

105TH CONGRESS  
1ST SESSION

# S. 178

To amend the Social Security Act to clarify that the reasonable efforts requirement includes consideration of the health and safety of the child.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. DEWINE introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Social Security Act to clarify that the reasonable efforts requirement includes consideration of the health and safety of the child.

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. CLARIFICATION OF REASONABLE EFFORTS RE-**  
4                       **QUIREMENT BEFORE PLACEMENT IN FOSTER**  
5                       **CARE.**

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

9               “(15) provides that, in each case—

10              “(A) reasonable efforts will be made—

1 “(i) prior to the placement of the  
2 child in foster care, to prevent or eliminate  
3 the need for removing the child from the  
4 child’s home; and

5 “(ii) to make it possible for the child  
6 to return home; and

7 “(B) in determining reasonable efforts, the  
8 best interests of the child, including the child’s  
9 health and safety, shall be of primary con-  
10 cern;”.

11 (b) EFFECTIVE DATE.—

12 (1) IN GENERAL.—Except as provided in para-  
13 graph (2), the amendment made by subsection (a)  
14 shall be effective on the date of enactment of this  
15 Act.

16 (2) EXCEPTION.—In the case of a State plan  
17 for foster care and adoption assistance under part E  
18 of title IV of the Social Security Act which the Sec-  
19 retary of Health and Human Services determines re-  
20 quires State legislation (other than legislation appro-  
21 priating funds) in order for the plan to meet the ad-  
22 ditional requirement imposed by the amendment  
23 made by subsection (a), such plan shall not be re-  
24 garded as failing to comply with the requirements of  
25 such title solely on the basis of its failure to meet

1       this additional requirement before the first day of  
2       the first calendar quarter beginning after the close  
3       of the first regular session of the State legislature  
4       that begins after the date of enactment of this Act.  
5       For purposes of the previous sentence, in the case  
6       of a State that has a 2-year legislative session, each  
7       year of such session shall be deemed to be a sepa-  
8       rate regular session of the State legislature.

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