

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3471

To help children make the transition from foster care to self-sufficiency by addressing weaknesses in the implementation of the John H. Chafee Foster Care Independence Program.

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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 help children make the transition from foster care to self-sufficiency by addressing weaknesses in the implementation of the John H. Chafee Foster Care Independence Program.

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 “Strengthening the  
5 Chafee Foster Care Independence Program Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1           (1) In 2002, 19,500 youth “aged out” of the  
2 foster care system.

3           (2) In 1999, Congress passed historic legisla-  
4 tion to promote the self-sufficiency of emancipated  
5 foster youth in the transition to adulthood via the  
6 John H. Chafee Foster Care Independence Program  
7 (Public Law 106–169).

8           (3) Assistance provided through the John H.  
9 Chafee Foster Care Independence Program to chil-  
10 dren aging out of foster care is particularly nec-  
11 essary in light of recent studies documenting that  
12 familial assistance is key to the successful transition  
13 to adulthood. Research indicates that parents are a  
14 primary resource for young adults, providing social  
15 and employment connections, paying for college, and  
16 giving direct material support for food, housing, and  
17 education. For example, parents contribute \$2,200  
18 annually to youth between the ages of 18 and 34 in-  
19 clusive.

20           (4) Emancipated foster care youth are a par-  
21 ticularly vulnerable population. Studies indicate that  
22 these youth experience a range of negative outcomes,  
23 including low employment earnings, poor educational  
24 achievement, homelessness, and high public assist-  
25 ance. Moreover, 30 percent to 40 percent of youth

1 in foster care are affected by chronic medical prob-  
2 lems.

3 (5) After enactment of the John H. Chafee  
4 Foster Care Independence Program, the Government  
5 Accountability Office (GAO) found that 40 States  
6 reported great increases in independent living serv-  
7 ices, more than doubling service provision in many  
8 States.

9 (6) Unfortunately, child welfare experts and the  
10 GAO have identified weaknesses in the implementa-  
11 tion of the Chafee program, including the following:

12 (A) Findings by the GAO that gaps exist  
13 in the availability of critical services in the  
14 areas of mental health, mentoring, and housing.  
15 For example, differing eligibility requirements  
16 for juvenile and adult mental health systems re-  
17 sulted in many former foster youth losing ac-  
18 cess to important therapy and treatment.

19 (B) Findings by the GAO that eligible  
20 services within and across States vary greatly.  
21 Within States, discrepancies in service avail-  
22 ability appear due in part to geographic location  
23 (such as in urban areas versus rural areas) and  
24 to differing levels of awareness among state and  
25 local agencies regarding potential resources. Ap-

1           proximately  $\frac{1}{3}$  of responding States reported  
2           that they were servicing less than half of eligi-  
3           ble foster youth. Similarly, although 31 States  
4           provide Medicaid coverage to at least some  
5           emancipated youth, the percentage of former  
6           foster care youth who are eligible varied among  
7           States, from 10 percent to 100 percent.

8           (C) Findings by the GAO indicating that  
9           little information exists to assess the effective-  
10          ness of independent living services. For in-  
11          stance—

12                 (i) the Child and Family Services Re-  
13                 view used to evaluate States child welfare  
14                 systems fails to measure services related to  
15                 former foster care youth sufficiently;

16                 (ii) the Child and Family Services  
17                 Plan (CFSP) significantly lacks usable  
18                 program information related to inde-  
19                 pendent living services; and

20                 (iii) the Department of Health and  
21                 Human Services has failed to implement  
22                 the National Youth in Transition Database  
23                 to monitor States performance related to  
24                 youth aging out of the foster care system,

1 as required by the Foster Care Independ-  
2 ence Act of 1999.

3 (D) Empirical research indicating that  
4 children in kinship care receive fewer important  
5 independent living services compared to children  
6 in foster care who are not living with relatives,  
7 particularly in the areas of employment, hous-  
8 ing, financial management, and health/behav-  
9 oral health. This finding is particularly of con-  
10 cern given that children of color are over-rep-  
11 resented in kinship care situations.

12 **SEC. 3. IMPROVING AWARENESS OF AVAILABLE SERVICES.**

13 (a) DUTIES OF THE SECRETARY.—Section 477 of the  
14 Social Security Act (42 U.S.C. 677) is amended by adding  
15 at the end the following:

16 “(j) DISTRIBUTION OF INFORMATION ABOUT OTHER  
17 RELATED PROGRAMS.—To improve access to the array of  
18 services available to youth transitioning out of foster care  
19 and assist States in leveraging available resources, the  
20 Secretary shall provide for the efficient distribution  
21 (through such outlets as the National Resource Center for  
22 Youth Development) to States and local areas of informa-  
23 tion about Federal programs, other than the program es-  
24 tablished by this section, that may assist youth in their

1 transition to self-sufficiency and provide guidance on how  
2 to access services under the programs.”.

3 (b) DUTIES OF THE STATE.—Section 477(b)(3) of  
4 such Act (42 U.S.C. 677(b)(3)) is amended—

5 (1) by redesignating subparagraphs (H)  
6 through (J) as subparagraphs (I) through (K), re-  
7 spectively; and

8 (2) by inserting after subparagraph (F) the fol-  
9 lowing:

10 “(G) A certification by the chief executive offi-  
11 cer that, when or before a child leaves foster care  
12 under the responsibility of the State, the State will  
13 inform the child of the full range of available finan-  
14 cial, housing, counseling, employment, and education  
15 services, and other appropriate support and services  
16 for which the child is eligible.”.

17 **SEC. 4. DEVELOPING COMMON STANDARDS FOR FOSTER**  
18 **CARE.**

19 Section 477 of the Social Security Act (42 U.S.C.  
20 677), as amended by section 3(a) of this Act, is amended  
21 by adding at the end the following:

22 “(k) DEVELOPING COMMON STANDARDS FOR FOS-  
23 TER CARE.—To improve the ability of the Department of  
24 Health and Human Services to monitor the implementa-  
25 tion by States of the John H. Chafee Foster Care Inde-

1 pendency Program, the Secretary of Health and Human  
2 Services shall develop a standard reporting format for  
3 State Child and Family Service plans and progress reports  
4 and implement a uniform process regional offices can use  
5 to assess States progress in meeting the needs of youth  
6 in foster care and those recently emancipated from foster  
7 care. The format shall be developed to promote appro-  
8 priate delivery of independent living services, by requiring  
9 the reporting of information on the following:

10           “(1) Availability of services within various geo-  
11           graphic areas in States and foster care placement  
12           settings (such as kinship care, group home, and non-  
13           kin foster care) to ensure equitable service provision.

14           “(2) Clear delineation of various support serv-  
15           ices for youth formerly in foster care, including but  
16           not limited to: health care, mental health care, hous-  
17           ing, employment, assistance in obtaining a high  
18           school diploma, career exploration, vocational train-  
19           ing, job placement and retention, access and transi-  
20           tion to higher education programs, training in daily  
21           living skills, training in budgeting and financial  
22           management skills, substance abuse prevention, and  
23           preventive health activities.

24           “(3) Transition services offered to youth in fos-  
25           ter care and to young adults who have left foster

1 care but have not attained 21 years of age, broken  
2 down by type of service and the age at which the  
3 services are offered.

4 “(4) Methods used by the State to ensure that  
5 youth are informed of all support and services for  
6 which they are eligible.”.

7 **SEC. 5. MODIFICATION OF CASE PLAN REQUIREMENTS.**

8 Section 475(1)(D) of the Social Security Act (42  
9 U.S.C. 675(1)(D)) is amended to read as follows:

10 “(D) Where appropriate, for a child who  
11 has attained 14 years of age (and, at State op-  
12 tion, any other child), a written description of  
13 the programs and services that will facilitate  
14 the transition of the child from foster care to  
15 independent living, including a discussion of the  
16 appropriateness of the services that have been  
17 provided to the child under the plan. The plan  
18 for these youth shall also include documentation  
19 of the steps the agency is taking to find a per-  
20 manent placement with a family or other adult  
21 connection for the youth.”.

22 **SEC. 6. EXPANSION OF PROGRAM EVALUATIONS.**

23 Section 477(g)(1) of the Social Security Act (42  
24 U.S.C. 677(g)(1)) is amended—

1 (1) in the 1st sentence, by inserting “, and of  
2 model programs that focus on improving outcomes  
3 for youth aging out of care in the areas of youth  
4 education, employment, personal development, and  
5 housing” after “significance”;

6 (2) in the 2nd sentence, by inserting “mental  
7 and physical health,” after “employment,”; and

8 (3) in the 3rd sentence, by inserting “, where  
9 practicable,” before “random assignment”.

10 **SEC. 7. EXPANSION OF ELIGIBILITY.**

11 Section 477 of the Social Security Act (42 U.S.C.  
12 677) is amended—

13 (1) in subsection (a)(1), by striking “18” and  
14 inserting “14”; and

15 (2) in subsection (i)(2), by striking “youths  
16 adopted from foster care after attaining age 16” and  
17 inserting “youths in or exiting from foster care after  
18 attaining 14 years of age”.

19 **SEC. 8. COMPLETION OF THE NATIONAL YOUTH IN TRANSI-**  
20 **TION DATABASE.**

21 The Secretary of Health and Human Services shall—

22 (1) within 6 months after the date of the enact-  
23 ment of this Act, issue a notice of proposed rule-  
24 making governing implementation of the plan re-

1       ferred to in section 477(f)(1)(C) of the Social Secu-  
2       rity Act;

3               (2) within 9 months after such date of enact-  
4       ment, issue a final rule governing the implementa-  
5       tion;

6               (3) within 1 year after such date of enactment,  
7       implement the plan.

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