

105TH CONGRESS
1ST SESSION

S. 822

To amend part E of title IV of the Social Security Act to provide for demonstration projects to test the feasibility of establishing kinship care as an alternative to foster care for a child who has adult relatives willing to provide safe and appropriate care for the child, and to require notice to adult relative caregivers.

IN THE SENATE OF THE UNITED STATES

JUNE 3, 1997

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

A BILL

To amend part E of title IV of the Social Security Act to provide for demonstration projects to test the feasibility of establishing kinship care as an alternative to foster care for a child who has adult relatives willing to provide safe and appropriate care for the child, and to require notice to adult relative caregivers.

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.**

4 This Act may be cited as the “Kinship Care Act of
5 1997”.

1 **SEC. 2. KINSHIP CARE DEMONSTRATION PROJECTS.**

2 (a) IN GENERAL.—Part E of title IV of the Social
3 Security Act (42 U.S.C. 670–679) is amended by inserting
4 after section 477 the following:

5 **“SEC. 478. KINSHIP CARE DEMONSTRATION PROJECTS.**

6 “(a) PURPOSE.—The purpose of this section is to
7 allow and encourage States to develop effective alter-
8 natives to foster care for children who might be eligible
9 for foster care but who have adult relatives who can pro-
10 vide safe and appropriate care for the child.

11 “(b) DEMONSTRATION AUTHORITY.—The Secretary
12 may authorize any State to conduct a demonstration
13 project designed to determine whether it is feasible to es-
14 tablish kinship care as an alternative to foster care for
15 a child who—

16 “(1) has been removed from home as a result
17 of a judicial determination that continuation in the
18 home would be contrary to the welfare of the child;

19 “(2) would otherwise be placed in foster care;
20 and

21 “(3) has adult relatives willing to provide safe
22 and appropriate care for the child.

23 “(c) KINSHIP CARE DEFINED.—As used in this sec-
24 tion, the term ‘kinship care’ means safe and appropriate
25 care (including long-term care) of a child by 1 or more
26 adult relatives of the child who have legal custody of the

1 child, or physical custody of the child pending transfer to
2 the adult relative of legal custody of the child.

3 “(d) PROJECT REQUIREMENTS.—In any demonstra-
4 tion project authorized to be conducted under this section,
5 the State—

6 “(1) should examine the provision of alternative
7 financial and service supports to families providing
8 kinship care; and

9 “(2) shall establish such procedures as may be
10 necessary to assure the safety of children who are
11 placed in kinship care.

12 “(e) WAIVER AUTHORITY.—The Secretary may waive
13 compliance with any requirement of this part which (if ap-
14 plied) would prevent a State from carrying out a dem-
15 onstration project under this section or prevent the State
16 from effectively achieving the purpose of such a project,
17 except that the Secretary may not waive—

18 “(1) any provision of section 422(b)(10), sec-
19 tion 479, or this section; or

20 “(2) any provision of this part, to the extent
21 that the waiver would impair the entitlement of any
22 qualified child or family to benefits under a State
23 plan approved under this part.

24 “(f) PAYMENTS TO STATES; COST NEUTRALITY.—In
25 lieu of any payment under section 473 for expenses in-

1 curred by a State during a quarter with respect to a dem-
2 onstration project authorized to be conducted under this
3 section, the Secretary shall pay to the State an amount
4 equal to the total amount that would be paid to the State
5 for the quarter under this part, in the absence of the
6 project, with respect to the children and families partici-
7 pating in the project.

8 “(g) USE OF FUNDS.—A State may use funds paid
9 under this section for any purpose related to the provision
10 of services and financial support for families participating
11 in a demonstration project under this section.

12 “(h) DURATION OF PROJECT.—A demonstration
13 project under this section may be conducted for not more
14 than 5 years.

15 “(i) APPLICATION.—Any State seeking to conduct a
16 demonstration project under this section shall submit to
17 the Secretary an application, in such form as the Sec-
18 retary may require, which includes—

19 “(1) a description of the proposed project, the
20 geographic area in which the proposed project would
21 be conducted, the children or families who would be
22 served by the proposed project, the procedures to be
23 used to assure the safety of such children, and the
24 services which would be provided by the proposed
25 project (which shall provide, where appropriate, for

1 random assignment of children and families to
2 groups served under the project and to control
3 groups);

4 “(2) a statement of the period during which the
5 proposed project would be conducted, and how, at
6 the termination of the project, the safety and stabil-
7 ity of the children and families who participated in
8 the project will be protected;

9 “(3) a discussion of the benefits that are ex-
10 pected from the proposed project (compared to a
11 continuation of activities under the State plan ap-
12 proved under this part);

13 “(4) an estimate of the savings to the State of
14 the proposed project;

15 “(5) a statement of program requirements for
16 which waivers would be needed to permit the pro-
17 posed project to be conducted;

18 “(6) a description of the proposed evaluation
19 design; and

20 “(7) such additional information as the Sec-
21 retary may require.

22 “(j) STATE EVALUATIONS AND REPORTS.—Each
23 State authorized to conduct a demonstration project under
24 this section shall—

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

5 “(A) comparison of outcomes for children
6 and families (and groups of children and fami-
7 lies) under the project, and such outcomes
8 under the State plan approved under this part,
9 for purposes of assessing the effectiveness of
10 the project in achieving program goals; and

11 “(B) any other information that the Sec-
12 retary may require;

13 “(2) obtain an evaluation by an independent
14 contractor of the effectiveness of the State in assur-
15 ing the safety of the children participating in the
16 project; and

17 “(3) provide interim and final evaluation re-
18 ports to the Secretary, at such times and in such
19 manner as the Secretary may require.

20 “(k) REPORT TO THE CONGRESS.—Not later than 4
21 years after the date of the enactment of this section, the
22 Secretary shall submit to the Congress a report that con-
23 tains the recommendations of the Secretary for changes
24 in law with respect to kinship care and placements.”.

1 (b) CONFORMING AMENDMENTS.—Title IV of the So-
2 cial Security Act (42 U.S.C. 601 et seq.) is amended

3 (1) in section 422(b)—

4 (A) by striking the period at the end of the
5 paragraph (9) (as added by section 554(3) of
6 the Improving America’s Schools Act of 1994
7 (Public Law 103–382; 108 Stat. 4057)) and in-
8 serting a semicolon;

9 (B) by redesignating paragraph (10) as
10 paragraph (11); and

11 (C) by redesignating paragraph (9), as
12 added by section 202(a)(3) of the Social Secu-
13 rity Act Amendments of 1994 (Public Law
14 103–432, 108 Stat. 4453), as paragraph (10);

15 (2) in sections 424(b), 425(a), and 472(d), by
16 striking “422(b)(9)” each place it appears and in-
17 serting “422(b)(10)”; and

18 (3) in section 471(a)—

19 (A) by striking “and” at the end of para-
20 graph (17);

21 (B) by striking the period at the end of
22 paragraph (18) (as added by section 1808(a) of
23 the Small Business Job Protection Act of 1996
24 (Public Law 104–188; 110 Stat. 1903)) and in-
25 serting “; and”; and

1 (C) by redesignating paragraph (18) (as
 2 added by section 505(3) of the Personal Re-
 3 sponsibility and Work Opportunity Reconcili-
 4 ation Act of 1996 (Public Law 104–193; 110
 5 Stat. 2278)) as paragraph (19).

6 **SEC. 3. NOTICE TO RELATIVE CAREGIVERS.**

7 (a) IN GENERAL.—Section 471(a)(19) of the Social
 8 Security Act (42 U.S.C. 671(a)(19), as redesignated by
 9 section 1(b)(3)(C), is amended to read as follows:

10 “(19) provides that the State shall, with respect
 11 to an adult relative caregiver for a child—

12 “(A) provide that relative caregiver with
 13 notice of, and an opportunity to be heard in,
 14 any dispositional hearing or administrative re-
 15 view held with respect to the child; and

16 “(B) give preference to that relative
 17 caregiver over a non-related caregiver when de-
 18 termining a placement for a child, provided that
 19 the relative caregiver meets all relevant State
 20 child protection standards, and that placement
 21 with the relative caregiver would be consistent
 22 with the safety needs of the child.”.

23 (b) EFFECTIVE DATE.—The amendment made by
 24 subsection (a) takes effect on October 1, 1997.

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