

109TH CONGRESS  
1ST SESSION

# H. R. 3470

To strengthen the accountability of the child welfare system in its mandate to ensure the safety, permanence, and well-being of children who are victims of abuse and neglect.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2005

Mr. DAVIS of Illinois (for himself and Ms. JACKSON-LEE of Texas) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To strengthen the accountability of the child welfare system in its mandate to ensure the safety, permanence, and well-being of children who are victims of abuse and neglect.

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 “Accountability in Fos-  
5       ter Care Act”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

1           (1) Key child welfare laws, such as the Adop-  
2           tion and Safe Families Act of 1997 (Public Law  
3           105–89) and the John H. Chafee Foster Care Inde-  
4           pendence Act of 1999 (Public Law 106–169), em-  
5           phasize the importance of monitoring States per-  
6           formances in providing for the safety, permanency,  
7           stability, and well-being of children in and emanci-  
8           pated from the foster care system via measurable  
9           outcome data.

10          (2) Child welfare experts and government  
11          agents have identified serious problems with current  
12          efforts to measure program functioning related to  
13          children in foster care and emancipated youth, in-  
14          cluding—

15                (A) Performance measures that prohibit  
16                examining children or success over time, over-  
17                estimate the proportion of children reunified  
18                with families, and fail to consider the nature of  
19                the children (such as the severity of their prob-  
20                lems, their age, and their urbanicity) served  
21                that could affect determinations of a State’s  
22                success;

23                (B) The failure of the Department of  
24                Health and Human Services to implement the  
25                National Youth in Transition Database to mon-

itor States’ performance related to youth aging out of the foster care system, as mandated by the Foster Care Independence Act of 1999; and

(C) Findings by the Government Accountability Office that effective Federal oversight of the child welfare system requires reliable information on States’ implementation efforts and that the ability of the Administration of Children and Families to monitor State performance continues to be hindered by an absence of standard, comprehensive information within and across State plans on each State’s goals, services, and youth outcomes as measured against baselines of past achievement.

**SEC. 3. ADVISORY PANEL ON THE ADOPTION AND FOSTER CARE ANALYSIS AND REPORTING SYSTEM.**

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this subsection, the Secretary shall establish an Advisory Panel (in this Act referred to as the “Advisory Panel”) on the Adoption and Foster Care Analysis and Reporting System (in this Act referred to as “AFCARS”) to revise and monitor the data collection, analysis, and reporting system designed to be used to assess and improve State performance in operating child

1 protection and child welfare programs pursuant to parts  
2 B and E of title IV of the Social Security Act.

3 (b) FUNCTIONS.—The Advisory Panel established  
4 under subsection (a) shall—

5 (1) no later than 6 months after its appoint-  
6 ment, make written recommendations for changes in  
7 law or data collection procedures necessary to revise  
8 AFCARS to enable the revised AFCARS to—

9 (A) longitudinally track child-specific out-  
10 comes (including maltreatment in foster care,  
11 number of foster care placements, maltreatment  
12 in foster care, and time to reunification, adop-  
13 tion, or legal guardianship) for children in or  
14 who have exited the foster care system through  
15 emancipation, adoption, or legal guardianship,  
16 developing appropriate timeframes for following  
17 children after exiting the system;

18 (B) collect and analyze entry and exit co-  
19 hort data;

20 (C) be integrated with the National Youth  
21 in Transition Database to promote efficiency in  
22 data collection and to allow States to examine  
23 the relationships between the experiences of  
24 youths while in care and later transition out-  
25 comes; and

1 (D) include outcome measures of child  
2 well-being (including education, health, mental  
3 health, and connection to adults);

4 (2) monitor the implementation of these  
5 AFCARS improvements and propose improvements  
6 to other State performance measures related to pro-  
7 vision of services to children and families, by—

8 (A) convening not less frequently than an-  
9 nually to evaluate the quality of the revised  
10 AFCARS and make recommendations to the  
11 Secretary of Health and Human Services for  
12 continuing improvement in the quality of the  
13 system of data collection, analysis, and report-  
14 ing;

15 (B) developing a uniform reporting format  
16 for the Child and Family Services Plan and the  
17 Annual Progress and Services Report in devel-  
18 oping services for children and families; and

19 (C) proposing performance standards that  
20 allow for differences among States and charac-  
21 teristics among populations served (such as dif-  
22 ferences in the severity of problems faced by the  
23 population, age of the population, or urbanicity  
24 of the population) in understanding States per-  
25 formance; and

1           (3) examining the feasibility of linking  
2       AFCARS and the National Child Abuse and Neglect  
3       Data Systems (NCANDS) to understand longitu-  
4       dinal outcomes of children who may be in both sys-  
5       tems.

6       (c) MEMBERSHIP.—

7           (1) IN GENERAL.—Subject to paragraph (2),  
8       the Secretary of Health and Human Services shall  
9       determine the membership and organization of the  
10      Advisory Panel.

11          (2) QUALIFICATIONS.—The membership of the  
12      Advisory Panel shall include—

13           (A) representatives of State and local gov-  
14      ernmental agencies with responsibility for foster  
15      care and adoption services, which may include  
16      caseworkers responsible for input data used for  
17      AFCARS or other Federal child welfare data  
18      reporting systems;

19           (B) representatives of research organiza-  
20      tions and universities who focus on child wel-  
21      fare issues;

22           (C) representatives of private, nonprofit or-  
23      ganizations with an interest in child protection  
24      and child welfare, including those with dem-

1           onstrated expertise in developing effective child  
2           welfare assessment tools;

3                   (D) representatives of Federal agencies re-  
4           sponsible for the collection of child welfare data  
5           and statistics;

6                   (E) representatives of families of former  
7           foster children, including adoptive parents or  
8           guardians; and

9                   (F) representatives of juvenile, family, or  
10          dependency courts.

11       (d) USE OF ALTERNATIVE LONGITUDINAL MEAS-  
12   URES BY STATES.—Until final regulations providing for  
13   implementation of the recommendations made pursuant to  
14   this section are promulgated, the Secretary shall assess  
15   the extent to which a State is in compliance with a correc-  
16   tive action plan pursuant to section 1123A of the Social  
17   Security Act through use of such alternative longitudinal  
18   measures as the State may select.

19       (e) PERMANENCY.—Section 14(a)(2) of the Federal  
20   Advisory Committee Act (5 U.S.C. App.) shall not apply  
21   to the Advisory Board.

1 **SEC. 4. REGULATIONS TO REVISE THE ADOPTION AND FOS-**  
2 **TER CARE ANALYSIS AND REPORTING SYS-**  
3 **TEM.**

4 (a) NOTICE OF PROPOSED REGULATIONS.—Not later  
5 than 12 months after the date of the enactment of this  
6 Act, the Secretary of Health and Human Services shall  
7 cause to be published in the Federal Register a notice of  
8 proposed regulations to revise AFCARS which details the  
9 plans and timetable for implementing the regulations de-  
10 scribed in subsection (b).

11 (b) CONTENT OF PROPOSED REGULATIONS.—The  
12 proposed regulations shall be based on the recommenda-  
13 tions provided by the Advisory Panel, and shall—

14 (1) permit longitudinal analysis of child-specific  
15 outcomes, including analysis of entry and exit cohort  
16 data for children in and emancipated from foster  
17 care;

18 (2) permit AFCARS to be integrated with the  
19 planned National Youth in Transition Database; and

20 (3) contain such other rules as may be nec-  
21 essary to ensure that the revised AFCARS can per-  
22 form the functions described in section 3(b).

23 (c) FINAL REGULATIONS.—Not later than 6 months  
24 after the notice required by subsection (a) is published,  
25 the Secretary of Health and Human Services shall publish



- 1 final regulations to revise AFCARS in the manner de-
- 2 scribed in this section.

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