

108TH CONGRESS
1ST SESSION

H. R. 1534

To improve the ability of the child welfare system to prevent and respond to child abuse and place children in safe, loving, and permanent homes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2003

Mr. CARDIN (for himself, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. STARK, Mr. LEVIN, and Mr. McDERMOTT) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To improve the ability of the child welfare system to prevent and respond to child abuse and place children in safe, loving, and permanent homes.

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 “Child Protective Serv-
5 ices Improvement Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—ENSURING CHILD SAFETY BY PAYING FOR PERFORMANCE

- Sec. 101. Grants and bonuses to improve State performance.
- Sec. 102. Report on enhanced data on child well-being.

TITLE II—SUPPORTING QUALITY FRONT LINE WORKERS

- Sec. 201. Child welfare service quality improvement grants.
- Sec. 202. Increase in payment rate for States for expenditures for short term training of staff of certain child welfare agencies and court personnel.

TITLE III—COMBATting THE EFFECTS OF SUBSTANCE ABUSE

- Sec. 301. Child protection/alcohol and drug partnerships for children.

TITLE IV—INCREASING STATE FLEXIBILITY TO SERVE FAMILIES

- Sec. 401. State option to align eligibility for foster care maintenance payments and adoption assistance with TANF eligibility.
- Sec. 402. Kinship guardianship assistance payments for children.
- Sec. 403. Modifications relating to child welfare demonstration projects.

TITLE V—ENSURING ADEQUATE FUNDING FOR PREVENTION AND ADOPTION ACTIVITIES

- Sec. 501. Ensuring adequate funding for prevention and adoption activities.

TITLE VI—EFFECTIVE DATE

- Sec. 601. Effective date.

1 **TITLE I—ENSURING CHILD**
 2 **SAFETY BY PAYING FOR PER-**
 3 **FORMANCE**

4 **SEC. 101. GRANTS AND BONUSES TO IMPROVE STATE PER-**
 5 **FORMANCE.**

6 (a) IN GENERAL.—Part B of title IV of the Social
 7 Security Act (42 U.S.C. 629–629i) is amended by adding
 8 at the end the following:

9 **“Subpart 3—Improving State Performance**

10 **“SEC. 440. GRANTS AND BONUSES TO IMPROVE STATE PER-**
 11 **FORMANCE.**

12 “(a) GRANTS.—

1 “(1) IN GENERAL.—Each State that is a quali-
2 fied State with respect to a fiscal year specified in
3 paragraph (4) shall be entitled to receive from the
4 Secretary a grant for the fiscal year in an amount
5 equal to the amount described in paragraph (2).

6 “(2) AMOUNT OF GRANT.—The amount of the
7 grant payable to a State under paragraph (1) for a
8 fiscal year shall be the amount that bears the same
9 ratio to the total amount available for grants under
10 paragraph (1) for the fiscal year as the number of
11 children in the State who have not attained 18 years
12 of age bears to the number of children in all quali-
13 fied States for the fiscal year.

14 “(3) USE OF GRANT.—

15 “(A) IN GENERAL.—A State to which a
16 grant is made under paragraph (1) of this sub-
17 section shall use the grant to carry out the cor-
18 rective action plan referred to in subsection
19 (c)(1).

20 “(B) CARRYOVER OF FUNDS.—A State to
21 which a grant is made under paragraph (1) for
22 a fiscal year may expend the grant in the fiscal
23 year or the next fiscal year.

24 “(C) NO SUPPLANTATION.—A State to
25 which a grant is made under paragraph (1)

1 shall use the grant to supplement and not sup-
2 plant any Federal, State, or local funds used
3 for child welfare services or child welfare train-
4 ing.

5 “(4) REALLOTMENT OF UNEXPENDED
6 FUNDS.—To the extent that a grant made under
7 paragraph (1) is not expended by the grantee during
8 the time provided by paragraph (3)(B), the grantee
9 shall remit the unexpended portion of the grant to
10 the Secretary, who shall make the amount avail-
11 able—

12 “(A) if the next fiscal year is fiscal year
13 2005, for grants under paragraph (1) for fiscal
14 year 2005; or

15 “(B) in any other case, for grants under
16 subsection (b) for the then next fiscal year.

17 “(5) APPROPRIATION.—

18 “(A) IN GENERAL.—Out of any money in
19 the Treasury of the United States not otherwise
20 appropriated, there are appropriated to carry
21 out this subsection \$100,000,000 for each of
22 fiscal years 2004 and 2005.

23 “(B) AVAILABILITY.—The amounts appro-
24 priated by subparagraph (A) shall remain avail-
25 able for grants under this subsection through

1 fiscal year 2005. Any amount so appropriated
2 that remains unexpended by the Secretary at
3 the end of fiscal year 2005 shall be available for
4 expenditure under subsection (b) through fiscal
5 year 2008.

6 “(b) BONUSSES.—

7 “(1) IN GENERAL.—Each State that is a quali-
8 fied State with respect to a fiscal year specified in
9 paragraph (4) shall be entitled to received from the
10 Secretary a bonus for the fiscal year in an amount
11 equal to the amount described in paragraph (2), if
12 the Secretary determines that, in the preceding fis-
13 cal year, the State made significant progress in
14 achieving the goals of the corrective action plan re-
15 ferred to in subsection (c)(1).

16 “(2) AMOUNT OF GRANT.—The amount of the
17 bonus payable to a State under paragraph (1) for a
18 fiscal year shall be the amount that bears the same
19 ratio to the total amount available for grants under
20 paragraph (1) for the fiscal year as the number of
21 children in the State who have not attained 18 years
22 of age bears to the number of such children in all
23 qualified States to which a bonus is so payable for
24 the fiscal year.

25 “(3) USE OF GRANT.—

1 “(A) IN GENERAL.—A State to which a
2 grant is made under paragraph (1) of this sub-
3 section shall use the grant to carry out the cor-
4 rective action plan referred to in subsection
5 (c)(1).

6 “(B) CARRYOVER OF FUNDS.—A State to
7 which a grant is made under paragraph (1) for
8 a fiscal year may expend the grant in the fiscal
9 year or the next fiscal year.

10 “(C) NO SUPPLANTATION.—A State to
11 which a grant is made under paragraph (1)
12 shall use the grant to supplement and not sup-
13 plant any Federal, State, or local funds used
14 for child welfare services or child welfare train-
15 ing.

16 “(4) REALLOTMENT OF UNEXPENDED
17 FUNDS.—To the extent that a grant made under
18 paragraph (1) is not expended by the grantee during
19 the time provided by paragraph (3)(B), the grantee
20 shall remit the unexpended portion of the grant to
21 the Secretary, who shall make the amount available
22 for grants under paragraph (1) for the then next fis-
23 cal year.

24 “(5) APPROPRIATION.—

1 “(A) IN GENERAL.—Out of any money in
2 the Treasury of the United States not otherwise
3 appropriated, there are appropriated to carry
4 out this subsection \$100,000,000 for each of
5 fiscal years 2006 through 2008.

6 “(B) AVAILABILITY.—The amounts appro-
7 priated by subparagraph (A) shall remain avail-
8 able for grants under this subsection through
9 fiscal year 2008.

10 “(c) DEFINITIONS.—

11 “(1) QUALIFIED STATE.—In this section, the
12 term ‘qualified State’ means, with respect to a fiscal
13 year, a State that—

14 “(A) has in effect during the fiscal year a
15 corrective action plan approved under section
16 1123A(b)(4); and

17 “(B) has submitted to the Secretary a doc-
18 ument which describes the efforts that were
19 made by the State to develop community in-
20 volvement in establishing the corrective action
21 plan.

22 “(2) STATE.—The term ‘State’ means each of
23 the 50 States, the District of Columbia, Puerto Rico,
24 Guam, the United States Virgin Islands, American
25 Samoa, and the Northern Mariana Islands.”.

1 **SEC. 102. REPORT ON ENHANCED DATA ON CHILD WELL-**
2 **BEING.**

3 Not later than October 2004, the Secretary of Health
4 and Human Services shall provide to the Congress rec-
5 ommendations on improving the quality and usefulness of
6 data being collected through the Adoption and Foster
7 Care Analysis and Reporting System (in this section re-
8 ferred to as “AFCARS”). The Secretary should develop
9 the recommendations in consultation with State agencies
10 which have functions related to child welfare and with ex-
11 perts in fields related to child welfare. In developing the
12 recommendations, the Secretary shall consider modifying
13 AFCARS to include the collection and analysis of longitu-
14 dinal data, as well as entry and exit cohort analysis, and
15 a measure of adoption disruption.

16 **TITLE II—SUPPORTING QUALITY**
17 **FRONT LINE WORKERS**

18 **SEC. 201. CHILD WELFARE SERVICE QUALITY IMPROVE-**
19 **MENT GRANTS.**

20 Part B of title IV of the Social Security Act (42
21 U.S.C. 620–629i) is further amended by adding at the end
22 the following:

1 **“Subpart 4—Supporting Quality Front Line Workers**
2 **“SEC. 440A. CHILD WELFARE SERVICE QUALITY IMPROVE-**
3 **MENT GRANTS.**

4 “(a) IN GENERAL.—The Secretary, acting through
5 the Administration of Children and Families, shall make
6 grants to States to improve the quality of child welfare
7 services by increasing the quality and capacity of their
8 child welfare workforce or by increasing the coordination
9 of their child welfare services.

10 “(b) APPLICATIONS.—

11 “(1) CONTENTS.—A State desiring to receive a
12 grant under this section shall submit to the Sec-
13 retary an application that includes the following:

14 “(A) PLAN.—A detailed description of how
15 the State would use the grant, during the 5-
16 year period beginning with the date the grant
17 is received, to improve working conditions of
18 child welfare workers in any agency providing a
19 service under the State plan approved under
20 subpart 1 or 2 of part B or part E in 1 or more
21 ways described in paragraph (2), and an expla-
22 nation of how doing so would help the State
23 achieve the outcomes set forth in the Final List
24 of Child Welfare Outcomes and Measures (64
25 Fed. Reg. 45552–45554).

1 “(B) BASELINE DATA ON STATE-SE-
2 LECTED INDICATORS.—The information de-
3 scribed in those subparagraphs of paragraph
4 (3) which describe the indicators that the State
5 intends to improve on using the grant, with re-
6 spect to all child welfare agencies in the State
7 for the fiscal year preceding the first fiscal year
8 for which the grant is requested.

9 “(C) BUDGET.—A budget showing how the
10 State would expend funds (including any grant
11 funds provided under this section) for child wel-
12 fare services or the improvement of the services.

13 “(2) WAYS TO IMPROVE WORKING CONDI-
14 TIONS.—The ways described in this paragraph to
15 improve working conditions of child welfare workers
16 are the following:

17 “(A) Increase the wages of supervisory and
18 nonsupervisory child welfare workers.

19 “(B) Increase the number of State super-
20 visory and nonsupervisory staff working on
21 strengthening and preserving families and im-
22 proving child well-being, permanency, and safe-
23 ty.

24 “(C) Reduce the turnover rate for super-
25 visory and nonsupervisory child welfare workers

1 in the State, and the number of supervisory and
2 nonsupervisory staff vacancies in child welfare
3 agencies.

4 “(D) Improve the formal education and
5 training of supervisory and nonsupervisory child
6 welfare workers.

7 “(E) Increase the number of supervisory
8 and nonsupervisory child welfare workers who
9 have graduated from an institution of higher
10 education in such fields of study as the Sec-
11 retary determines are related to the delivery of
12 child welfare services.

13 “(F) Coordinate training, recruitment, and
14 retention strategies for child welfare workers.

15 “(G) Provide educational scholarships for
16 fields of study relevant to the purposes of parts
17 B and E in return for substantial service.

18 “(H) Implement strategies to increase the
19 safety of child welfare workers.

20 “(I) Enable the State child welfare agen-
21 cies to coordinate the provision of services with
22 State and local health care agencies, State and
23 local alcohol and drug abuse prevention and
24 treatment agencies, State and local mental
25 health agencies, State and local housing agen-

1 cies, State and local agencies administering the
2 Temporary Assistance for Needy Families pro-
3 gram, and other welfare agencies to promote
4 child safety, permanence, and family stability.

5 “(J) Provide training to improve the abil-
6 ity of child welfare workers to include and in-
7 volve families in planning decisions for children
8 served by State child welfare agencies.

9 “(3) DESCRIPTION OF BASELINE DATA.—The
10 data described in this paragraph are the following:

11 “(A) The average salary of supervisory
12 child welfare workers, and of nonsupervisory
13 child welfare workers.

14 “(B) The average number of children or
15 families, per caseworker—

16 “(i) for caseworkers who provide serv-
17 ices for abused or neglected children and
18 their families;

19 “(ii) for caseworkers who provide
20 services to strengthen and preserve fami-
21 lies with children;

22 “(iii) for caseworkers who provide
23 adoption services; and

24 “(iv) for caseworkers who provide
25 family foster care services.

1 “(C) The total number of vacancies in su-
2 pervisory staff positions and in nonsupervisory
3 staff positions, and each such number expressed
4 as a percentage of each type of staff position.

5 “(D) The average rate at which super-
6 visory child welfare workers left employment,
7 and at which nonsupervisory child welfare work-
8 ers left employment.

9 “(E) The average duration of employment
10 of supervisory child welfare workers and of non-
11 supervisory child welfare workers.

12 “(F) The total number and percentage of
13 supervisory child welfare workers and of non-
14 supervisory child welfare workers who have re-
15 ceived a bachelor’s or more advanced degree
16 from an institution of higher education, in the
17 aggregate, and broken down by field of study.

18 “(G) The average number of staff for
19 whom supervisory child welfare workers are re-
20 sponsible.

21 “(H) The range and scope of pre-service
22 and in-service training opportunities, including
23 numbers and percentage of supervisory child
24 welfare staff and of nonsupervisory child wel-
25 fare staff engaged in training programs.

1 “(I) The number and severity of injuries
2 and threats to child welfare workers, and the
3 strategies used to address the safety of child
4 welfare workers.

5 “(J) Data that indicates whether families
6 and children received support services (such as
7 mental and physical health care, food stamps,
8 affordable housing, and substance abuse pre-
9 vention and treatment) needed to create a sta-
10 ble home environment.

11 “(K) Such other indicators as the Sec-
12 retary may by regulation prescribe.

13 “(4) AMENDMENT OF APPLICATIONS.—A State
14 may at any time submit to the Secretary an amend-
15 ment to the application of the State under this sub-
16 section. On approval of such an amendment, the ap-
17 plication shall be considered to include the amend-
18 ment.

19 “(c) GRANTS.—

20 “(1) IN GENERAL.—On certification by the Sec-
21 retary that a State application for a grant under
22 this section meets the requirements of subsection (b)
23 and that implementing the activities described in the
24 application would help the State achieve some of the
25 outcomes set forth in the Final List of Child Welfare

1 Outcomes and Measures (64 Fed. Reg. 45552–
2 45554), and on approval by the Secretary of the ap-
3 plication, the State shall be eligible to receive a
4 grant under this section for each fiscal year for
5 which funds are available for such a grant.

6 “(2) GRANT AMOUNT.—The Secretary shall
7 make a grant to each State that is eligible to receive
8 a grant under this section for a fiscal year, in an
9 amount equal to the lesser of—

10 “(A) the amount finally allotted to or re-
11 served for the State under this subsection for
12 the fiscal year; or

13 “(B) 3 times the amount that the State
14 has committed to spend to carry out the activi-
15 ties described in the approved application.

16 “(3) RESERVATION OF FUNDS.—

17 “(A) PUERTO RICO.—The Secretary shall
18 reserve 1.75 percent of the funds appropriated
19 pursuant to subsection (j) for each fiscal year,
20 for a grant to Puerto Rico under this section
21 for the fiscal year. If, for a fiscal year, Puerto
22 Rico does not submit to the Secretary an appli-
23 cation that meets the requirements of sub-
24 section (b), the funds so reserved shall be avail-
25 able for allotment under paragraph (4) of this

1 subsection for the succeeding fiscal year or (if
2 the succeeding fiscal year is fiscal year 2009)
3 remitted to the Treasury of the United States.

4 “(B) OTHER TERRITORIES.—The Sec-
5 retary shall reserve 0.3 percent of the funds ap-
6 propriated pursuant to subsection (j) for each
7 fiscal year, for grants among the United States
8 Virgin Islands, Guam, American Samoa, and
9 the Commonwealth of the Northern Mariana Is-
10 lands under this section in such amounts as the
11 Secretary deems appropriate for the fiscal year.
12 If, for a fiscal year, none of such territories
13 submits to the Secretary an application that
14 meets the requirements of subsection (b), the
15 funds so reserved shall be available for allot-
16 ment under paragraph (4) of this subsection for
17 the succeeding fiscal year or (if the succeeding
18 fiscal year is fiscal year 2009) remitted to the
19 Treasury of the United States.

20 “(C) INDIAN TRIBES.—The Secretary shall
21 reserve 2 percent of the funds appropriated
22 pursuant to subsection (j) for each fiscal year,
23 for grants among Indian tribes under this sec-
24 tion in such amounts as the Secretary deems
25 appropriate for the fiscal year. If, for a fiscal

1 year, the Secretary does not receive from any
2 Indian tribe an application that meets the re-
3 quirements of subsection (b), the funds so re-
4 served shall be available for allotment under
5 paragraph (4) of this subsection for the suc-
6 ceeding fiscal year or (if the succeeding fiscal
7 year is fiscal year 2009) remitted to the Treas-
8 ury of the United States.

9 “(D) TECHNICAL ASSISTANCE AND EVAL-
10 UATIONS.—The Secretary shall reserve 0.7 per-
11 cent of the funds appropriated pursuant to sub-
12 section (j) for each fiscal year, to pay the costs
13 of providing technical assistance and conducting
14 evaluations under this section.

15 “(4) ALLOTMENTS.—

16 “(A) INITIAL ALLOTMENT.—From the
17 amount available to carry out this section for a
18 fiscal year that remains after applying para-
19 graph (3) for the fiscal year (including any
20 amount available for allotment under this para-
21 graph for the fiscal year after applying para-
22 graph (3) for the preceding fiscal year), the
23 Secretary shall initially allot to each State not
24 described in paragraph (3) for a fiscal year an
25 amount that bears the same ratio to the re-

1 maining amount as the number of individuals
2 who reside in the State and have not attained
3 18 years of age bears to the total number of
4 such individuals in all States not described in
5 paragraph (3) that are eligible for a grant
6 under this section for such most recent fiscal
7 year.

8 “(B) FINAL ALLOTMENT.—The Secretary
9 shall reduce the amount initially allotted to
10 each State with an initial allotment under sub-
11 paragraph (A) of more than \$300,000, on a pro
12 rata basis, to the extent necessary to ensure
13 that the amount finally allotted to each such
14 State is not less than \$300,000.

15 “(d) USE OF GRANT.—

16 “(1) IN GENERAL.—A State to which a grant
17 is made under this section shall use the grant in ac-
18 cordance with the approved application for the
19 grant.

20 “(2) AVAILABILITY OF FUNDS.—A State that
21 receives funds under this section shall remit to the
22 Secretary any of such funds that remain unexpended
23 by the State at the end of the 2-year period that be-
24 gins with the date of the receipt.

1 “(3) NO SUPPLANTATION.—A State to which a
2 grant is made under this section shall use the grant
3 to supplement and not supplant any Federal, State,
4 or local funds used for child welfare services or child
5 welfare training.

6 “(e) MONITORING.—The Secretary shall monitor the
7 activities of grantees under this section to ensure compli-
8 ance with this section and any State plan of the grantee
9 under subpart 1.

10 “(f) TECHNICAL ASSISTANCE.—The Secretary may
11 provide technical assistance to any grantee to assist the
12 grantee in improving the quality of child welfare services,
13 including strategies to recruit, train, and retain high qual-
14 ity staff, and in complying with the provisions of law re-
15 ferred to in subsection (e).

16 “(g) ENFORCEMENT.—

17 “(1) IN GENERAL.—If the Secretary determines
18 that, during a fiscal year, a grantee under this sec-
19 tion has not complied with a requirement of this
20 Act, the Secretary may—

21 “(A) in the case of the 1st such determina-
22 tion of noncompliance, reduce by not less than
23 5 percent the amount of the grant otherwise
24 payable to the grantee under this section for
25 the fiscal year;

1 “(B) in the case of the 2nd such deter-
2 mination of noncompliance, reduce by not less
3 than 25 percent the amount of the grant other-
4 wise payable to the grantee under this section
5 for the fiscal year; and

6 “(C) in the case of the 3rd or any subse-
7 quent such determination of noncompliance,
8 withhold the payment of a grant to the grantee
9 under this section for any succeeding fiscal
10 year, notwithstanding subsection (c).

11 “(2) RECOVERY.—In the case of a determina-
12 tion under paragraph (1) of grantee noncompliance,
13 to the extent that a penalty cannot be imposed
14 under paragraph (1), the Secretary shall require the
15 grantee to remit to the Secretary the amount of the
16 penalty not able to be so imposed.

17 “(h) EVALUATION.—

18 “(1) IN GENERAL.—Not later than September
19 30, 2006, the Secretary shall conduct an interim
20 evaluation to determine whether the grantees under
21 this section have improved the provision of child wel-
22 fare services beyond the level reflected in the base-
23 line data set forth in the applications submitted by
24 the grantees under this section.

1 “(2) FINAL REPORT.—Not later than Sep-
2 tember 30, 2008, the Secretary shall submit to the
3 Congress a written report that contains the final
4 evaluation of the Secretary.

5 “(i) REGULATIONS.—The Secretary shall prescribe
6 such regulations as may be necessary to carry out this
7 section, including regulations, developed in consultation
8 with the States, governing how to obtain the baseline data
9 described in subsection (b)(3).

10 “(j) APPROPRIATION.—Out of any money in the
11 Treasury of the United States not otherwise appropriated,
12 there are appropriated to the Secretary not more than
13 \$100,000,000 for each of fiscal years 2004 through 2008
14 to carry out this section.

15 “(k) DEFINITIONS.—In this section:

16 “(1) ALASKA NATIVE ORGANIZATION.—The
17 term ‘Alaska Native Organization’ means any orga-
18 nized group of Alaska Natives eligible to operate a
19 Federal program under the Indian Self-Determina-
20 tion Act (25 U.S.C. 450f et seq.) or the designee of
21 such a group.

22 “(2) CHILD WELFARE AGENCY.—The term
23 ‘child welfare agency’ means the State agency re-
24 sponsible for administering subpart 1, and any pub-

1 lic or private agency under contract with the State
2 agency to provide child welfare services.

3 “(3) INDIAN TRIBE.—The term ‘Indian tribe’
4 means any Indian tribe, band, Nation or other orga-
5 nized group or community of Indians, including any
6 Alaska Native Organization, that is recognized as el-
7 igible for the special programs and services provided
8 by the United States to Indians because of their sta-
9 tus as Indians.

10 “(4) INSTITUTION OF HIGHER EDUCATION.—
11 The term ‘institution of higher education’ has the
12 meaning given the term in section 101 of the Higher
13 Education Act of 1965.

14 “(5) STATE.—The term ‘State’ means each of
15 the 50 States, the District of Columbia, Puerto Rico,
16 Guam, the United States Virgin Islands, American
17 Samoa, and the Northern Mariana Islands.”.

18 **SEC. 202. INCREASE IN PAYMENT RATE FOR STATES FOR**
19 **EXPENDITURES FOR SHORT TERM TRAINING**
20 **OF STAFF OF CERTAIN CHILD WELFARE**
21 **AGENCIES AND COURT PERSONNEL.**

22 Section 474(a)(3)(B) of the Social Security Act (42
23 U.S.C. 674(a)(3)(B)) is amended to read as follows:

1 “(B) 75 percent of so much of such ex-
2 penditures (including travel and per diem ex-
3 penses) as are for the short-term training of—

4 “(i) current or prospective foster or
5 adoptive parents and the members of the
6 staff of State-licensed or State-approved
7 child care institutions providing care, or of
8 State-licensed or State-approved child wel-
9 fare agencies providing services, to foster
10 and adopted children receiving assistance
11 under this part,

12 “(ii) members of the staff of abuse
13 and neglect courts, agency attorneys, attor-
14 neys representing children, parents, or
15 guardians ad litem, or other court-ap-
16 pointed special advocates representing chil-
17 dren in proceedings of such courts, and

18 “(iii) persons employed by State,
19 local, or private nonprofit child-serving
20 agencies that are working with the State
21 or local agency administering the State
22 plan under this part to keep children safe
23 and provide permanent families for chil-
24 dren,

1 in ways that increase the ability of such current
2 or prospective parents, guardians, staff mem-
3 bers, institutions, attorneys, advocates, and per-
4 sons to provide support and assistance to foster
5 and adopted children, whether incurred directly
6 by the State or by contract.”.

7 **TITLE III—COMBATTING THE**
8 **EFFECTS OF SUBSTANCE ABUSE**

9 **SEC. 301. CHILD PROTECTION/ALCOHOL AND DRUG PART-**
10 **NERSHIPS FOR CHILDREN.**

11 Part B of title IV of the Social Security Act (42
12 U.S.C. 620–629i) is further amended by adding at the end
13 the following:

14 **“Subpart 5—Child Protection/Alcohol and Drug**
15 **Partnerships For Children**

16 **“SEC. 441. DEFINITIONS.**

17 “In this subpart:

18 “(1) ALASKA NATIVE ORGANIZATION.—The
19 term ‘Alaska Native Organization’ means any orga-
20 nized group of Alaska Natives eligible to operate a
21 Federal program under the Indian Self-Determina-
22 tion Act (25 U.S.C. 450f et seq.) or the designee of
23 such a group.

24 “(2) ADMINISTRATIVE COSTS.—

1 “(A) IN GENERAL.—The term ‘administra-
2 tive costs’ means the costs for the general ad-
3 ministration of administrative activities, includ-
4 ing contract costs and all overhead costs.

5 “(B) EXCLUSION.—Such term does not in-
6 clude the direct costs of providing services and
7 costs related to case management, training,
8 technical assistance, evaluation, establishment,
9 and operation of information systems, and such
10 other similar costs that are also an integral
11 part of service delivery.

12 “(3) ELIGIBLE STATE.—The term ‘eligible
13 State’ means a State that submits a joint applica-
14 tion from the State agencies that—

15 “(A) includes a plan that meets the re-
16 quirements of section 443; and

17 “(B) is approved by the Secretary for a 5-
18 year period after consultation with the Assist-
19 ant Secretary for the Administration for Chil-
20 dren and Families and the Administrator of the
21 Substance Abuse and Mental Health Services
22 Administration.

23 “(4) INDIAN TRIBE.—The term ‘Indian tribe’
24 means any Indian tribe, band, Nation or other orga-
25 nized group or community of Indians, including any

1 Alaska Native Organization, that is recognized as el-
2 igitible for the special programs and services provided
3 by the United States to Indians because of their sta-
4 tus as Indians.

5 “(5) STATE.—

6 “(A) IN GENERAL.—The term ‘State’
7 means each of the 50 States, the District of Co-
8 lumbia, and the territories described in sub-
9 paragraph (B).

10 “(B) TERRITORIES.—

11 “(i) IN GENERAL.—The territories de-
12 scribed in this subparagraph are Puerto
13 Rico, Guam, the United States Virgin Is-
14 lands, American Samoa, and the Northern
15 Mariana Islands.

16 “(ii) AUTHORITY TO MODIFY RE-
17 QUIREMENTS.—The Secretary may modify
18 the requirements of this subpart with re-
19 spect to a territory described in clause (i)
20 to the extent necessary to allow the terri-
21 tory to conduct activities through funds
22 provided under a grant made under this
23 subpart.

24 “(6) STATE AGENCIES.—The term ‘State agen-
25 cies’ means the State child welfare agency and the

1 unit of State government responsible for the admin-
2 istration of the substance abuse prevention and
3 treatment block grant provided under subpart II of
4 part B of title XIX of the Public Health Service Act
5 (42 U.S.C. 300x-21 et seq.).

6 “(7) TRIBAL ORGANIZATION.—The term ‘tribal
7 organization’ means the recognized governing body
8 of an Indian tribe.

9 **“SEC. 442. GRANTS TO PROMOTE CHILD PROTECTION/AL-**
10 **COHOL AND DRUG PARTNERSHIPS FOR CHIL-**
11 **DREN.**

12 “(a) AUTHORITY TO AWARD GRANTS.—The Sec-
13 retary shall award grants to eligible States and directly
14 to Indian tribes in accordance with the requirements of
15 this subpart for the purpose of promoting joint activities
16 among Federal, State, and local public child welfare and
17 alcohol and drug abuse prevention and treatment agencies
18 (and among child welfare and alcohol and drug abuse pre-
19 vention and treatment agencies that are providing services
20 to children in Indian tribes) that focus on families with
21 alcohol or drug abuse problems who come to the attention
22 of the child welfare system and are designed to—

23 “(1) increase the capacity of both the child wel-
24 fare system and the alcohol and drug abuse preven-
25 tion and treatment system to address comprehen-

1 sively and in a timely manner the needs of such fam-
2 ilies to improve child safety, family stability, and
3 permanence; and

4 “(2) promote recovery from alcohol and drug
5 abuse problems.

6 “(b) NOTIFICATION.—Not later than 60 days after
7 the date a joint application is submitted by the State agen-
8 cies or an application is submitted by an Indian tribe, the
9 Secretary shall notify a State or Indian tribe that the ap-
10 plication has been approved or disapproved.

11 **“SEC. 443. PLAN REQUIREMENTS.**

12 “(a) CONTENTS.—Subject to subsection (c), the plan
13 shall contain the following:

14 “(1) A detailed description of how the State
15 agencies will work jointly to implement a range of
16 activities to meet the alcohol and drug abuse preven-
17 tion and treatment needs of families who come to
18 the attention of the child welfare system and to pro-
19 mote child safety, permanence, and family stability.

20 “(2) An assurance that the heads of the State
21 agencies shall jointly administer the grant program
22 funded under this subpart and a description of how
23 they will do so.

24 “(3) A description of the nature and extent of
25 the problem of alcohol and drug abuse among fami-

1 lies who come to the attention of the child welfare
2 system in the State, and of any plans being imple-
3 mented to further identify and assess the extent of
4 the problem.

5 “(4) A description of any joint activities already
6 being undertaken by the State agencies in the State
7 on behalf of families with alcohol and drug abuse
8 problems who come to the attention of the child wel-
9 fare system (including any existing data on the im-
10 pact of such joint activities) such as activities relat-
11 ing to—

12 “(A) the appropriate screening and assess-
13 ment of cases;

14 “(B) consultation on cases involving alco-
15 hol and drug abuse;

16 “(C) arrangements for addressing con-
17 fidentiality and sharing of information;

18 “(D) cross training of staff;

19 “(E) co-location of services;

20 “(F) support for comprehensive treatment
21 programs for parents and their children; and

22 “(G) establishing priority of child welfare
23 families for assessment or treatment.

24 “(5)(A) A description of the joint activities to
25 be funded in whole or in part with the funds pro-

1 vided under the grant, including the sequencing of
2 the activities proposed to be conducted under the 5-
3 year funding cycle and the goals to be achieved dur-
4 ing such funding cycle. The activities and goals shall
5 be designed to improve the capacity of the State
6 agencies to work jointly to improve child safety, fam-
7 ily stability, and permanence for children whose fam-
8 ilies come to the attention of the child welfare sys-
9 tem and to promote their parents' recovery from al-
10 cohol and drug abuse.

11 “(B) The description shall include a statement
12 as to why the State agencies chose the specified ac-
13 tivities and goals.

14 “(6) A description as to whether and how the
15 joint activities described in paragraph (5), and other
16 related activities funded with Federal funds, will ad-
17 dress some or all of the following practices and pro-
18 cedures:

19 “(A) Practices and procedures designed to
20 appropriately—

21 “(i) identify alcohol and drug treat-
22 ment needs;

23 “(ii) assess such needs;

1 “(iii) assess risks to the safety of a
2 child and the need for permanency with re-
3 spect to the placement of a child;

4 “(iv) enroll families in appropriate
5 services and treatment in their commu-
6 nities; and

7 “(v) regularly assess the progress of
8 families receiving such treatment.

9 “(B) Practices and procedures designed to
10 provide comprehensive and timely individualized
11 alcohol and drug abuse prevention and treat-
12 ment services for families who come to the at-
13 tention of the child welfare system that include
14 a range of options that are available, accessible,
15 and appropriate, and that may include the fol-
16 lowing components:

17 “(i) Preventive and early intervention
18 services for children of parents with alcohol
19 and drug abuse problems that integrate al-
20 cohol and drug abuse prevention services
21 with mental health and domestic violence
22 services, and that recognize the mental,
23 emotional, and developmental problems the
24 children may experience.

1 “(ii) Prevention and early intervention
2 services for parents at risk for alcohol and
3 drug abuse problems.

4 “(iii) Comprehensive home-based, out-
5 patient, and residential treatment options.

6 “(iv) After-care support (both formal
7 and informal) for families in recovery that
8 promotes child safety and family stability.

9 “(v) Services and supports that focus
10 on parents, parents with their children,
11 parents’ children, other family members,
12 and parent-child interaction.

13 “(C) Elimination of existing barriers to
14 treatment and to child safety and permanence,
15 such as difficulties in sharing information
16 among agencies and differences between the
17 values and treatment protocols of the different
18 agencies.

19 “(D) Effective engagement and retention
20 strategies.

21 “(E) Pre-service and in-service joint train-
22 ing of management and staff of child welfare
23 and alcohol and drug abuse prevention and
24 treatment agencies, and, where appropriate,
25 judges and other court staff, to—

1 “(i) increase such individuals’ aware-
2 ness and understanding of alcohol and
3 drug abuse and related child abuse and ne-
4 glect;

5 “(ii) more accurately identify and
6 screen alcohol and drug abuse and child
7 abuse in families;

8 “(iii) improve assessment skills of
9 both child abuse and alcohol and drug
10 abuse staff, including skills to assess risk
11 to children’s safety;

12 “(iv) increase staff knowledge of the
13 services and resources that are available in
14 such individuals’ communities and appro-
15 priate for such families; and

16 “(v) increase awareness of the impor-
17 tance of permanence for children and the
18 timelines for decision making regarding
19 permanence in the child welfare system.

20 “(7) A description of the jurisdictions in the
21 State (including whether such jurisdictions are
22 urban, suburban, or rural) where the joint activities
23 will be provided, and the plans for expanding such
24 activities to other parts of the State during the 5-
25 year funding cycle.

1 “(8) A description of the methods to be used in
2 measuring progress toward the goals identified
3 under paragraph (5), including how the State agen-
4 cies will jointly measure their performance in accord-
5 ance with section 446, and how remaining barriers
6 to meeting the needs of families with alcohol or drug
7 abuse problems who come to the attention of the
8 child welfare system will be assessed.

9 “(9) An assurance of the coordination, to the
10 extent feasible and appropriate, of the activities
11 funded under a grant made under this subpart with
12 the services or benefits provided under other Federal
13 or federally assisted programs that serve families
14 with alcohol and drug abuse problems who come to
15 the attention of the child welfare system, including
16 health, mental health, domestic violence, housing,
17 and employment programs, the temporary assistance
18 to needy families program funded under part A of
19 this title, other child welfare and alcohol and drug
20 abuse prevention and treatment programs, and the
21 courts.

22 “(10) An assurance that not more than 10 per-
23 cent of expenditures under the plan for any fiscal
24 year shall be for administrative costs.

1 “(11) An assurance that alcohol and drug
2 treatment services provided at least in part with
3 funds provided under a grant made under this sub-
4 part shall be licensed, certified, or otherwise ap-
5 proved by the appropriate State alcohol and drug
6 abuse agencies, or in the case of an Indian tribe, by
7 a State alcohol and drug abuse agency, the Indian
8 Health Service, or other designated licensing agency.

9 “(12) An assurance that Federal funds pro-
10 vided to the State under a grant made under this
11 subpart will not be used to supplant Federal or non-
12 Federal funds for services and activities provided as
13 of the date of the submission of the plan that assist
14 families with alcohol and drug abuse problems who
15 come to the attention of the child welfare system.

16 “(13) A description of the input that was ob-
17 tained in the development of the plan, from case-
18 workers, community advocates, judges, and other
19 agencies that serve families who come to the atten-
20 tion of the child welfare system.

21 “(b) AMENDMENTS.—

22 “(1) IN GENERAL.—An eligible State or Indian
23 tribe may amend, in whole or in part, its plan at any
24 time through transmittal of a plan amendment.

1 “(2) 60-DAY APPROVAL DEADLINE.—A plan
2 amendment is considered approved unless the Sec-
3 retary notifies an eligible State or Indian tribe in
4 writing, within 60 days after receipt of the amend-
5 ment, that the amendment is disapproved (and the
6 reasons for disapproval) or that specified additional
7 information is needed.

8 “(c) REQUIREMENTS FOR APPLICATIONS BY INDIAN
9 TRIBES.—

10 “(1) IN GENERAL.—In order to be eligible for
11 a grant made under this subpart, an Indian tribe
12 shall—

13 “(A) submit a plan to the Secretary that
14 describes—

15 “(i) the activities the tribe will under-
16 take with both child welfare and alcohol
17 and drug agencies that serve the tribe’s
18 children to address the needs of families
19 who come to the attention of the child wel-
20 fare agencies and have alcohol and drug
21 problems; and

22 “(ii) whether and how such activities
23 address any of the practice and policy
24 areas in subsection (a)(6); and

1 “(B) subject to paragraph (2) of this sub-
2 section, meet the other requirements of sub-
3 section (a) unless, with respect to a specific re-
4 quirement of subsection (a), the Secretary de-
5 termines that it would be inappropriate to apply
6 the requirement to an Indian tribe, taking into
7 account the resources, needs, and other cir-
8 cumstances of the Indian tribe.

9 “(2) ADMINISTRATIVE COSTS; USE OF FEDERAL
10 FUNDS.—Paragraphs (10) and (12) of subsection
11 (a) shall not apply to a plan submitted by an Indian
12 tribe. The indirect cost rate agreement in effect for
13 an Indian tribe shall apply with respect to adminis-
14 trative costs under the tribe’s plan.

15 “(3) AUTHORITY FOR INTERTRIBAL CONSOR-
16 TIUM.—The participating Indian tribes of an inter-
17 tribal consortium may develop and submit a single
18 plan that meets the applicable requirements of sub-
19 section (a) (as so determined by the Secretary) and
20 paragraph (1) of this subsection.

21 **“SEC. 444. APPROPRIATION; RESERVATION OF FUNDS.**

22 “(a) APPROPRIATION.—For the purpose of providing
23 allotments to eligible States and Indian tribes under this
24 subpart and research and training under subsection

1 (b)(3), there is appropriated out of any money in the
2 Treasury not otherwise appropriated—

3 “(1) for fiscal year 2004, \$100,000,000;

4 “(2) for fiscal year 2005, \$100,000,000;

5 “(3) for fiscal year 2006, \$150,000,000;

6 “(4) for fiscal year 2007, \$200,000,000; and

7 “(5) for fiscal year 2008, \$200,000,000.

8 “(b) RESERVATION OF FUNDS.—With respect to a
9 fiscal year:

10 “(1) TERRITORIES.—The Secretary shall re-
11 serve 2 percent of the amount appropriated under
12 subsection (a) for such fiscal year for payments to
13 Puerto Rico, Guam, the United States Virgin Is-
14 lands, American Samoa, and the Northern Mariana
15 Islands.

16 “(2) INDIAN TRIBES.—The Secretary shall re-
17 serve 2 percent of the amount appropriated under
18 subsection (a) for such fiscal year for direct pay-
19 ments to Indian tribes and Indian tribal organiza-
20 tions for activities intended to increase the capacity
21 of the Indian tribes and tribal organizations to ex-
22 pand treatment, services, and training to assist fam-
23 ilies with alcohol and drug abuse problems who come
24 to the attention of the child welfare agencies.

1 “(3) RESEARCH AND TRAINING.—The Sec-
2 retary shall reserve 1 percent of the amount appro-
3 priated under subsection (a) for such fiscal year for
4 practice-based research on the effectiveness of var-
5 ious approaches for the screening, assessment, en-
6 gagement, treatment, retention, and monitoring of
7 families with alcohol and drug abuse problems who
8 come to the attention of the child welfare system.

9 **“SEC. 445. PAYMENTS TO ELIGIBLE STATES AND INDIAN**
10 **TRIBES.**

11 “(a) AMOUNT OF GRANT.—

12 “(1) ELIGIBLE STATES OTHER THAN TERRI-
13 TORIES.—

14 “(A) IN GENERAL.—From the amount ap-
15 propriated under section 444(a) for a fiscal
16 year, after the reservation of funds required
17 under section 444(b) for the fiscal year and
18 subject to subparagraphs (B) and (C) of this
19 paragraph, the Secretary shall pay to each eligi-
20 ble State (after the Secretary has determined
21 that the State has satisfied the matching re-
22 quirement under subsection (b) of this section)
23 an amount that bears the same ratio to the
24 amount so appropriated for the fiscal year as
25 the number of children who have not attained

1 18 years of age that reside in the eligible State
2 bears to the total number of children who have
3 not attained 18 years of age who reside in all
4 eligible States for the fiscal year.

5 “(B) MINIMUM ALLOTMENT.—In no case
6 shall the amount of a payment to an eligible
7 State for a fiscal year be less than an amount
8 equal to 0.5 percent of the amount appropriated
9 under section 444(a) for the fiscal year, after
10 the reservation of funds required under section
11 444(b).

12 “(C) PRO RATA REDUCTIONS.—The Sec-
13 retary shall make pro rata reductions in the
14 amounts of the allotments determined under
15 subparagraph (A) for a fiscal year to the extent
16 necessary to comply with subparagraph (B).

17 “(2) TERRITORIES.—From the amounts re-
18 served under section 444(b)(1) for a fiscal year, the
19 Secretary shall pay to each territory described in
20 section 441(5)(B) with an approved plan that meets
21 the requirements of section 443 (after the Secretary
22 has determined that the territory has satisfied the
23 matching requirement under subsection (b) of this
24 section) an amount that bears the same ratio to
25 such amount for such fiscal year as the number of

1 children under the age of 18 that reside in the terri-
2 tory bears to the total number of children under the
3 age of 18 who reside in all such territories for such
4 fiscal year.

5 “(3) INDIAN TRIBES OR TRIBAL ORGANIZA-
6 TIONS.—From the amount reserved under section
7 444(b)(2) for a fiscal year, the Secretary shall pay
8 to each Indian tribe with an approved plan that
9 meets the requirements of section 443(c) (after the
10 Secretary has determined that the Indian tribe has
11 satisfied the matching requirement under subsection
12 (b) of this section) an amount that bears the same
13 ratio to such reserved amount for such fiscal year as
14 the number of children who have not attained 18
15 years of age in the Indian tribe bears to the total
16 number of such children in all Indian tribes with
17 plans so approved for such fiscal year, as determined
18 by the Secretary on the basis of the most current
19 and reliable information available to the Secretary.
20 For purposes of making the allocations required
21 under the preceding sentence, an Indian tribe may
22 submit data and other information that the tribe has
23 on the number of Indian children who have not at-
24 tained 18 years of age for consideration by the Sec-
25 retary.

1 “(b) MATCHING REQUIREMENT.—

2 “(1) IN GENERAL.—In order to receive a grant
3 under this subpart for a fiscal year, an eligible State
4 or Indian tribe shall provide through non-Federal
5 contributions the applicable percentage determined
6 under paragraph (2) for such fiscal year of the costs
7 of conducting activities funded in whole or in part
8 with funds provided under the grant. Such contribu-
9 tions shall be paid jointly by the State agencies, in
10 the case of an eligible State, or by an Indian tribe.

11 “(2) APPLICABLE PERCENTAGE.—For purposes
12 of paragraph (1), the applicable percentage for an
13 eligible State or Indian tribe for a fiscal year is—

14 “(A) 15 percent, in the case of fiscal years
15 2004 and 2005;

16 “(B) 20 percent, in the case of fiscal years
17 2006 and 2007; and

18 “(C) 25 percent, in the case of fiscal year
19 2008.

20 “(3) SOURCE OF MATCH.—The non-Federal
21 contributions required of an eligible State under this
22 subsection may be in cash or in kind, fairly evalu-
23 ated, including plant, equipment, or services. The
24 contributions may be made directly or through dona-
25 tions from public or private entities. Amounts pro-

1 vided by the Federal Government, or services as-
2 sisted or subsidized to any significant extent by the
3 Federal Government may not be included in deter-
4 mining whether an eligible State has provided the
5 applicable percentage of such contributions for a fis-
6 cal year.

7 “(c) USE OF FUNDS.—Funds provided under a grant
8 made under this subpart may only be used to carry out
9 activities specified in the plan, as approved by the Sec-
10 retary.

11 “(d) DEADLINE FOR REQUEST FOR PAYMENT.—An
12 eligible State or Indian tribe shall apply to be paid funds
13 under a grant made under this subpart not later than the
14 beginning of the fourth quarter of a fiscal year or such
15 funds shall be reallocated under subsection (f).

16 “(e) CARRYOVER OF FUNDS.—Funds paid to an eli-
17 gible State or Indian tribe under a grant made under this
18 subpart for a fiscal year may be expended in that fiscal
19 year or the succeeding fiscal year.

20 “(f) REALLOTMENT OF FUNDS.—

21 “(1) ELIGIBLE STATES.—In the case of an eli-
22 gible State that does not apply for funds allotted to
23 the eligible State under a grant made under this
24 subpart for a fiscal year within the time provided
25 under subsection (d), or that does not expend such

1 funds during the time provided under subsection (e),
2 the funds which the eligible State would have been
3 entitled to for such fiscal year shall be reallocated to
4 1 or more other eligible States on the basis of each
5 such State's relative need for additional payments,
6 as determined by the Secretary, after consultation
7 with the Assistant Secretary for the Administration
8 for Children and Families and the Administrator of
9 the Substance Abuse and Mental Health Services
10 Administration.

11 “(2) INDIAN TRIBES.—In the case of an Indian
12 tribe that does not expend funds allotted to the tribe
13 during the time provided under subsection (e), the
14 funds to which the Indian tribe would have been en-
15 titled to for such fiscal year shall be reallocated to the
16 remaining Indian tribes that are implementing ap-
17 proved plans in amounts that are proportional to the
18 percentage of Indian children in each such tribe who
19 have not attained 18 years of age.

20 **“SEC. 446. PERFORMANCE ACCOUNTABILITY; REPORTS**
21 **AND EVALUATIONS.**

22 “(a) PERFORMANCE MEASUREMENT.—The Sec-
23 retary, in consultation with the Assistant Secretary for the
24 Administration for Children and Families, the Adminis-
25 trator of the Substance Abuse and Mental Health Services

1 Administration, Chief Executive Officers of a State or
2 Territory, State legislators, State and local public officials
3 responsible for administering child welfare and alcohol and
4 drug abuse prevention and treatment programs, court
5 staff, consumers of the services, and advocates for children
6 and parents who come to the attention of the child welfare
7 system, shall, within 12 months after the date of the en-
8 actment of this subpart, establish indicators that will be
9 used to assess periodically the performance of eligible
10 States and Indian tribes in using grant funds provided
11 under this subpart to promote child safety, permanence,
12 and well-being and recovery in families who come to the
13 attention of the child welfare system.

14 “(b) SECRETARIAL REPORTS AND EVALUATIONS.—

15 “(1) ANNUAL REPORTS.—On the basis of re-
16 ports submitted under subsection (a), the Secretary,
17 in consultation with the Assistant Secretary for the
18 Administration for Children and Families and the
19 Administrator of the Substance Abuse and Mental
20 Health Services Administration, shall report annu-
21 ally, beginning on October 1, 2005, to the Com-
22 mittee on Ways and Means of the House of Rep-
23 resentatives and the Committee on Finance of the
24 Senate on the joint activities conducted with funds
25 provided under grants made under this subpart, the

1 indicators that have been established, and the
2 progress that has been made in addressing the needs
3 of families with alcohol and drug abuse problems
4 who come to the attention of the child welfare sys-
5 tem and in achieving the goals of child safety, per-
6 manence, and family stability.

7 “(2) EVALUATIONS.—Not later than 6 months
8 after the end of each 5-year funding cycle under this
9 subpart, the Secretary shall submit a report to the
10 committees described in paragraph (1) of this sub-
11 section that summarizes the results of the evalua-
12 tions conducted by eligible States and Indian tribes
13 under subsection (a)(5)(B), as reported by such
14 States and Indian tribes in accordance with subpara-
15 graphs (C) and (D) of subsection (a)(5). The Sec-
16 retary shall include in the report required under this
17 paragraph recommendations for further legislative or
18 administrative actions that are designed to assist
19 children and families with alcohol and drug abuse
20 problems who come to the attention of the child wel-
21 fare system.”.

1 **TITLE IV—INCREASING STATE**
2 **FLEXIBILITY TO SERVE FAMI-**
3 **LIES**

4 **SEC. 401. STATE OPTION TO ALIGN ELIGIBILITY FOR FOS-**
5 **TER CARE MAINTENANCE PAYMENTS AND**
6 **ADOPTION ASSISTANCE WITH TANF ELIGI-**
7 **BILITY.**

8 (a) FOSTER CARE MAINTENANCE PAYMENTS.—Sec-
9 tion 472 of the Social Security Act (42 U.S.C. 672) is
10 amended—

11 (1) in subsection (a)(4)(A), by inserting “, or at
12 State option, assistance under the State program
13 funded under part A (as in effect on December 31,
14 2002),” after “1996”; and

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

16 “(i) A child shall be treated as meeting the require-
17 ment of section 472(a)(4)(A) only if the child meets the
18 income and resource standards and methodologies for de-
19 termining eligibility for cash assistance in effect under the
20 relevant State plan or program referred to in such section
21 or, at State option, the standards and methodologies in
22 effect as of the date of determining the eligibility.”.

23 (b) ADOPTION ASSISTANCE.—Section 473 of such
24 Act (42 U.S.C. 673) is amended—

1 **“SEC. 472A. KINSHIP GUARDIANSHIP ASSISTANCE PAY-**
2 **MENTS FOR CHILDREN.**

3 “(a) IN GENERAL.—Each State with a plan approved
4 under this part may, at State option, enter into kinship
5 guardianship assistance agreements to provide kinship
6 guardianship assistance payments on behalf of children to
7 grandparents and other relatives who have assumed legal
8 guardianship (as defined in section 475(7)) of the children
9 for whom they have cared as foster parents and for whom
10 they have committed to care for on a permanent basis.

11 “(b) KINSHIP GUARDIANSHIP ASSISTANCE AGREE-
12 MENT.—

13 “(1) IN GENERAL.—In order to receive pay-
14 ments under section 474(a)(5), a State shall—

15 “(A) negotiate and enter into a written,
16 binding kinship guardianship assistance agree-
17 ment with the prospective relative guardian of
18 a child who meets the requirements of this sub-
19 section; and

20 “(B) provide the prospective relative
21 guardian with a copy of the agreement.

22 “(2) MINIMUM REQUIREMENTS.—The agree-
23 ment shall specify, at a minimum—

24 “(A) the amount of, and manner in which,
25 each kinship guardianship assistance payment
26 will be provided under the agreement;

1 “(B) the additional services and assistance
2 that the child and relative guardian will be eli-
3 gible for under the agreement;

4 “(C) the procedure by which the relative
5 guardian may apply for additional services as
6 needed, provided the agency and relative guard-
7 ian agree on the additional services as specified
8 in the case plan; and

9 “(D) subject to paragraph (4), that the
10 State will pay the total cost of nonrecurring ex-
11 penses associated with obtaining legal guardian-
12 ship of the child.

13 “(3) INTERSTATE APPLICATION.—The agree-
14 ment shall provide—

15 “(A) that the agreement shall remain in
16 effect without regard to the State residency of
17 the kinship guardian; and

18 “(B) for the protection of the interests of
19 the child in any case where the kinship guard-
20 ian and the child move to another State while
21 the agreement is in effect.

22 “(4) NO EFFECT ON FEDERAL REIMBURSE-
23 MENT.—Nothing in paragraph (2)(D) shall be con-
24 strued as affecting the ability of the State to obtain

1 reimbursement from the Federal Government for
2 costs described in that paragraph.

3 “(c) KINSHIP GUARDIANSHIP ASSISTANCE PAY-
4 MENT.—

5 “(1) IN GENERAL.—The kinship guardianship
6 assistance payment shall be based on consideration
7 of the needs of the relative guardian and of the child
8 and shall be at least equal to the amount of the fos-
9 ter care maintenance payment for which the child
10 would have been eligible if the child had remained in
11 foster care. The payment may be readjusted periodi-
12 cally based on relevant changes in such needs.

13 “(2) LIMITATION.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), no kinship guardianship as-
16 sistance payment may be made to a relative
17 guardian for any child who has attained 18
18 years of age.

19 “(B) EXCEPTIONS.—A kinship guardian-
20 ship assistance payment may be made to a rel-
21 ative guardian with respect to a child who—

22 “(i) is a full-time student in a sec-
23 ondary school or in the equivalent level of
24 a vocational or technical training program
25 and has not attained 19 years of age; or

1 “(ii) with respect to a child who the
2 State determines has a mental or physical
3 disability that warrants the continuation of
4 assistance until the child attains 21 years
5 of age.

6 “(d) CHILD’S ELIGIBILITY FOR A KINSHIP GUARD-
7 IANSHIP ASSISTANCE PAYMENT.—

8 “(1) IN GENERAL.—A child is eligible for a kin-
9 ship guardianship assistance payment under this
10 section if the State agency determines the following:

11 “(A) The child has been—

12 “(i) removed from his or her home
13 pursuant to a voluntary placement agree-
14 ment or as a result of a judicial determina-
15 tion to the effect that continuation in the
16 home would be contrary to the welfare of
17 the child;

18 “(ii) under the care of the State agen-
19 cy for the 12-month period ending on the
20 date of the agency determination; and

21 “(iii) eligible for foster care mainte-
22 nance payments under section 472.

23 “(B) Being returned home or adopted are
24 not appropriate permanency options for the
25 child.

1 “(C) The child demonstrates a strong at-
2 tachment to the prospective relative guardian
3 and the relative guardian has a strong commit-
4 ment to caring permanently for the child.

5 “(D) With respect to a child who has at-
6 tained 14 years of age, the child has been con-
7 sulted regarding the kinship guardianship ar-
8 rangement.

9 “(2) TREATMENT OF SIBLINGS.—With respect
10 to a child described in paragraph (1) whose sibling
11 or siblings are not so described—

12 “(A) the child and any sibling of the child
13 may be placed in the same kinship guardianship
14 arrangement if the State agency and the rel-
15 ative agree on the appropriateness of the ar-
16 rangement for the siblings; and

17 “(B) kinship guardianship assistance pay-
18 ments may be paid for the child and each sib-
19 ling so placed.”.

20 (b) CONFORMING AMENDMENTS.—

21 (1) STATE PLAN REQUIREMENT.—Section
22 471(a)(20) of such Act (42 U.S.C. 671(a)(20)) is
23 amended by striking “before the foster or adoptive
24 parent may be finally approved for placement of a
25 child on whose behalf foster care maintenance pay-

1 ments or adoption assistance payments” and insert-
2 ing “or relative guardian before the foster or adop-
3 tive parent or relative guardian may be finally ap-
4 proved for placement of a child on whose behalf fos-
5 ter care maintenance payments, adoption assistance
6 payments, or kinship guardianship assistance pay-
7 ments”.

8 (2) PAYMENTS TO STATES.—Section 474(a) of
9 such Act (42 U.S.C. 674(a)) is amended—

10 (1) by striking the period at the end and insert-
11 ing “; plus”; and

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

13 “(5) an amount equal to the Federal medical
14 assistance percentage (as defined in section 1905(b)
15 of the total amount expended during such quarter as
16 kinship guardianship assistance payments under sec-
17 tion 472A pursuant to kinship guardianship assist-
18 ance agreements.”.

19 (3) DEFINITIONS.—Section 475(1) of such Act
20 (42 U.S.C. 675(1)) is amended by adding at the end
21 the following:

22 “(F) In the case of a child with respect to
23 whom the permanency plan is placement with a
24 relative and receipt of kinship guardianship as-

1 sistance payments under section 472A, a de-
2 scription of—

3 “(i) the steps that the agency has
4 taken to determine that it is not appro-
5 priate for the child to be returned home or
6 adopted;

7 “(ii) the reasons why a permanent
8 placement with a fit and willing relative
9 through a kinship guardianship assistance
10 arrangement is in the child’s best interests;

11 “(iii) the ways in which the child
12 meets the eligibility requirements for a kin-
13 ship guardianship assistance payment;

14 “(iv) the efforts the agency has made
15 to discuss adoption by the child’s relative
16 foster parent as a more permanent alter-
17 native to legal guardianship and, in the
18 case of a relative foster parent who has
19 chosen not to pursue adoption, documenta-
20 tion of the reasons therefor; and

21 “(v) the efforts made by the State
22 agency to secure the consent of the child’s
23 parent or parents to the kinship guardian-
24 ship assistance arrangement, or the rea-
25 sons why the efforts were not made.”.

1 **SEC. 403. MODIFICATIONS RELATING TO CHILD WELFARE**
2 **DEMONSTRATION PROJECTS.**

3 (a) CONSIDERATION OF DEMONSTRATION PROJECTS
4 PROMOTING CHILD PROTECTION ARRANGEMENTS.—Sec-
5 tion 1130(a)(3) of the Social Security Act (42 U.S.C.
6 1320a-9(a)(3)) is amended by adding at the end the fol-
7 lowing:

8 “(D) If an appropriate application therefor
9 is submitted, the Secretary shall consider au-
10 thorizing a demonstration project which is de-
11 signed to promote community partnerships for
12 protecting children, including collaborative ar-
13 rangements between child welfare agencies and
14 other public agencies or private organizations
15 which address child abuse, mental health, early
16 and periodic screening, diagnostic, and treat-
17 ment services, domestic violence, housing, edu-
18 cation, or early childhood activities.”.

19 (b) EXTENSION OF AUTHORITY TO APPROVE DEM-
20 ONSTRATION PROJECTS.—Section 1130(a)(2) of such Act
21 (42 U.S.C. 1320a-9(a)(2)) is amended by striking “2002”
22 and inserting “2008”.

23 (c) ELIMINATION OF LIMITATION ON NUMBER OF
24 WAIVERS.—Section 1130(a)(2) of such Act (42 U.S.C.
25 1320a-9(a)(2)) is amended by striking “not more than
26 10”.

1 (d) ELIMINATION OF LIMITATION ON NUMBER OF
2 STATES THAT MAY BE GRANTED WAIVERS TO CONDUCT
3 DEMONSTRATION PROJECTS ON SAME TOPIC.—Section
4 1130 of such Act (42 U.S.C. 1320a-9) is amended by add-
5 ing at the end the following:

6 “(h) NO LIMIT ON NUMBER OF STATES THAT MAY
7 BE GRANTED WAIVERS TO CONDUCT SAME OR SIMILAR
8 DEMONSTRATION PROJECTS.—The Secretary shall not
9 refuse to grant a waiver to a State under this section on
10 the grounds that a purpose of the waiver or of the dem-
11 onstration project for which the waiver is necessary would
12 be the same as or similar to a purpose of another waiver
13 or project that is or may be conducted under this sec-
14 tion.”.

15 (e) ELIMINATION OF LIMITATION ON NUMBER OF
16 WAIVERS THAT MAY BE GRANTED TO A SINGLE STATE
17 FOR DEMONSTRATION PROJECTS.—Section 1130 of such
18 Act (42 U.S.C. 1320a-9) is further amended by adding
19 at the end the following:

20 “(i) NO LIMIT ON NUMBER OF WAIVERS GRANTED
21 TO, OR DEMONSTRATION PROJECTS THAT MAY BE CON-
22 DUCTED BY, A SINGLE STATE.—The Secretary shall not
23 impose any limit on the number of waivers that may be
24 granted to a State, or the number of demonstration

1 projects that a State may be authorized to conduct, under
2 this section.”.

3 (f) STREAMLINED PROCESS FOR CONSIDERATION OF
4 AMENDMENTS TO AND EXTENSIONS OF DEMONSTRATION
5 PROJECTS REQUIRING WAIVERS.—Section 1130 of such
6 Act (42 U.S.C. 1320a-9) is further amended by adding
7 at the end the following:

8 “(j) STREAMLINED PROCESS FOR CONSIDERATION
9 OF AMENDMENTS AND EXTENSIONS.—The Secretary
10 shall develop a streamlined process for consideration of
11 amendments and extensions proposed by States to dem-
12 onstration projects conducted under this section.”.

13 (g) AVAILABILITY OF REPORTS.—Section 1130 of
14 such Act (42 U.S.C. 1320a-9) is further amended by add-
15 ing at the end the following:

16 “(k) AVAILABILITY OF REPORTS.—The Secretary
17 shall make available to any State or other interested party
18 any report provided to the Secretary under subsection
19 (f)(2), and any evaluation or report made by the Secretary
20 with respect to a demonstration project conducted under
21 this section, with a focus on information that may promote
22 best practices and program improvements.”.

23 (h) TECHNICAL CORRECTION.—Section 1130(b)(1)
24 of such Act (42 U.S.C. 1320a-9(b)(1)) is amended by
25 striking “422(b)(9)” and inserting “422(b)(10)”.

1 **TITLE V—ENSURING ADEQUATE**
2 **FUNDING FOR PREVENTION**
3 **AND ADOPTION ACTIVITIES**

4 **SEC. 501. ENSURING ADEQUATE FUNDING FOR PREVEN-**
5 **TION AND ADOPTION ACTIVITIES.**

6 (a) IN GENERAL.—Subpart 2 of part B of title IV
7 of the Social Security Act (42 U.S.C. 629–629i) is amend-
8 ed by striking sections 436 and 437 and inserting the fol-
9 lowing:

10 **“SEC. 436. APPROPRIATION; RESERVATION OF CERTAIN**
11 **AMOUNTS.**

12 “(a) APPROPRIATION.—Out of any money in the
13 Treasury of the United States not otherwise appropriated,
14 there are appropriated to carry out this subpart
15 \$505,000,000 for each of fiscal years 2004 through 2008.

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

19 “(1) EVALUATION, RESEARCH, TRAINING, AND
20 TECHNICAL ASSISTANCE.—The Secretary shall re-
21 serve \$12,600,000 for expenditure by the Sec-
22 retary—

23 “(A) for research, training, and technical
24 assistance costs related to the program under
25 this subpart; and

1 “(B) for evaluation of State programs
2 based on the plans approved under section 432
3 and funded under this subpart, and any other
4 Federal, State, or local program, regardless of
5 whether federally assisted, that is designed to
6 achieve the same purposes as the State pro-
7 grams.

8 “(2) STATE COURT IMPROVEMENTS.—The Sec-
9 retary shall reserve \$16,600,000 for grants under
10 section 437.

11 “(3) INDIAN TRIBES.—The Secretary shall re-
12 serve 2 percent for allotment to Indian tribes in ac-
13 cordance with section 433(a).”.

14 (b) CONFORMING AMENDMENTS.—Such subpart is
15 amended by redesignating sections 438 and 439 as sec-
16 tions 437 and 438, respectively.

17 **TITLE VI—EFFECTIVE DATE**

18 **SEC. 601. EFFECTIVE DATE.**

19 Except as provided in section 401(e), this Act shall
20 take effect on October 1, 2003.

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