

105TH CONGRESS
1ST SESSION

S. 1195

To promote the adoption of children in foster care, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 1997

Mr. CHAFEE (for himself, Mr. CRAIG, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. DEWINE, Mr. COATS, Mr. BOND, Ms. LANDRIEU, and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To promote the adoption of children in foster care, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Promotion of Adoption, Safety, and Support for Abused
6 and Neglected Children (PASS) Act”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS FOR FOSTER CARE AND ADOPTION PLACEMENTS

- Sec. 101. Clarification of the reasonable efforts requirement.
- Sec. 102. Including safety in case plan and case review system requirements.
- Sec. 103. Multidisciplinary/multiagency child death review teams.
- Sec. 104. States required to initiate or join proceedings to terminate parental rights for certain children in foster care.
- Sec. 105. Notice of reviews and hearings; opportunity to be heard.
- Sec. 106. Use of the Federal Parent Locator Service for child welfare services.
- Sec. 107. Criminal records checks for prospective foster and adoptive parents and group care staff.
- Sec. 108. Development of State guidelines to ensure safe, quality care to children in out-of-home placements.
- Sec. 109. Documentation of efforts for adoption or location of a permanent home.

TITLE II—INCENTIVES FOR PROVIDING PERMANENT FAMILIES FOR CHILDREN

- Sec. 201. Adoption incentive payments.
- Sec. 202. Promotion of adoption of children with special needs.
- Sec. 203. Technical assistance.
- Sec. 204. Adoptions across State and county jurisdictions.
- Sec. 205. Facilitation of voluntary mutual reunions between adopted adults and birth parents and siblings.
- Sec. 206. Annual report on State performance in protecting children.

TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS

- Sec. 301. Expansion of child welfare demonstration projects.
- Sec. 302. Permanency planning hearings.
- Sec. 303. Kinship care.
- Sec. 304. Standby guardianship.
- Sec. 305. Clarification of eligible population for independent living services.
- Sec. 306. Coordination and collaboration of substance abuse treatment and child protection services.
- Sec. 307. Reauthorization and expansion of family preservation and support services.
- Sec. 308. Innovation grants to reduce backlogs of children awaiting adoption and for other purposes.

TITLE IV—MISCELLANEOUS

- Sec. 401. Preservation of reasonable parenting.
- Sec. 402. Reporting requirements.
- Sec. 403. Report on fiduciary obligations of State agencies receiving SSI payments.
- Sec. 404. Allocation of administrative costs of determining eligibility for Medicaid and TANF.

TITLE V—EFFECTIVE DATE

- Sec. 501. Effective date.

1 **TITLE I—REASONABLE EFFORTS**
2 **AND SAFETY REQUIREMENTS**
3 **FOR FOSTER CARE AND**
4 **ADOPTION PLACEMENTS**

5 **SEC. 101. CLARIFICATION OF THE REASONABLE EFFORTS**
6 **REQUIREMENT.**

7 Section 471(a)(15) of the Social Security Act (42
8 U.S.C. 671(a)(15)) is amended to read as follows:

9 “(15) provides that—

10 “(A) in determining reasonable efforts, as
11 described in this section, the child’s health and
12 safety shall be the paramount concern;

13 “(B) reasonable efforts shall be made to
14 preserve and reunify families when possible—

15 “(i) prior to the placement of a child
16 in foster care, to prevent or eliminate the
17 need for removing the child from the
18 child’s home when the child can be cared
19 for at home without endangering the
20 child’s health or safety; or

21 “(ii) to make it possible for the child
22 to safely return to the child’s home;

23 “(C) reasonable efforts shall not be re-
24 quired on behalf of any parent—

1 “(i) if a court of competent jurisdic-
2 tion has made a determination that the
3 parent has—

4 “(I) committed murder of an-
5 other child of the parent;

6 “(II) committed voluntary man-
7 slaughter of another child of the par-
8 ent;

9 “(III) aided or abetted, at-
10 tempted, conspired, or solicited to
11 commit such murder or voluntary
12 manslaughter; or

13 “(IV) committed a felony assault
14 that results in serious bodily injury to
15 the child or another child of the par-
16 ent;

17 “(ii) if a court of competent jurisdic-
18 tion determines that returning the child to
19 the home of the parent would pose a seri-
20 ous risk to the child’s health or safety (in-
21 cluding but not limited to cases of aban-
22 donment, torture, chronic physical abuse,
23 sexual abuse, or a previous involuntary ter-
24 mination of parental rights with respect to
25 a sibling of the child); or

1 “(iii) if the State, through legislation,
2 has specified cases in which the State is
3 not required to make reasonable efforts be-
4 cause of serious circumstances that endan-
5 ger a child’s health or safety;

6 “(D) if reasonable efforts to preserve or re-
7 unify a family are not made in accordance with
8 subparagraph (C), and placement with either
9 parent would pose a serious risk to the child’s
10 health or safety, or in any case in which a
11 State’s goal for the child is adoption or place-
12 ment in another permanent home, reasonable
13 efforts shall be made to place the child in a
14 timely manner with an adoptive family, with a
15 qualified relative or legal guardian, or in an-
16 other planned permanent living arrangement,
17 and to complete whatever steps are necessary to
18 finalize the adoption or legal guardianship; and

19 “(E) reasonable efforts of the type de-
20 scribed in subparagraph (D) may be made con-
21 currently with reasonable efforts of the type de-
22 scribed in subparagraph (B);”.

1 **SEC. 102. INCLUDING SAFETY IN CASE PLAN AND CASE RE-**
 2 **VIEW SYSTEM REQUIREMENTS.**

3 Title IV of the Social Security Act (42 U.S.C. 601
 4 et seq.) is amended—

5 (1) in section 422(b)(10)(B) (as redesignated
 6 by section 5592(a)(1)(A)(iii) of the Balanced Budget
 7 Act of 1997 (Public Law 105–33; 111 Stat. 644))—

8 (A) in clause (iii)(I), by inserting “safe
 9 and” after “where”; and

10 (B) in clause (iv), by inserting “safely”
 11 after “remain”; and

12 (2) in section 475—

13 (A) in paragraph (1)—

14 (i) in subparagraph (A), by inserting
 15 “safety and” after “discussion of the”; and

16 (ii) in subparagraph (B)—

17 (I) by inserting “safe and” after
 18 “child receives”; and

19 (II) by inserting “safe” after “re-
 20 turn of the child to his own”; and

21 (B) in paragraph (5)—

22 (i) in subparagraph (A), in the matter
 23 preceding clause (i), by inserting “a safe
 24 setting that is” after “placement in”; and

25 (ii) in subparagraph (B)—

- 1 (I) by inserting “the safety of the
 2 child,” after “determine”; and
 3 (II) by inserting “and safely
 4 maintained in” after “returned to”.

5 **SEC. 103. MULTIDISCIPLINARY/MULTIAGENCY CHILD**
 6 **DEATH REVIEW TEAMS.**

7 (a) STATE CHILD DEATH REVIEW TEAMS.—Section
 8 471 of the Social Security Act (42 U.S.C. 671) is amended
 9 by adding at the end the following:

10 “(c)(1) In order to investigate and prevent child
 11 death from fatal abuse and neglect, not later than 2 years
 12 after the date of the enactment of this subsection, a State,
 13 in order to be eligible for payments under this part, shall
 14 submit to the Secretary a certification that the State has
 15 established and is maintaining, in accordance with applica-
 16 ble confidentiality laws, a State child death review team,
 17 and if necessary in order to cover all counties in the State,
 18 child death review teams on the regional or local level, that
 19 shall review child deaths, including deaths in which—

20 “(A) there is a record of a prior report of child
 21 abuse or neglect or there is reason to suspect that
 22 the child death was caused by, or related to, child
 23 abuse or neglect; or

1 “(B) the child who died was a ward of the
2 State or was otherwise known to the State or local
3 child welfare service agency.

4 “(2) A child death review team established in accord-
5 ance with this subsection should have a membership that
6 will present a range of viewpoints that are independent
7 from any specific agency, and shall include representatives
8 from, at a minimum, specific fields of expertise, such as
9 law enforcement, health, mental health, and substance
10 abuse, and from the community.

11 “(3) A State child death review team shall—

12 “(A) provide support to a regional or local child
13 death review team;

14 “(B) make public an annual summary of case
15 findings;

16 “(C) provide recommendations for systemwide
17 improvements in services to investigate and prevent
18 future fatal abuse and neglect; and

19 “(D) if the State child death review team covers
20 all counties in the State on its own, carry out the
21 duties of a regional or local child death review team
22 described in paragraph (4).

23 “(4) A regional or local child death review team
24 shall—

25 “(A) conduct individual case reviews;

1 “(B) recommend followup procedures for child
2 death cases; and

3 “(C) suggest and assist with system improve-
4 ments in services to investigate and prevent future
5 fatal abuse and neglect.”.

6 (b) FEDERAL CHILD DEATH REVIEW TEAM.—Sec-
7 tion 471 of the Social Security Act (42 U.S.C. 671), as
8 amended by subsection (a), is amended by adding at the
9 end the following:

10 “(d)(1) The Secretary shall establish a Federal child
11 death review team that shall consist of at least the follow-
12 ing:

13 “(A) Representatives of the following Federal
14 agencies who have expertise in the prevention or
15 treatment of child abuse and neglect:

16 “(i) Department of Health and Human
17 Services.

18 “(ii) Department of Justice.

19 “(iii) Bureau of Indian Affairs.

20 “(iv) Department of Defense.

21 “(v) Bureau of the Census.

22 “(B) Representatives of national child-serving
23 organizations who have expertise in the prevention
24 or treatment of child abuse and neglect and that, at

1 a minimum, represent the health, child welfare, so-
 2 cial services, and law enforcement fields.

3 “(2) The Federal child death review team established
 4 under this subsection shall—

5 “(A) review reports of child deaths on military
 6 installations and other Federal lands, and coordinate
 7 with Indian tribal organizations in the review of
 8 child deaths on Indian reservations;

9 “(B) upon request, provide guidance and tech-
 10 nical assistance to States and localities seeking to
 11 initiate or improve child death review teams and to
 12 prevent child fatalities; and

13 “(C) develop recommendations on related policy
 14 and procedural issues for Congress, relevant Federal
 15 agencies, and States and localities for the purpose of
 16 preventing child fatalities.”.

17 **SEC. 104. STATES REQUIRED TO INITIATE OR JOIN PRO-**
 18 **CEEDINGS TO TERMINATE PARENTAL**
 19 **RIGHTS FOR CERTAIN CHILDREN IN FOSTER**
 20 **CARE.**

21 (a) REQUIREMENT FOR PROCEEDINGS.—Section
 22 475(5) of the Social Security Act (42 U.S.C. 675(5)) is
 23 amended—

24 (1) by striking “and” at the end of subpara-
 25 graph (C);

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

3 (3) by adding at the end the following:

4 “(E) in the case of a child who has been
5 in foster care under the responsibility of the
6 State for 12 of the most recent 18 months, or
7 for a lifetime total of 24 months, or, if a court
8 of competent jurisdiction has determined an in-
9 fant to have been abandoned (as defined under
10 State law), or made a determination that the
11 parent has committed murder of another child
12 of such parent, committed voluntary man-
13 slaughter of another child of such parent, aided
14 or abetted, attempted, conspired, or solicited to
15 commit such murder or voluntary man-
16 slaughter, or committed a felony assault that
17 results in serious bodily injury to the surviving
18 child or to another child of such parent, the
19 State shall file a petition to terminate the pa-
20 rental rights of the child’s parents (or, if such
21 a petition has been filed by another party, seek
22 to be joined as a party to the petition), and,
23 concurrently, to identify, recruit, process, and
24 approve a qualified family for an adoption, un-
25 less—

1 “(i) at the option of the State, the
2 child is being cared for by a relative; or

3 “(ii) a State court or State agency
4 has documented a compelling reason for
5 determining that filing such a petition
6 would not be in the best interests of the
7 child.”.

8 (b) DETERMINATION OF BEGINNING OF FOSTER
9 CARE.—Section 475(5) of the Social Security Act (42
10 U.S.C. 675(5)), as amended by subsection (a), is amend-
11 ed—

12 (1) by striking “and” at the end of subpara-
13 graph (D);

14 (2) by striking the period at the end of sub-
15 paragraph (E) and inserting “; and”; and

16 (3) by adding at the end the following:

17 “(F) a child shall be considered to have en-
18 tered foster care on the latter of—

19 “(i) the first time the child is removed
20 from the home; or

21 “(ii) the date of the first judicial hear-
22 ing on removal of the child from the
23 home.”.

24 (c) ELIMINATION OF UNNECESSARY COURT
25 DELAYS.—

1 (1) ONE-YEAR STATUTE OF LIMITATIONS FOR
 2 APPEALS OF ORDERS TERMINATING PARENTAL
 3 RIGHTS.—Section 471(a) of the Social Security Act
 4 (42 U.S.C. 671(a)), as amended by section 5591(b)
 5 of the Balanced Budget Act of 1997, is amended—

6 (A) by striking “and” at the end of para-
 7 graph (18);

8 (B) by striking the period at the end of
 9 paragraph (19) and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(20) provides that an order terminating paren-
 12 tal rights shall only be appealable during the 1-year
 13 period that begins on the date the order is issued.”.

14 (2) ONE-YEAR STATUTE OF LIMITATIONS FOR
 15 APPEALS OF ORDERS OF REMOVAL.—Section 471(a)
 16 of the Social Security Act (42 U.S.C. 671(a)), as
 17 amended by subsection (a), is amended—

18 (A) in paragraph (19), by striking “and”
 19 at the end;

20 (B) in paragraph (20), by striking the pe-
 21 riod and inserting “; and”; and

22 (C) by adding at the end the following:

23 “(21) provides that a court-ordered removal of
 24 a child shall only be appealable during the 1-year pe-
 25 riod that begins on the date the order is issued.”.

1 (d) RULE OF CONSTRUCTION.—Nothing in part E of
2 title IV of the Social Security Act (42 U.S.C. 670 et seq.),
3 as amended by this Act, shall be construed as precluding
4 State courts or State agencies from initiating or finalizing
5 the termination of parental rights for reasons other than,
6 or for timelines earlier than, those specified in part E of
7 title IV of such Act, when such actions are determined
8 to be in the best interests of the child.

9 (e) EFFECTIVE DATES.—

10 (1) IN GENERAL.—Except as provided in para-
11 graphs (2) and (3), the amendments made by this
12 section shall apply to children entering foster care
13 under the responsibility of the State after the date
14 of enactment of this Act.

15 (2) TRANSITION RULE FOR CURRENT FOSTER
16 CARE CHILDREN.—Subject to paragraph (3), with
17 respect to any child in foster care under the respon-
18 sibility of the State on or before the date of enact-
19 ment of this Act, the amendments made by this sec-
20 tion shall not apply to such child until the date that
21 is 1 year after the date of enactment of this Act.

22 (3) DELAY PERMITTED IF STATE LEGISLATION
23 REQUIRED.—The provisions of section 501(b) shall
24 apply to the effective date of the amendments made
25 by this section.

1 **SEC. 105. NOTICE OF REVIEWS AND HEARINGS; OPPOR-**
 2 **TUNITY TO BE HEARD.**

3 Section 475(5) of the Social Security Act (42 U.S.C.
 4 675(5)), as amended by section 104(b), is amended—

5 (1) by striking “and” at the end of subpara-
 6 graph (E);

7 (2) by striking the period at the end of sub-
 8 paragraph (F) and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(G) the foster parents (if any) of a child
 11 and any relative providing care for the child are
 12 provided with notice of, and an opportunity to
 13 be heard in, any review or hearing to be held
 14 with respect to the child, except that this sub-
 15 paragraph shall not be construed to make any
 16 foster parent or relative a party to such a re-
 17 view or hearing solely on the basis of such no-
 18 tice and opportunity to be heard.”.

19 **SEC. 106. USE OF THE FEDERAL PARENT LOCATOR SERV-**
 20 **ICE FOR CHILD WELFARE SERVICES.**

21 Section 453 of the Social Security Act (42 U.S.C.
 22 653), as amended by section 5534 of the Balanced Budget
 23 Act of 1997, is amended—

24 (1) in subsection (a)(2)—

25 (A) in the matter preceding subparagraph

26 (A), by inserting “or making or enforcing child

1 custody or visitation orders” after “obliga-
 2 tions,”; and

3 (B) in subparagraph (A)—

4 (i) by striking “or” at the end of
 5 clause (ii);

6 (ii) by striking the comma at the end
 7 of clause (iii) and inserting “; or”; and

8 (iii) by inserting after clause (iii) the
 9 following:

10 “(iv) who has or may have parental
 11 rights with respect to a child,”; and

12 (2) in subsection (c)—

13 (A) by striking the period at the end of
 14 paragraph (3) and inserting “; and”; and

15 (B) by adding at the end the following:

16 “(4) a State agency that is administering a pro-
 17 gram operated under a State plan under subpart 1
 18 of part B, or a State plan approved under subpart
 19 2 of part B or under part E.”.

20 **SEC. 107. CRIMINAL RECORDS CHECKS FOR PROSPECTIVE**
 21 **FOSTER AND ADOPTIVE PARENTS AND**
 22 **GROUP CARE STAFF.**

23 Section 471(a) of the Social Security Act (42 U.S.C.
 24 671(a)), as amended by section 104(c)(2), is amended—

1 (1) by striking “and” at the end of paragraph
2 (20);

3 (2) by striking the period at the end of para-
4 graph (21) and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(22) provides procedures for criminal records
7 checks and checks of a State’s child abuse registry
8 for any prospective foster parent or adoptive parent,
9 and any employee of a residential child-care institu-
10 tion before the foster parent or adoptive parent, or
11 the residential child-care institution may be finally
12 approved for placement of a child on whose behalf
13 foster care maintenance payments or adoption as-
14 sistance payments are to be made under the State
15 plan under this part, including procedures requiring
16 that—

17 “(A) in any case in which a criminal
18 record check reveals a criminal conviction for
19 child abuse or neglect, or spousal abuse, a
20 criminal conviction for crimes against children,
21 or a criminal conviction for a crime involving vi-
22 olence, including violent drug-related offenses,
23 rape, sexual or other physical assault, battery,
24 or homicide, approval shall not be granted, un-
25 less the individual provides substantial evidence

to local law enforcement officials and the State child protection agency proving that there are extraordinary circumstances which demonstrate that approval should be granted; and

“(B) in any case in which a criminal record check reveals a criminal conviction for a felony or misdemeanor not involving violence, or a check of any State child abuse registry indicates that a substantiated report of abuse or neglect exists, final approval may be granted only after consideration of the nature of the offense or incident, the length of time that has elapsed since the commission of the offense or the occurrence of the incident, the individual’s life experiences during the period since the commission of the offense or the occurrence of the incident, and any risk to the child.”.

SEC. 108. DEVELOPMENT OF STATE GUIDELINES TO ENSURE SAFE, QUALITY CARE TO CHILDREN IN OUT-OF-HOME PLACEMENTS.

Section 471(a)(10) of the Social Security Act (42 U.S.C. 671(a)(10)) is amended—

(1) by inserting “and guidelines” after “standards” each place it appears; and

1 (2) by inserting “ensuring quality services that
 2 protect the safety and health of children in foster
 3 care placements with nonprofit and for-profit agen-
 4 cies,” after “related to”.

5 **SEC. 109. DOCUMENTATION OF EFFORTS FOR ADOPTION**
 6 **OR LOCATION OF A PERMANENT HOME.**

7 Section 475 of the Social Security Act (42 U.S.C.
 8 675) is amended—

9 (1) in paragraph (1)—

10 (A) in the last sentence—

11 (i) by striking “the case plan must
 12 also include”; and

13 (ii) by redesignating such sentence as
 14 subparagraph (D) and indenting appro-
 15 priately; and

16 (B) by adding at the end, the following:

17 “(E) In the case of a child with respect to
 18 whom the State’s goal is adoption or placement
 19 in another permanent home, documentation of
 20 the steps taken by the agency to find an adop-
 21 tive family or other permanent living arrange-
 22 ment for the child, to place the child with an
 23 adoptive family, legal guardian, or in another
 24 planned permanent living arrangement, and to
 25 finalize the adoption or legal guardianship. At

1 a minimum, such documentation shall include
2 child specific recruitment efforts such as the
3 use of State, regional, and national adoption ex-
4 changes including electronic exchange sys-
5 tems.”; and

6 (2) in paragraph (5)(B), by inserting “(includ-
7 ing the requirement specified in paragraph (1)(E))”
8 after “case plan”.

9 **TITLE II—INCENTIVES FOR PRO-**
10 **VIDING PERMANENT FAMI-**
11 **LIES FOR CHILDREN**

12 **SEC. 201. ADOPTION INCENTIVE PAYMENTS.**

13 Part E of title IV of the Social Security Act (42
14 U.S.C. 670–679) is amended by inserting after section
15 473 the following:

16 **“SEC. 473A. ADOPTION INCENTIVE PAYMENTS.**

17 “(a) GRANT AUTHORITY.—Subject to the availability
18 of such amounts as may be provided in advance in appro-
19 priations Acts for this purpose, the Secretary may make
20 a grant to each State that is an incentive-eligible State
21 for a fiscal year in an amount equal to the adoption incen-
22 tive payment payable to the State for the fiscal year under
23 this section, which shall be payable in the immediately suc-
24 ceeding fiscal year.

1 “(b) INCENTIVE-ELIGIBLE STATE.—A State is an in-
 2 centive-eligible State for a fiscal year if—

3 “(1) the State has a plan approved under this
 4 part for the fiscal year;

5 “(2) the number of foster child adoptions in the
 6 State during the fiscal year exceeds the base number
 7 of foster child adoptions for the State for the fiscal
 8 year;

9 “(3) the State is in compliance with subsection
 10 (c) for the fiscal year; and

11 “(4) the fiscal year is any of fiscal years 1998
 12 through 2002.

13 “(c) DATA REQUIREMENTS.—

14 “(1) IN GENERAL.—A State is in compliance
 15 with this subsection for a fiscal year if the State has
 16 provided to the Secretary the data described in para-
 17 graph (2) for fiscal year 1997 (or, if later, the fiscal
 18 year that precedes the first fiscal year for which the
 19 State seeks a grant under this section) and for each
 20 succeeding fiscal year.

21 “(2) DETERMINATION OF NUMBERS OF ADOP-
 22 TIONS.—

23 “(A) DETERMINATIONS BASED ON AFCARS
 24 DATA.—Except as provided in subparagraph
 25 (B), the Secretary shall determine the numbers

1 of foster child adoptions and of special needs
2 adoptions in a State during each of fiscal years
3 1997 through 2002, for purposes of this sec-
4 tion, on the basis of data meeting the require-
5 ments of the system established pursuant to
6 section 479, as reported by the State in May of
7 the fiscal year and in November of the succeed-
8 ing fiscal year, and approved by the Secretary
9 by April 1 of the succeeding fiscal year.

10 “(B) ALTERNATIVE DATA SOURCES PER-
11 MITTED FOR FISCAL YEAR 1997.—For purposes
12 of the determination described in subparagraph
13 (A) for fiscal year 1997, the Secretary may use
14 data from a source or sources other than that
15 specified in subparagraph (A) that the Sec-
16 retary finds to be of equivalent completeness
17 and reliability, as reported by a State by No-
18 vember 30, 1997, and approved by the Sec-
19 retary by March 1, 1998.

20 “(3) NO WAIVER OF AFCARS REQUIREMENTS.—
21 This section shall not be construed to alter or affect
22 any requirement of section 479 or any regulation
23 prescribed under such section with respect to report-
24 ing of data by States, or to waive any penalty for
25 failure to comply with the requirements.

1 “(d) ADOPTION INCENTIVE PAYMENT.—

2 “(1) IN GENERAL.—Except as provided in para-
3 graph (2), the adoption incentive payment payable to
4 a State for a fiscal year under this section shall be
5 equal to the sum of—

6 “(A) \$2,000, multiplied by amount (if any)
7 by which the number of foster child adoptions
8 in the State during the fiscal year exceeds the
9 base number of foster child adoptions for the
10 State for the fiscal year; and

11 “(B) \$2,000, multiplied by the amount (if
12 any) by which the number of special needs
13 adoptions in the State during the fiscal year ex-
14 ceeds the base number of special needs adop-
15 tions for the State for the fiscal year.

16 “(2) PRO RATA ADJUSTMENT IF INSUFFICIENT
17 FUNDS AVAILABLE.—For any fiscal year, if the total
18 amount of adoption incentive payments otherwise
19 payable under this section for a fiscal year exceeds
20 the amount appropriated for that fiscal year, the
21 amount of the adoption incentive payment payable to
22 each State under this section for the fiscal year shall
23 be—

24 “(A) the amount of the adoption incentive
25 payment that would otherwise be payable to the

1 State under this section for the fiscal year; mul-
 2 tiplied by

3 “(B) the percentage represented by the
 4 amount appropriated for that year, divided by
 5 the total amount of adoption incentive pay-
 6 ments otherwise payable under this section for
 7 the fiscal year.

8 “(e) 2-YEAR AVAILABILITY OF INCENTIVE PAY-
 9 MENTS.—Payments to a State under this section in a fis-
 10 cal year shall remain available for use by the State
 11 through the end of the succeeding fiscal year.

12 “(f) LIMITATIONS ON USE OF INCENTIVE PAY-
 13 MENTS.—A State shall not expend an amount paid to the
 14 State under this section except to provide to children or
 15 families any service (including post adoption services) that
 16 may be provided under part B or E. Amounts expended
 17 by a State in accordance with the preceding sentence shall
 18 be disregarded in determining State expenditures for pur-
 19 poses of Federal matching payments under section 474.

20 “(g) DEFINITIONS.—As used in this section:

21 “(1) FOSTER CHILD ADOPTION.—The term
 22 ‘foster child adoption’ means the final adoption of a
 23 child who, at the time of adoptive placement, was in
 24 foster care under the supervision of the State.

1 “(2) SPECIAL NEEDS ADOPTION.—The term
2 ‘special needs adoption’ means the final adoption of
3 a child for whom an adoption assistance agreement
4 is in effect under section 473.

5 “(3) BASE NUMBER OF FOSTER CHILD ADOPT-
6 TIONS.—The term ‘base number of foster child
7 adoptions for a State’ means, with respect to a fiscal
8 year, the largest number of foster child adoptions in
9 the State in fiscal year 1997 (or, if later, the first
10 fiscal year for which the State has furnished to the
11 Secretary the data described in subsection (c)(2)) or
12 in any succeeding fiscal year preceding the fiscal
13 year.

14 “(4) BASE NUMBER OF SPECIAL NEEDS ADOPT-
15 TIONS.—The term ‘base number of special needs
16 adoptions for a State’ means, with respect to a fiscal
17 year, the largest number of special needs adoptions
18 in the State in fiscal year 1997 (or, if later, the first
19 fiscal year for which the State has furnished to the
20 Secretary the data described in subsection (c)(2)) or
21 in any succeeding fiscal year preceding the fiscal
22 year.

23 “(h) LIMITATIONS ON AUTHORIZATION OF APPRO-
24 PRIATIONS.—

1 “(1) IN GENERAL.—For grants under this sec-
 2 tion, there are authorized to be appropriated to the
 3 Secretary \$15,000,000 for each of fiscal years 1999
 4 through 2003.

5 “(2) AVAILABILITY.—Amounts appropriated
 6 under paragraph (1) are authorized to remain avail-
 7 able until expended, but not after fiscal year 2003.”.

8 **SEC. 202. PROMOTION OF ADOPTION OF CHILDREN WITH**
 9 **SPECIAL NEEDS.**

10 (a) IN GENERAL.—Section 473(a) of the Social Secu-
 11 rity Act (42 U.S.C. 673(a)) is amended by striking para-
 12 graph (2) and inserting the following:

13 “(2)(A) For purposes of paragraph (1)(B)(ii), a child
 14 meets the requirements of this paragraph if such child—

15 “(i) prior to termination of parental rights and
 16 the initiation of adoption proceedings was in the
 17 care of a public or licensed private child care agency
 18 or Indian tribal organization either pursuant to a
 19 voluntary placement agreement (provided the child
 20 was in care for not more than 180 days) or as a re-
 21 sult of a judicial determination to the effect that
 22 continuation in the home would be contrary to the
 23 safety and welfare of such child, or was residing in
 24 a foster family home or child care institution with
 25 the child’s minor parent (either pursuant to such a

1 voluntary placement agreement or as a result of
2 such a judicial determination); and

3 “(ii) has been determined by the State pursuant
4 to subsection (c) to be a child with special needs,
5 which needs shall be considered by the State, to-
6 gether with the circumstances of the adopting par-
7 ents, in determining the amount of any payments to
8 be made to the adopting parents.

9 “(B) Notwithstanding any other provision of law, and
10 except as provided in paragraph (7), a child who is not
11 a citizen or resident of the United States and who meets
12 the requirements of subparagraph (A) and is otherwise de-
13 termined to be eligible for the receipt of adoption assist-
14 ance payments, shall be eligible for adoption assistance
15 payments under this part.

16 “(C) A child who meets the requirements of subpara-
17 graph (A) and who is otherwise determined to be eligible
18 for the receipt of adoption assistance payments shall con-
19 tinue to be eligible for such payments in the event that
20 the child’s adoptive parent dies or the child’s adoption is
21 dissolved, and the child is placed with another family for
22 adoption.”.

23 (b) EXCEPTION.—Section 473(a) of the Social Secu-
24 rity Act (42 U.S.C. 673(a)) is amended by adding at the
25 end the following:

1 “(7)(A) Notwithstanding any other provision of this
 2 subsection, no payment may be made to parents with re-
 3 spect to any child that—

4 “(i) would be considered a child with special
 5 needs under subsection (c);

6 “(ii) is not a citizen or resident of the United
 7 States; and

8 “(iii) was adopted outside of the United States
 9 or was brought into the United States for the pur-
 10 pose of being adopted.

11 “(B) Subparagraph (A) shall not be construed as pro-
 12 hibiting payments under this part for a child described
 13 in subparagraph (A) that is placed in foster care subse-
 14 quent to the failure, as determined by the State, of the
 15 initial adoption of such child by the parents described in
 16 such subparagraph.”.

17 (c) REQUIREMENT FOR USE OF STATE SAVINGS.—
 18 Section 473(a) of the Social Security Act (42 U.S.C.
 19 673(a)), as amended by subsection (b), is amended by
 20 adding at the end the following:

21 “(8) A State shall spend an amount equal to the
 22 amount of savings (if any) in State expenditures under
 23 this part resulting from the application of paragraph (2)
 24 on and after the effective date of the amendment to such
 25 paragraph made by section 202(a) of the Promotion of

1 Adoption, Safety, and Support for Abused and Neglected
 2 Children (PASS) Act to provide to children or families any
 3 service (including post-adoption services) that may be pro-
 4 vided under this part or part B.”.

5 **SEC. 203. TECHNICAL ASSISTANCE.**

6 (a) IN GENERAL.—The Secretary of Health and
 7 Human Services may, directly or through grants or con-
 8 tracts, provide technical assistance to assist States and
 9 local communities to reach their targets for increased
 10 numbers of adoptions and, to the extent that adoption is
 11 not possible, alternative permanent placements, for chil-
 12 dren in foster care.

13 (b) LIMITATIONS.—The technical assistance provided
 14 under subsection (a) shall support the goal of encouraging
 15 more adoptions out of the foster care system, when adop-
 16 tions promote the best interests of children, and shall in-
 17 clude the following:

18 (1) The development of best practice guidelines
 19 for expediting termination of parental rights.

20 (2) Models to encourage the use of concurrent
 21 planning.

22 (3) The development of specialized units and
 23 expertise in moving children toward adoption as a
 24 permanency goal.

1 (4) The development of risk assessment tools to
2 facilitate early identification of the children who will
3 be at risk of harm if returned home.

4 (5) Models to encourage the fast tracking of
5 children who have not attained 1 year of age into
6 adoptive and pre-adoptive placements.

7 (6) Development of programs that place chil-
8 dren in pre-adoptive families without waiting for ter-
9 mination of parental rights.

10 (7) Development of programs to recruit adop-
11 tive parents.

12 **SEC. 204. ADOPTIONS ACROSS STATE AND COUNTY JURIS-**
13 **DICTIONS.**

14 (a) **ELIMINATION OF GEOGRAPHIC BARRIERS TO**
15 **INTERSTATE ADOPTION.**—Section 471(a) of the Social
16 Security Act (42 U.S.C. 671(a)), as amended by section
17 106, is amended—

18 (1) by striking “and” at the end of paragraph
19 (21);

20 (2) by striking the period at the end of para-
21 graph (22) and inserting “; and”; and

22 (3) by adding at the end the following:

23 “(23) provides that neither the State nor any
24 other entity in the State that receives funds from

1 the Federal Government and is involved in adoption
 2 or foster care placements may—

3 “(A) deny to any person the opportunity to
 4 become an applicant for custody of a child, li-
 5 censure as a foster or adoptive parent, or for
 6 foster care maintenance payments or adoption
 7 assistance payments under this part on the
 8 basis of the geographic residence of the person
 9 or of the child involved; or

10 “(B) delay or deny the placement of a
 11 child for adoption, into foster care, or in the
 12 child’s original home on the basis of the geo-
 13 graphic residence of an adoptive or foster par-
 14 ent or of the child involved.”.

15 (b) STUDY OF INTERJURISDICTIONAL ADOPTION IS-
 16 SUES.—

17 (1) IN GENERAL.—The Secretary of Health and
 18 Human Services (in this subsection referred to as
 19 the “Secretary”) shall appoint an advisory panel
 20 that shall—

21 (A) study and consider how to improve
 22 procedures and policies to facilitate the timely
 23 and permanent adoptions of children across
 24 State and county jurisdictions;

1 (B) examine, at a minimum, interjurisdic-
2 tional adoption issues—

3 (i) concerning the recruitment of pro-
4 spective adoptive families from other
5 States and counties;

6 (ii) concerning the procedures to
7 grant reciprocity to prospective adoptive
8 family home studies from other States and
9 counties;

10 (iii) arising from a review of the com-
11 ity and full faith and credit provided to
12 adoption decrees and termination of paren-
13 tal rights orders from other States; and

14 (iv) concerning the procedures related
15 to the administration and implementation
16 of the Interstate Compact on the Place-
17 ment of Children; and

18 (C) not later than 12 months after the
19 final appointment to the advisory panel, submit
20 to the Secretary the report described in para-
21 graph (3).

22 (2) COMPOSITION OF ADVISORY PANEL.—In es-
23 tablishing the advisory panel required under para-
24 graph (1), the Secretary shall appoint members from
25 the general public who are individuals knowledgeable

on adoption and foster care issues, and with due consideration to representation of ethnic or racial minorities and diverse geographic areas, and who, at a minimum, include the following:

(A) Adoptive and foster parents.

(B) Public and private child welfare agencies that place children in and out of home care.

(C) Family court judges.

(D) Adoption attorneys.

(E) An Administrator of the Interstate Compact on the Placement of Children and an Administrator of the Interstate Compact on Adoption and Medical Assistance.

(F) A representative cross-section of individuals from other organizations and individuals with expertise or advocacy experience in adoption and foster care issues.

(3) CONTENTS OF REPORT.—The report required under paragraph (1)(C) shall include the results of the study conducted under subparagraphs (A) and (B) of paragraph (1) and recommendations on how to improve procedures to facilitate the inter-jurisdictional adoption of children, including inter-

1 state and intercounty adoptions, so that children will
 2 be assured timely and permanent placements.

3 (4) CONGRESS.—The Secretary shall submit a
 4 copy of the report required under paragraph (1)(C)
 5 to the appropriate committees of Congress, and, if
 6 relevant, make recommendations for proposed legis-
 7 lation.

8 **SEC. 205. FACILITATION OF VOLUNTARY MUTUAL RE-**
 9 **UNIONS BETWEEN ADOPTED ADULTS AND**
 10 **BIRTH PARENTS AND SIBLINGS.**

11 The Secretary of Health and Human Services, at no
 12 net expense to the Federal Government, may use the fa-
 13 cilities of the Department of Health and Human Services
 14 to facilitate the voluntary, mutually requested reunion of
 15 an adult adopted child who is 21 years of age or older
 16 with—

- 17 (1) any birth parent of the adult child; or
 - 18 (2) any adult adopted sibling who is 21 years
 19 of age or older, of the adult child,
- 20 if all such persons involved in any such reunion have, on
 21 their own initiative, expressed a desire for a reunion and
 22 agree to keep confidential the name and location of the
 23 other birth parent of the adult adopted child and any other
 24 adult adopted sibling of the adult adopted child.

1 **SEC. 206. ANNUAL REPORT ON STATE PERFORMANCE IN**
2 **PROTECTING CHILDREN.**

3 (a) IN GENERAL.—Part E of title IV of the Social
4 Security Act (42 U.S.C. 670 et seq.) is amended by adding
5 at the end the following:

6 **“SEC. 479A. ANNUAL REPORT.**

7 “(a) IN GENERAL.—The Secretary shall issue an an-
8 nual report containing ratings of the performance of each
9 State in protecting children who are placed in foster care,
10 for adoption, or with a relative or guardian. The report
11 shall include ratings on outcome measures for categories
12 related to safety and permanence for children.

13 “(b) OUTCOME MEASURES.—

14 “(1) IN GENERAL.—The Secretary shall develop
15 a set of outcome measures to be used in preparing
16 the report.

17 “(2) CATEGORIES.—In developing the outcome
18 measures, the Secretary shall develop measures that
19 can track performance over time for the following
20 categories:

21 “(A) The number of children placed annu-
22 ally for adoption, the number of placements of
23 children with special needs, and the number of
24 children placed permanently in a foster family
25 home, with a relative, or with a guardian who
26 is not a relative.

1 “(B) The number of children, including
2 those with parental rights terminated, that an-
3 nually leave foster care at the age of majority
4 without having been adopted or placed with a
5 guardian.

6 “(C) The median and mean length of stay
7 of children in foster care, for children with pa-
8 rental rights terminated, and children for whom
9 parental rights are retained by the biological or
10 adoptive parent.

11 “(D) The median and mean length of time
12 between a child having a plan of adoption and
13 termination of parental rights, between the
14 availability of a child for adoption and the
15 placement of the child in an adoptive family,
16 and between the placement of the child in such
17 a family and the finalization of the adoption.

18 “(E) The number of deaths of children in
19 foster care and other out-of-home care, includ-
20 ing kinship care, resulting from substantiated
21 child abuse and neglect.

22 “(F) The specific steps taken by the State
23 to facilitate permanence for children.

24 “(3) MEASURES.—In developing the outcome
25 measures, the Secretary shall use data from the

1 Adoption and Foster Care Analysis and Reporting
2 System established under section 479 to the maxi-
3 mum extent possible.

4 “(c) RATING SYSTEM.—The Secretary shall develop
5 a system (including using State census data and poverty
6 rates) to rate the performance of each State based on the
7 outcome measures.

8 “(d) INFORMATION.—In order to receive funds under
9 this part, a State shall annually provide to the Secretary
10 such adoption, foster care, and guardianship information
11 as the Secretary may determine to be necessary to issue
12 the report for the State.

13 “(e) PREPARATION AND ISSUANCE.—On October 1,
14 1998, and annually thereafter, the Secretary shall pre-
15 pare, submit to Congress, and issue to the States the re-
16 port described in subsection (a). Each report shall rate
17 the performance of a State on each outcome measure de-
18 veloped under subsection (b), include an explanation of the
19 rating system developed under subsection (c) and the way
20 in which scores are determined under the rating system,
21 analyze high and low performances for the State, and
22 make recommendations to the State for improvement.”.

23 (b) CONFORMING AMENDMENTS.—Section 471(a) of
24 the Social Security Act (42 U.S.C. 671(a)), as amended
25 by section 204(a), is amended—

1 (1) in paragraph (22), by striking “and” at the
2 end;

3 (2) in paragraph (23), by striking the period
4 and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(24) provides that the State shall annually
7 provide to the Secretary the information required
8 under section 479A.”.

9 **TITLE III—ADDITIONAL** 10 **IMPROVEMENTS AND REFORMS**

11 **SEC. 301. EXPANSION OF CHILD WELFARE DEMONSTRATION PROJECTS.** 12

13 Section 1130(a) of the Social Security Act (42 U.S.C.
14 1320a–9(a)) is amended by striking “10” and inserting
15 “15”.

16 **SEC. 302. PERMANENCY PLANNING HEARINGS.**

17 Section 475(5)(C) of the Social Security Act (42
18 U.S.C. 675(5)(C)) is amended—

19 (1) by striking “dispositional” and inserting
20 “permanency planning”;

21 (2) by striking “no later than” and all that fol-
22 lows through “12 months” and inserting “not later
23 than 12 months after the original placement (and
24 not less frequently than every 6 months”; and

1 (3) by striking “future status of” and all that
 2 follows through “long term basis)” and inserting
 3 “permanency plans for the child (including whether
 4 and, if applicable, when, the child will be returned
 5 to the parent, referred for termination of parental
 6 rights, placed for adoption, or referred for legal
 7 guardianship, or other planned permanent living ar-
 8 rangement)”.

9 **SEC. 303. KINSHIP CARE.**

10 (a) REPORT.—

11 (1) IN GENERAL.—The Secretary of Health and
 12 Human Services shall—

13 (A) not later than March 1, 1998, convene
 14 the advisory panel provided for in subsection
 15 (b)(1) and prepare and submit to the advisory
 16 panel an initial report on the extent to which
 17 children in foster care are placed in the care of
 18 a relative (in this section referred to as “kin-
 19 ship care”); and

20 (B) not later than November 1, 1998, sub-
 21 mit to the Committee on Ways and Means of
 22 the House of Representatives and the Commit-
 23 tee on Finance of the Senate a final report on
 24 the matter described in subparagraph (A),
 25 which shall—

1 (i) be based on the comments submit-
2 ted by the advisory panel pursuant to sub-
3 section (b)(2) and other information and
4 considerations; and

5 (ii) include the policy recommenda-
6 tions of the Secretary with respect to the
7 matter.

8 (2) REQUIRED CONTENTS.—Each report re-
9 quired by paragraph (1) shall—

10 (A) include, to the extent available for each
11 State, information on—

12 (i) the policy of the State regarding
13 kinship care;

14 (ii) the characteristics of the kinship
15 care providers (including age, income, eth-
16 nicity, and race);

17 (iii) the characteristics of the house-
18 hold of such providers (such as number of
19 other persons in the household and family
20 composition);

21 (iv) how much access to the child is
22 afforded to the parent from whom the
23 child has been removed;

1 (v) the cost of, and source of funds
 2 for, kinship care (including any subsidies
 3 such as medicaid and cash assistance);

4 (vi) the goal for a permanent living
 5 arrangement for the child and the actions
 6 being taken by the State to achieve the
 7 goal;

8 (vii) the services being provided to the
 9 parent from whom the child has been re-
 10 moved; and

11 (viii) the services being provided to
 12 the kinship care provider; and

13 (B) specifically note the circumstances or
 14 conditions under which children enter kinship
 15 care.

16 (b) ADVISORY PANEL REVIEW.—

17 (1) IN GENERAL.—The advisory board on child
 18 abuse and neglect established under section 102 of
 19 the Child Abuse Prevention and Treatment Act (42
 20 U.S.C. 5102), or, if on the date of enactment of this
 21 Act such advisory board does not exist, the advisory
 22 panel authorized under paragraph (2), shall review
 23 the report prepared pursuant to subsection (a) and
 24 submit to the Secretary comments on the report not
 25 later than July 1, 1998.

1 (2) AUTHORIZATION FOR APPOINTMENTS.—

2 Subject to paragraph (1), the Secretary of Health
 3 and Human Services, in consultation with the Chair-
 4 man of the Committee on Ways and Means of the
 5 House of Representatives and the Chairman of the
 6 Committee on Finance of the Senate, may appoint
 7 an advisory board for the purpose of reviewing and
 8 commenting on the report prepared pursuant to sub-
 9 section (a). Such advisory board shall include par-
 10 ents, foster parents, former foster children, State
 11 and local public officials responsible for administer-
 12 ing child welfare programs, private persons involved
 13 in the delivery of child welfare services, representa-
 14 tives of tribal governments and tribal courts, judges,
 15 and academic experts.

16 **SEC. 304. STANDBY GUARDIANSHIP.**

17 It is the sense of Congress that the States should
 18 have in effect laws and procedures that permit any parent
 19 who is chronically ill or near death, without surrendering
 20 parental rights, to designate a standby guardian for the
 21 parent's minor children, whose authority would take effect
 22 upon—

- 23 (1) the death of the parent;
- 24 (2) the mental incapacity of the parent; or

1 (3) the physical debilitation and consent of the
2 parent.

3 **SEC. 305. CLARIFICATION OF ELIGIBLE POPULATION FOR**
4 **INDEPENDENT LIVING SERVICES.**

5 Section 477(a)(2)(A) of the Social Security Act (42
6 U.S.C. 677(a)(2)(A)) is amended by inserting “(including
7 children with respect to whom such payments are no
8 longer being made because the child has accumulated as-
9 sets, not to exceed \$5,000, which are otherwise regarded
10 as resources for purposes of determining eligibility for
11 benefits under this part)” before the comma.

12 **SEC. 306. COORDINATION AND COLLABORATION OF SUB-**
13 **STANCE ABUSE TREATMENT AND CHILD PRO-**
14 **TECTION SERVICES.**

15 (a) STUDY AND REPORT ON SOURCES OF SUPPORT
16 FOR SUBSTANCE ABUSE PREVENTION AND TREATMENT
17 FOR PARENTS AND CHILDREN AND COLLABORATION
18 AMONG STATE AGENCIES.—

19 (1) STUDY.—Not later than 12 months after
20 the date of the enactment of this Act, the Comptrol-
21 ler General of the United States shall—

22 (A) prepare an inventory of all Federal
23 and State programs that may provide funds for
24 substance abuse prevention and treatment serv-
25 ices for families receiving services directly or

1 through grants or contracts from public child
2 welfare agencies; and

3 (B) examine—

4 (i) the availability and results of joint
5 prevention and treatment activities con-
6 ducted by State substance abuse preven-
7 tion and treatment agencies and State
8 child welfare agencies; and

9 (ii) how such agencies (jointly or sepa-
10 rately) are responding to and addressing
11 the needs of infants who are exposed to
12 substance abuse.

13 (2) REPORT TO CONGRESS.—Not later than 18
14 months after the date of enactment of this Act, the
15 Comptroller General of the United States shall sub-
16 mit to the appropriate committees of Congress a re-
17 port on the study conducted under paragraph (1).
18 Such report shall include—

19 (A) a description of the extent to which cli-
20 ents of child welfare agencies have substance
21 abuse treatment needs, the nature of those
22 needs, and the extent to which those needs are
23 being met;

24 (B) a description of the barriers that pre-
25 vent the substance abuse treatment needs of cli-

1 ents of child welfare agencies from being treat-
2 ed appropriately;

3 (C) a description of the collaborative activi-
4 ties of State child welfare and substance abuse
5 prevention and treatment agencies to jointly as-
6 sess clients' needs, fund substance abuse pre-
7 vention and treatment, train and consult with
8 staff, and evaluate the effectiveness of pro-
9 grams serving clients in both agencies' case-
10 loads;

11 (D) a summary of the available data on
12 the treatment and cost-effectiveness of sub-
13 stance abuse treatment services for clients of
14 child welfare agencies; and

15 (E) recommendations, including rec-
16 ommendations for Federal legislation, for ad-
17 dressing the needs and barriers, as described in
18 subparagraphs (A) and (B), and for promoting
19 further collaboration of the State child welfare
20 and substance abuse prevention and treatment
21 agencies in meeting the substance abuse treat-
22 ment needs of families.

23 (b) PRIORITY IN PROVIDING SUBSTANCE ABUSE
24 TREATMENT.—Section 1927 of the Public Health Service
25 Act (42 U.S.C. 300x-27) is amended—

1 (1) in the heading, by inserting “**AND CARE-**
 2 **TAKER PARENTS**” after “**WOMEN**”; and

3 (2) in subsection (a)—

4 (A) in paragraph (1)—

5 (i) by inserting “all caretaker parents
 6 who are referred for treatment by the
 7 State or local child welfare agency and
 8 who” after “referred for and”; and

9 (ii) by striking “is given” and insert-
 10 ing “are given”; and

11 (B) in paragraph (2)—

12 (i) by striking “such women” and in-
 13 serting “such pregnant women and care-
 14 taker parents”; and

15 (ii) by striking “the women” and in-
 16 serting “the pregnant women and care-
 17 taker parents”.

18 (c) FOSTER CARE PAYMENTS FOR CHILDREN WITH
 19 PARENTS IN RESIDENTIAL FACILITIES.—Section 472(b)
 20 of the Social Security Act (42 U.S.C. 672(b)) is amend-
 21 ed—

22 (1) in paragraph (1), by striking “or” at the
 23 end;

24 (2) in paragraph (2), by striking the period and
 25 inserting “, or”; and

1 (3) by adding at the end the following:

2 “(3) placed with the child’s parent in a residen-
3 tial program that provides treatment and other nec-
4 essary services for parents and children, including
5 parenting services, when—

6 “(A) the parent is attempting to over-
7 come—

8 “(i) a substance abuse problem and is
9 complying with an approved treatment
10 plan;

11 “(ii) being a victim of domestic vio-
12 lence;

13 “(iii) homelessness;

14 “(iv) special needs resulting from
15 being a teenage parent; or

16 “(v) post-partum depression;

17 “(B) the safety of the child can be assured;

18 “(C) the range of services provided by the
19 program is designed to appropriately address
20 the needs of the parent and child;

21 “(D) the goal of the case plan for the child
22 is to try to reunify the child with the family
23 within a specified period of time;

24 “(E) the parent described in subparagraph
25 (A)(i) has not previously been treated in a resi-

1 dential program serving parents and their chil-
2 dren together; and

3 “(F) the amount of foster care mainte-
4 nance payments made to the residential pro-
5 gram on behalf of such child do not exceed the
6 amount of such payments that would otherwise
7 be made on behalf of the child.”.

8 **SEC. 307. REAUTHORIZATION AND EXPANSION OF FAMILY**
9 **PRESERVATION AND SUPPORT SERVICES.**

10 (a) REAUTHORIZATION OF FAMILY PRESERVATION
11 AND SUPPORT SERVICES.—

12 (1) IN GENERAL.—Section 430(b) of the Social
13 Security Act (42 U.S.C. 629(b)) is amended—

14 (A) in paragraph (4), by striking “or” at
15 the end;

16 (B) in paragraph (5), by striking the pe-
17 riod and inserting a semicolon; and

18 (C) by adding at the end the following:

19 “(6) for fiscal year 1999, \$275,000,000;

20 “(7) for fiscal year 2000, \$295,000,000;

21 “(8) for fiscal year 2001, \$315,000,000;

22 “(9) for fiscal year 2002, \$335,000,000; and

23 “(10) for fiscal year 2003, \$355,000,000.”.

24 (2) CONFORMING AMENDMENT.—Section
25 430(d)(1) of the Social Security Act (42 U.S.C.

1 630(d)(1)) is amended by striking “and 1998” and
 2 inserting “1998, 1999, 2000, 2001, 2002, and
 3 2003”.

4 (b) EXPANSION FOR TIME-LIMITED FAMILY REUNI-
 5 FICATION SERVICES.—

6 (1) ADDITION TO STATE PLAN; MINIMUM
 7 SPENDING REQUIREMENT.—Section 432 of the So-
 8 cial Security Act (42 U.S.C. 629b) is amended—

9 (A) in subsection (a)—

10 (i) in paragraph (4), by striking “and
 11 community-based family support services
 12 with significant portions” and inserting “,
 13 community-based family support services,
 14 and time-limited family reunification serv-
 15 ices, with not less than 25 percent”; and

16 (ii) in paragraph (5)(A), by striking
 17 “and community-based family support
 18 services” and inserting “, community-based
 19 family support services, and time-limited
 20 family reunification services”; and

21 (B) in subsection (b)(1), by striking “and
 22 family support” and inserting “, family sup-
 23 port, and family reunification services”.

(2) DEFINITION OF TIME-LIMITED FAMILY REUNIFICATION SERVICES.—Section 431(a) of the Social Security Act (42 U.S.C. 631(a)) is amended—

(A) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(B) by inserting after paragraph (4) the following:

“(5) TIME-LIMITED FAMILY REUNIFICATION SERVICES.—

“(A) IN GENERAL.—The term ‘time-limited family reunification services’ means the services and activities described in subparagraph (B) that are provided to a child that is removed from the child’s home and placed in a foster family home or a child care institution and to the parents or primary caregiver of such a child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion, but only during the 1-year period that begins on the date that the child is removed from the child’s home.

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

1 “(i) Individual, group, and family
2 counseling.

3 “(ii) Inpatient, residential, or out-
4 patient substance abuse treatment services.

5 “(iii) Mental health services.

6 “(iv) Assistance to address domestic
7 violence.

8 “(v) Transportation to or from any of
9 the services and activities described in this
10 subparagraph.”.

11 (3) ADDITIONAL CONFORMING AMENDMENTS.—

12 (A) PURPOSES.—Section 430(a) of the So-
13 cial Security Act (42 U.S.C. 629(a)) is amend-
14 ed by striking “and community-based family
15 support services” and inserting “, community-
16 based family support services, and time-limited
17 family reunification services”.

18 (B) EVALUATIONS.—Subparagraphs (B)
19 and (C) of section 435(a)(2) of the Social Secu-
20 rity Act (42 U.S.C. 629d(a)(2)) are each
21 amended by striking “and family support” each
22 place it appears and inserting “, family support,
23 and family reunification”.

1 **SEC. 308. INNOVATION GRANTS TO REDUCE BACKLOGS OF**
2 **CHILDREN AWAITING ADOPTION AND FOR**
3 **OTHER PURPOSES.**

4 Part E of title IV of the Social Security Act (42
5 U.S.C. 670 et seq.) is amended by inserting after section
6 477, the following:

7 **“SEC. 478. INNOVATION GRANTS.**

8 “(a) **AUTHORITY TO MAKE GRANTS.**—The Secretary
9 may make grants, in amounts determined by the Sec-
10 retary, to States with approved applications described in
11 subsection (c), for the purpose of carrying out the innova-
12 tion projects described in subsection (b).

13 “(b) **INNOVATION PROJECTS DESCRIBED.**—The in-
14 novation projects described in this subsection are projects
15 that are designed to achieve 1 or more of the following
16 goals:

17 “(1) Reducing a backlog of children in long-
18 term foster care or awaiting adoption placement.

19 “(2) Ensuring, not later than 1 year after a
20 child enters foster care, a permanent placement for
21 the child.

22 “(3) Identifying and addressing barriers that
23 result in delays to permanent placements for chil-
24 dren in foster care, including inadequate representa-
25 tion of child welfare agencies in termination of pa-

1 rental rights and adoption proceedings, and other
2 barriers to termination of parental rights.

3 “(4) Implementing or expanding community-
4 based permanency initiatives, particularly in commu-
5 nities where families reflect the ethnic and racial di-
6 versity of children in the State for whom foster and
7 adoptive homes are needed.

8 “(5) Developing and implementing community-
9 based child protection activities that involve partner-
10 ships among State and local governments, multiple
11 child-serving agencies, the schools, and community
12 leaders in an attempt to keep children free from
13 abuse and neglect.

14 “(6) Establishing new partnerships with busi-
15 nesses and religious organizations to promote safety
16 and permanence for children.

17 “(7) Assisting in the development and imple-
18 mentation of the State guidelines described in sec-
19 tion 471(a)(10).

20 “(8) Developing new staffing approaches to
21 allow the resources of several States to be used to
22 conduct recruitment, placement, adoption, and post-
23 adoption services on a regional basis.

24 “(9) Any other goal that the Secretary specifies
25 by regulation.

1 “(c) APPLICATION.—An application for a grant
2 under this section may be submitted for fiscal year 1998
3 or 1999 and shall contain—

4 “(1) a plan, in such form and manner as the
5 Secretary may prescribe, for an innovation project
6 described in subsection (b) that will be implemented
7 by the State for a period of not more than 5 con-
8 secutive fiscal years, beginning with fiscal year 1998
9 or 1999, as applicable;

10 “(2) an assurance that no waivers from provi-
11 sions in law, as in effect at the time of the submis-
12 sion of the application, are required to implement
13 the innovation project; and

14 “(3) such other information as the Secretary
15 may require by regulation.

16 “(d) DURATION.—An innovation project approved
17 under this section shall be conducted for not more than
18 5 consecutive fiscal years, except that the Secretary may
19 terminate a project before the end of the period originally
20 approved if the Secretary determines that the State con-
21 ducting the project is not in compliance with the terms
22 of the plan and application approved by the Secretary
23 under this section.

24 “(e) MATCHING REQUIREMENT.—A State shall not
25 receive a grant under this section unless, for each year

1 for which a grant is awarded, the State agrees to match
 2 the grant with \$1 for every \$3 received.

3 “(f) NONSUPPLANTING.—Any funds received by a
 4 State under a grant made under this section shall supple-
 5 ment but not replace any other funds that may be avail-
 6 able for the same purpose in the localities involved.

7 “(g) EVALUATIONS AND REPORTS.—

8 “(1) STATE EVALUATIONS.—Each State admin-
 9 istering an innovation project under this section
 10 shall—

11 “(A) provide for ongoing and retrospective
 12 evaluation of the project, meeting such condi-
 13 tions and standards as the Secretary may re-
 14 quire; and

15 “(B) submit to the Secretary such reports,
 16 at such times, in such format, and containing
 17 such information as the Secretary may require.

18 “(2) REPORTS TO CONGRESS.—The Secretary
 19 shall, on the basis of reports received from States
 20 administering projects under this section, submit in-
 21 terim reports, and, not later than 6 months after the
 22 conclusion of all projects administered under this
 23 section, a final report to Congress. A report submit-
 24 ted under this subparagraph shall contain an assess-
 25 ment of the effectiveness of the State projects ad-

1 ministered under this section and any recommenda-
 2 tions for legislative action that the Secretary consid-
 3 ers appropriate.

4 “(h) REGULATIONS.—Not later than 60 days after
 5 the date of enactment of this section, the Secretary shall
 6 promulgate final regulations for implementing this section.

7 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
 8 authorized to be appropriated to make grants under this
 9 section not more than \$50,000,000 for each of fiscal years
 10 1998 through 2003.”.

11 **TITLE IV—MISCELLANEOUS**

12 **SEC. 401. PRESERVATION OF REASONABLE PARENTING.**

13 Nothing in this Act is intended to disrupt the family
 14 unnecessarily or to intrude inappropriately into family life,
 15 to prohibit the use of reasonable methods of parental dis-
 16 cipline, or to prescribe a particular method of parenting.

17 **SEC. 402. REPORTING REQUIREMENTS.**

18 Any information required to be reported under this
 19 Act shall be supplied to the Secretary of Health and
 20 Human Services through data meeting the requirements
 21 of the Adoption and Foster Care Analysis and Reporting
 22 System established pursuant to section 479 of the Social
 23 Security Act (42 U.S.C. 679), to the extent such data is
 24 available under that system. The Secretary shall make
 25 such modifications to regulations issued under section 479

1 of such Act with respect to the Adoption and Foster Care
2 Analysis and Reporting System as may be necessary to
3 allow States to obtain data that meets the requirements
4 of such system in order to satisfy the reporting require-
5 ments of this Act.

6 **SEC. 403. REPORT ON FIDUCIARY OBLIGATIONS OF STATE**
7 **AGENCIES RECEIVING SSI PAYMENTS.**

8 Not later than 12 months after the date of enactment
9 of this Act, the Commissioner of Social Security shall sub-
10 mit a report to the Committee on Ways and Means of the
11 House of Representatives and the Committee on Finance
12 of the Senate concerning State or local child welfare serv-
13 ice agencies that act as representative payees on behalf
14 of children under the care of such agencies for purposes
15 of receiving supplemental security income payments under
16 title XVI of the Social Security Act (42 U.S.C. 1381 et
17 seq.) (including supplementary payments pursuant to an
18 agreement for Federal administration under section
19 1616(a) of the Social Security Act and payments pursuant
20 to an agreement entered into under section 212(b) of Pub-
21 lic Law 93–66) for the benefit of such children. Such re-
22 port shall include an examination of the extent to which
23 such agencies—

1 (1) have complied with the fiduciary responsibil-
 2 ities attendant to acting as a representative payee
 3 under title XVI of such Act; and

4 (2) have received supplemental security income
 5 payments on behalf of children that the agencies
 6 cannot identify or locate, and if so, the disposition
 7 of such payments.

8 **SEC. 404. ALLOCATION OF ADMINISTRATIVE COSTS OF DE-**
 9 **TERMINING ELIGIBILITY FOR MEDICAID AND**
 10 **TANF.**

11 (a) MEDICAID.—Section 1903 of the Social Security
 12 Act (42 U.S.C. 1396b) is amended—

13 (1) in subsection (a)(7), by striking “section
 14 1919(g)(3)(B)” and inserting “subsection (x) and
 15 section 1919(g)(3)(C)”; and

16 (2) by adding at the end the following:

17 “(x)(1) Notwithstanding any other provision of law,
 18 for purposes of determining the amount to be paid to a
 19 State under subsection (a)(7) for quarters in any fiscal
 20 year, beginning with fiscal year 1997, amounts expended
 21 for the proper and efficient administration of the State
 22 plan under this title (including under any waiver of such
 23 plan) shall not include common costs related to determin-
 24 ing the eligibility under such State plan (or waiver) of in-
 25 dividuals in a household applying for or receiving benefits

1 under the State program under part A of title IV unless
 2 the State elects the option described in paragraph (2).

3 “(2) A State that meets the requirements of para-
 4 graph (3) may elect to allocate equally between the State
 5 program under part A of title IV and the State plan under
 6 this title (including any waiver of such plan) the adminis-
 7 trative costs associated with such programs that are in-
 8 curred in serving households and individuals eligible or ap-
 9 plying for benefits under the State program under part
 10 A of title IV and under the State plan (or under a waiver
 11 of such plan) under this title.

12 “(3) A State meets the requirements of this para-
 13 graph if the Secretary determines that—

14 “(A) the State conforms the eligibility rules and
 15 procedures of, and integrates the administration of
 16 the eligibility procedures of, the State program fund-
 17 ed under part A of title IV and the State plan under
 18 this title (including any waiver of such plan); and

19 “(B) the State uses the same application form
 20 for assistance described in section 1931(e).”.

21 (b) TANF.—

22 (1) IN GENERAL.—Section 408(a) of the Social
 23 Security Act (42 U.S.C. 608(a)) is amended by add-
 24 ing at the end the following:

1 “(12) DESIGNATION OF GRANTS UNDER THIS
 2 PART IN ALLOCATING ADMINISTRATIVE COSTS.—
 3 Subject to section 1903(x), a State to which a grant
 4 is made under section 403 shall designate the pro-
 5 gram funded under this part as the primary pro-
 6 gram for the purpose of allocating common adminis-
 7 trative costs incurred in serving households eligible
 8 or applying for benefits under such program and any
 9 other Federal means-tested public benefit program
 10 administered by the State.”.

11 (2) EFFECTIVE DATE.—The amendment made
 12 by paragraph (1) to section 408 of the Social Secu-
 13 rity Act (42 U.S.C. 608) shall take effect as if in-
 14 cluded in the enactment of section 103(a) of the
 15 Personal Responsibility and Work Opportunity Rec-
 16 onciliation Act of 1996 (Public Law 104–193; 110
 17 Stat. 2112).

18 **TITLE V—EFFECTIVE DATE**

19 **SEC. 501. EFFECTIVE DATE.**

20 (a) IN GENERAL.—Except as otherwise provided in
 21 this Act, the amendments made by this Act shall take ef-
 22 fect on October 1, 1997.

23 (b) DELAY PERMITTED IF STATE LEGISLATION RE-
 24 QUIRED.—In the case of a State plan under part B or
 25 E of title IV of the Social Security Act which the Secretary

1 of Health and Human Services determines requires State
2 legislation (other than legislation appropriating funds) in
3 order for the plan to meet the additional requirements im-
4 posed by the amendments made by this Act, the State plan
5 shall not be regarded as failing to comply with the require-
6 ments of such part solely on the basis of the failure of
7 the plan to meet such additional requirements before the
8 first day of the first calendar quarter beginning after the
9 close of the first regular session of the State legislature
10 that begins after the date of the enactment of this Act.
11 For purposes of the previous sentence, in the case of a
12 State that has a 2-year legislative session, each year of
13 such session shall be deemed to be a separate regular ses-
14 sion of the State legislature.

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