection (b)(2) is the amount that bears the same ratio to the amount made available under subsection (e) for such a grant (reduced by the dollar amount specified in subparagraph (A) of this paragraph) as the number of individuals in the State who have not attained 21 years of age bears to the total number of such individuals in all States the highest State

courts of which have approved applications under subsection (b) for such a grant.】

(c) AMOUNT OF GRANT.—

(1) *IN GENERAL.*—With respect to each of subparagraphs (A), (B), and (C) of subsection (b)(2) that refers to 1 or more grant purposes for which an application of a highest State court is approved under this section, the court shall be entitled to payment, for each of fiscal years 2012 through 2016, from the amount allocated under paragraph (3) of this subsection for grants for the purpose or purposes, of an amount equal to \$85,000 plus the amount described in paragraph (2) of this subsection with respect to the purpose or purposes.

(2) *AMOUNT DESCRIBED.*—The amount described in this paragraph for any fiscal year with respect to the purpose or purposes referred to in a subparagraph of subsection (b)(2) is the amount that bears the same ratio to the total of the amounts allocated under paragraph (3) of this subsection for grants for the purpose or purposes as the number of individuals in the State who have not attained 21 years of age bears to the total number of such individuals in all States the highest State courts of which have approved applications under this section for grants for the purpose or purposes.

(3) *ALLOCATION OF FUNDS.*—

(A) *MANDATORY FUNDS.*—Of the amounts reserved under section 436(b)(2) for any fiscal year, the Secretary shall allocate—

(i) \$9,000,000 for grants for the purposes described in paragraphs (1) and (2) of subsection (a);

(ii) \$10,000,000 for grants for the purpose described in subsection (a)(3);

(iii) \$10,000,000 for grants for the purpose described in subsection (a)(4); and

(iv) \$1,000,000 for grants to be awarded on a competitive basis among the highest courts of Indian tribes or tribal consortia that—

(I) are operating a program under part E, in accordance with section 479B;

(II) are seeking to operate a program under part E and have received an implementation grant under section 476; or

(III) has a court responsible for proceedings related to foster care or adoption.

(B) *DISCRETIONARY FUNDS.*—The Secretary shall allocate all of the amounts reserved under section 437(b)(2) for grants for the purposes described in paragraphs (1) and (2) of subsection (a).

(d) *FEDERAL SHARE.*—Each highest State court which receives funds paid under this section may use such funds to pay not more than 75 percent of the cost of activities under this section in each of fiscal years 【2002 through 2011】 2012 through 2016.

* * * * *

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 partnerships, 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 Regulatory 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, non-proprietary, 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 non-proprietary standards, such as the eXtensible Business Reporting Language.

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PART E—FEDERAL PAYMENTS FOR FOSTER CARE AND ADOPTION ASSISTANCE

* * * * *

ADOPTION AND GUARDIANSHIP ASSISTANCE PROGRAM

SEC. 473. (a)(1) * * *

* * * * *

(8) A State shall spend an amount equal to the amount of savings (if any) in State expenditures under this part resulting from the application of paragraph (2)(A)(ii) to all applicable children for a fiscal year to provide to children or families any service (including post-adoption services) that may be provided under this part or part B, and shall document how such amounts are spent, including on post-adoption services.

* * * * *

DEFINITIONS

SEC. 475. As used in this part or part B of this title:

(1) The term "case plan" means a written document which includes at least the following:

(A) * * *

* * * * *

(G) A plan for ensuring the educational stability of the child while in foster care, including—

(i) assurances that **the placement** each placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and

(ii)(I) an assurance that the State agency has coordinated with appropriate local educational agencies (as defined under section 9101 of the Elementary and Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of each placement; or

* * * * *

(5) The term "case review system" means a procedure for as-
suring that—

(A) * * *

* * * * *

(G) the foster parents (if any) of a child and any preadoptive parent or relative providing care for the child are provided with notice of, and a right to be heard in, any proceeding to be held with respect to the child, except that this subparagraph shall not be construed to require that any foster parent, preadoptive parent, or relative providing care for the child be made a party to such a proceeding solely on the basis of such notice and right to be heard; **and**

(H) during the 90-day period immediately prior to the date on which the child will attain 18 years of age, or such greater age as the State may elect under paragraph (8)(B)(iii), whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under section 477, a caseworker on the staff of the State agency, and, as

appropriate, other representatives of the child provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and is as detailed as the child may elect[.]; and

(I) each child in foster care under the responsibility of the State who has attained 16 years of age receives without cost a copy of any consumer report (as defined in section 603(d) of the Fair Credit Reporting Act) pertaining to the child each year until the child is discharged from care, and receives assistance (including, when feasible, from any court-appointed advocate for the child) in interpreting and resolving any inaccuracies in the report.

* * * * *

SEC. 479A. ANNUAL REPORT.

The Secretary, in consultation with Governors, State legislatures, State and local public officials responsible for administering child welfare programs, and child welfare advocates, shall—

(1) * * *

* * * * *

(6) include in the report submitted pursuant to paragraph (5) for fiscal year 2007 or any succeeding fiscal year, State-by-State data on—

(A) the percentage of children in foster care under the responsibility of the State who were visited on a monthly basis by the caseworker handling the case of the child; [and]

(B) 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 as a percentage of the total number of the visits that would occur during the fiscal year if each child were so visited once every month while in such care; and

[(B)] (C) the percentage of the visits that occurred in the residence of the child.

* * * * *

TITLE XI—GENERAL PROVISIONS, PEER REVIEW, AND ADMINISTRATIVE SIMPLIFICATION

PART A—GENERAL PROVISIONS

* * * * *

DEMONSTRATION PROJECTS

SEC. 1130. (a) AUTHORITY TO APPROVE DEMONSTRATION PROJECTS.—

(1) * * *

[(2) **LIMITATION.**—The Secretary may authorize not more than 10 demonstration projects under paragraph (1) in each of fiscal years 1998 through 2003.

[(3) CERTAIN TYPES OF PROPOSALS REQUIRED TO BE CONSIDERED.—

[(A) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to identify and address barriers that result in delays to adoptive placements for children in foster care.

[(B) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to identify and address parental substance abuse problems that endanger children and result in the placement of children in foster care, including through the placement of children with their parents in residential treatment facilities (including residential treatment facilities for post-partum depression) that are specifically designed to serve parents and children together in order to promote family reunification and that can ensure the health and safety of the children in such placements.

[(C) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to address kinship care.]

(2) *LIMITATION.—During fiscal years 2012 through 2014, the Secretary may authorize demonstration projects described in paragraph (1), with not more than 10 demonstration projects to be authorized in each fiscal year.*

(3) *CONDITIONS FOR STATE ELIGIBILITY.—For purposes of a new demonstration project under this section that is initially approved in any of fiscal years 2012 through 2014, a State shall be authorized to conduct such demonstration project only if the State satisfies the following conditions:*

(A) *IDENTIFY 1 OR MORE GOALS.—*

(i) *IN GENERAL.—The State shall demonstrate that the demonstration project is designed to accomplish 1 or more of the following goals:*

(I) *Increase permanency for all infants, children, and youth by reducing the time in foster placements when possible and promoting a successful transition to adulthood for older youth.*

(II) *Increase positive outcomes for infants, children, youth, and families in their homes and communities, including tribal communities, and improve the safety and well-being of infants, children, and youth.*

(III) *Prevent child abuse and neglect and the re-entry of infants, children, and youth into foster care.*

(ii) *LONG-TERM THERAPEUTIC FAMILY TREATMENT CENTERS; ADDRESSING DOMESTIC VIOLENCE.—With respect to a demonstration project that is designed to accomplish 1 or more of the goals described in clause (i), the State may elect to establish a program—*

(I) *to permit foster care maintenance payments to be made under part E of title IV to a long-term therapeutic family treatment center (as described*

in paragraph (8)(B)) on behalf of a child residing in the center; or

(II) to identify and address domestic violence that endangers children and results in the placement of children in foster care.

(B) DEMONSTRATE READINESS.—The State shall demonstrate through a narrative description the State's capacity to effectively use the authority to conduct a demonstration project under this section by identifying changes the State has made or plans to make in policies, procedures, or other elements of the State's child welfare program that will enable the State to successfully achieve the goal or goals of the project.

(C) DEMONSTRATE IMPLEMENTED OR PLANNED CHILD WELFARE PROGRAM IMPROVEMENT POLICIES.—

(i) IN GENERAL.—The State shall demonstrate that the State has implemented, or plans to implement within 3 years of the date on which the State submits its application to conduct the demonstration project or 2 years after the date on which the Secretary approves such demonstration project (whichever is later), at least 2 of the child welfare program improvement policies described in paragraph (7).

(ii) PREVIOUS IMPLEMENTATION.—For purposes of the requirement described in clause (i), at least 1 of the child welfare program improvement policies to be implemented by the State shall be a policy that the State has not previously implemented as of the date on which the State submits an application to conduct the demonstration project.

(iii) IMPLEMENTATION REVIEW.—The Secretary may terminate the authority of a State to conduct a demonstration project under this section if, after the 3-year period following approval of the demonstration project, the State has not made significant progress in implementing the child welfare program improvement policies proposed by the State under clause (i).

* * * * *

(5) REQUIREMENT TO CONSIDER EFFECT OF PROJECT ON TERMS AND CONDITIONS OF CERTAIN COURT ORDERS.—In considering an application to conduct a demonstration project under this section that has been submitted by a State in which there is in effect a court order determining that the State's child welfare program has failed to comply with the provisions of part B or E of title IV, or with the Constitution of the United States, the Secretary shall take into consideration the effect of approving the proposed project on the terms and conditions of the court order related to the failure to comply and the ability of the State to implement a corrective action plan approved under section 1123A.

(6) INAPPLICABILITY OF RANDOM ASSIGNMENT FOR CONTROL GROUPS AS A FACTOR FOR APPROVAL OF DEMONSTRATION PROJECTS.—For purposes of evaluating an application to conduct a demonstration project under this section, the Secretary shall not take into consideration whether such project requires

random assignment of children and families to groups served under the project and to control groups.

(7) *CHILD WELFARE PROGRAM IMPROVEMENT POLICIES.—For purposes of paragraph (3)(C), the child welfare program improvement policies described in this paragraph are the following:*

(A) *The establishment of a bill of rights for infants, children, and youth in foster care that is widely shared and clearly outlines protections for infants, children, and youth, such as assuring frequent visits with parents, siblings, and caseworkers, access to attorneys, and participation in age-appropriate extracurricular activities, and procedures for ensuring the protections are provided.*

(B) *The development and implementation of a plan for meeting the health and mental health needs of infants, children, and youth in foster care that includes ensuring that the provision of health and mental health care is child-specific, comprehensive, appropriate, and consistent (through means such as ensuring the infant, child, or youth has a medical home, regular wellness medical visits, and addressing the issue of trauma, when appropriate).*

(C) *The inclusion in the State plan under section 471 of an amendment implementing the option under subsection (a)(28) of that section to enter into kinship guardianship assistance agreements.*

(D) *The election under the State plan under section 471 to define a “child” for purposes of the provision of foster care maintenance payments, adoption assistance payments, and kinship guardianship assistance payments, so as to include individuals described in each of subclauses (I), (II), and (III) of section 475(8)(B)(i) who have not attained age 21.*

(E) *The development and implementation of a plan that ensures congregate care is used appropriately and reduces the placement of children and youth in such care.*

(F) *Of those infants, children, and youth in out-of-home placements, substantially increasing the number of cases of siblings who are in the same foster care, kinship guardianship, or adoptive placement, above the number of such cases in fiscal year 2008.*

(G) *The development and implementation of a plan to improve the recruitment and retention of high quality foster family homes trained to help assist infants, children, and youth swiftly secure permanent families. Supports for foster families under such a plan may include increasing maintenance payments to more adequately meet the needs of infants, children, and youth in foster care and expanding training, respite care, and other support services for foster parents.*

(H) *The establishment of procedures designed to assist youth as they prepare for their transition out of foster care, such as arranging for participation in age-appropriate extra-curricular activities, providing appropriate access to cell phones, computers, and opportunities to obtain a driver’s license, providing notification of all sibling placements*

if siblings are in care and sibling location if siblings are out of care, and providing counseling and financial support for post-secondary education.

(I) The inclusion in the State plan under section 471 of a description of State procedures for—

(i) ensuring that youth in foster care who have attained age 16 are engaged in discussions, including during the development of the transition plans required under paragraphs (1)(D) and (5)(H) of section 475, that explore whether the youth wishes to reconnect with the youth's biological family, including parents, grandparents, and siblings, and, if so, what skills and strategies the youth will need to successfully and safely reconnect with those family members;

(ii) providing appropriate guidance and services to youth whom affirm an intent to reconnect with biological family members on how to successfully and safely manage such reconnections; and

(iii) making, when appropriate, efforts to include biological family members in such reconnection efforts.

(J) The establishment of one or more of the following programs designed to prevent infants, children, and youth from entering foster care or to provide permanency for infants, children, and youth in foster care:

(i) An intensive family finding program.

(ii) A kinship navigator program.

(iii) A family counseling program, such as a family group decision-making program, and which may include in-home peer support for families.

(iv) A comprehensive family-based substance abuse treatment program.

(v) A program under which special efforts are made to identify and address domestic violence that endangers infants, children, and youth and puts them at risk of entering foster care.

(vi) A mentoring program.

(8) DEFINITIONS.—In this subsection—

(A) the term "youth" means, with respect to a State, an individual who has attained age 12 but has not attained the age at which an individual is no longer considered to be a child under the State plans under parts B and E of title IV, and

(B) the term "long-term therapeutic family treatment center" means a State licensed or certified program that enables parents and their children to live together in a safe environment for a period of not less than 6 months and provides, on-site or by referral, substance abuse treatment services, children's early intervention services, family counseling, legal services, medical care, mental health services, nursery and preschool, parenting skills training, pediatric care, prenatal care, sexual abuse therapy, relapse prevention, transportation, and job or vocational training or classes leading to a secondary school diploma or a certificate of general equivalence.

* * * * *

[(d) DURATION OF DEMONSTRATION.—A demonstration project under this section may be conducted for not more than 5 years, unless in the judgment of the Secretary, the demonstration project should be allowed to continue.]

(d) DURATION OF DEMONSTRATION.—

(1) IN GENERAL.—*Subject to paragraph (2), a demonstration project under this section may be conducted for not more than 5 years, unless in the judgment of the Secretary, the demonstration project should be allowed to continue.*

(2) TERMINATION OF AUTHORITY.—*In no event shall a demonstration project under this section be conducted after September 30, 2019.*

(e) APPLICATION.—Any State seeking to conduct a demonstration project under this section shall submit to the Secretary an application, in such form as the Secretary may require, which includes—

(1) a description of the proposed project, the geographic area in which the proposed project would be conducted, the children or families who would be served by the proposed project, and the services which would be provided by the proposed project [(which shall provide, where appropriate, for random assignment of children and families to groups served under the project and to control groups)];

* * * * *

(6) a description of the proposed evaluation design; [and]

(7) *an accounting of any additional Federal, State, and local investments made, as well as any private investments made in coordination with the State, during the 2 fiscal years preceding the application to provide the services described in paragraph (1), and an assurance that the State will provide an accounting of that same spending for each year of an approved demonstration project; and*

[(7)] (8) such additional information as the Secretary may require.

[(f) EVALUATIONS; REPORT.—Each State authorized to conduct a demonstration project under this section shall—

[(1) obtain an evaluation by an independent contractor of the effectiveness of the project, using an evaluation design approved by the Secretary which provides for—

[(A) comparison of methods of service delivery under the project, and such methods under a State plan or plans, with respect to efficiency, economy, and any other appropriate measures of program management;

[(B) comparison of outcomes for children and families (and groups of children and families) under the project, and such outcomes under a State plan or plans, for purposes of assessing the effectiveness of the project in achieving program goals; and

[(C) any other information that the Secretary may require; and

[(2) provide interim and final evaluation reports to the Secretary, at such times and in such manner as the Secretary may require.]

(f) EVALUATIONS.—*Each State authorized to conduct a demonstration project under this section shall obtain an evaluation by an*

independent contractor of the effectiveness of the project, using an evaluation design approved by the Secretary which provides for—

(1) comparison of methods of service delivery under the project, and such methods under a State plan or plans, with respect to efficiency, economy, and any other appropriate measures of program management;

(2) comparison of outcomes for children and families (and groups of children and families) under the project, and such outcomes under a State plan or plans, for purposes of assessing the effectiveness of the project in achieving program goals; and

(3) any other information that the Secretary may require.

(g) REPORTS.—

(1) STATE REPORTS; PUBLIC AVAILABILITY.—Each State authorized to conduct a demonstration project under this section shall—

(A) submit periodic reports to the Secretary on the specific programs, activities, and strategies used to improve outcomes for infants, children, youth, and families and the results achieved for infants, children, and youth during the conduct of the demonstration project, including with respect to those infants, children, and youth who are prevented from entering foster care, infants, children, and youth in foster care, and infants, children, and youth who move from foster care to permanent families; and

(B) post a copy of each such report on the website for the State child welfare program concurrent with the submission of the report to the Secretary.

(2) REPORTS TO CONGRESS.—The Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

(A) periodic reports based on the State reports submitted under paragraph (1); and

(B) a report based on the results of the State evaluations required under subsection (f) that includes an analysis of the results of such evaluations and such recommendations for administrative or legislative changes as the Secretary determines appropriate.

[(g)] *(h) COST NEUTRALITY.—The Secretary may not authorize a State to conduct a demonstration project under this section unless the Secretary determines that the total amount of Federal funds that will be expended under (or by reason of) the project over its approved term (or such portion thereof or other period as the Secretary may find appropriate) will not exceed the amount of such funds that would be expended by the State under the State plans approved under parts B and E of title IV if the project were not conducted.*

(i) INDIAN TRIBES OPERATING IV–E PROGRAMS CONSIDERED STATES.—An Indian tribe, tribal organization, or tribal consortium that has elected to operate a program under part E of title IV in accordance with section 479B shall be considered a State for purposes of this section.

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**SAFE AND TIMELY INTERSTATE PLACEMENT OF
FOSTER CHILDREN ACT OF 2006**

* * * * *

SEC. 8. RIGHT TO BE HEARD IN FOSTER CARE PROCEEDINGS.

(a) * * *

(b) NOTICE OF PROCEEDING.—Section **438(b)** of such Act (42 U.S.C. 638(b)) **438(b)(1)** of such Act (42 U.S.C. 629h(b)(1)) is amended by inserting “shall have in effect a rule requiring State courts to ensure that foster parents, pre-adoptive parents, and relative caregivers of a child in foster care under the responsibility of the State are notified of any proceeding to be held with respect to the child, and” after “highest State court”.

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