

111TH CONGRESS  
1ST SESSION

# H. R. 3329

To eliminate the requirement that, to be eligible for foster care maintenance payments, a child would have been eligible for aid under the former program of Aid to Families with Dependent Children at the time of removal from the home.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2009

Mr. LEWIS of Georgia (for himself, Mr. STARK, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. HONDA, Mr. CROWLEY, Mr. FILNER, and Ms. BERKLEY) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To eliminate the requirement that, to be eligible for foster care maintenance payments, a child would have been eligible for aid under the former program of Aid to Families with Dependent Children at the time of removal from the home.

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 “Look-back Elimination  
5       Act of 2009”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds as follows:

3 (1) As part of President Franklin Delano Roo-  
4 sevelt's New Deal, the Social Security Act of 1935  
5 included the creation of the Aid to Dependent Chil-  
6 dren program as a way to provide Federal support  
7 to poor children. Over time, this program became  
8 the Aid to Families with Dependent Children  
9 (AFDC) program and provided assistance to strug-  
10 gling families for over 60 years.

11 (2) Part E of title IV of the Social Security Act  
12 provides primary Federal funding for child welfare  
13 services. Under that part, the Federal Government  
14 pays a portion of the cost of providing Federal foster  
15 care and adoption assistance benefits for eligible  
16 children.

17 (3) In 1996, when Congress replaced the AFDC  
18 program with the Temporary Assistance for Needy  
19 Families (TANF) program, Congress also fixed the  
20 income eligibility requirement for Federal foster care  
21 and adoption assistance benefits at a level based on  
22 the income thresholds established by the States  
23 under their former AFDC programs. This income  
24 eligibility requirement is now commonly referred to  
25 as the "AFDC look-back standard".

1           (4) At that time, many States had established  
2           very strict household income requirements in order  
3           for children to be eligible for AFDC benefits. As a  
4           result of this very strict requirement, many children  
5           in the Federal foster care and adoption assistance  
6           programs are ineligible to receive a wide range of  
7           Federal benefits, services, and activities. For exam-  
8           ple, this outdated, restrictive standard prevents the  
9           State of Georgia from providing assistance to more  
10          than half of the children in the child welfare system.

11          (5) Forced to adhere to a stagnant standard,  
12          States increasingly struggle to administer Federal  
13          foster care and adoption assistance programs and  
14          provide services to those children most in need. As  
15          inflation increases, fewer children are eligible to re-  
16          ceive Federal benefits, and States struggle to pro-  
17          vide services from other, limited local and State re-  
18          sources.

19          (6) Although the AFDC look-back standard still  
20          applies to the Federal foster care program, the Fos-  
21          tering Connections to Success and Increasing Adop-  
22          tions Act of 2008 will have completely eliminated the  
23          AFDC look-back standard in the Federal adoption  
24          assistance program by 2018.

1 **SEC. 3. ELIMINATION OF THE AFDC ELIGIBILITY REQUIRE-**  
2 **MENT IN THE FOSTER CARE MAINTENANCE**  
3 **PAYMENTS PROGRAM.**

4 (a) IN GENERAL.—Section 472(a) of the Social Secu-  
5 rity Act (42 U.S.C. 672(a)) is amended—

6 (1) in paragraph (1), by striking “specified”  
7 and all that follows and inserting “or caretaker into  
8 foster care if the removal and foster care placement  
9 met, and continues to meet, the requirements of  
10 paragraph (2).”; and

11 (2) by striking paragraphs (3) and (4).

12 (b) CONFORMING AMENDMENT.—Section 470 of  
13 such Act (42 U.S.C. 670) is amended by striking “who  
14 otherwise would have been eligible for assistance under the  
15 State’s plan approved under part A (as such plan was in  
16 effect on June 1, 1995)”.

17 **SEC. 4. SENSE OF THE CONGRESS.**

18 It is the sense of the Congress that—

19 (1) the AFDC eligibility requirement for Fed-  
20 eral foster care and adoption assistance benefits  
21 should be eliminated and replaced with income eligi-  
22 bility standards that are based on modern, balanced  
23 criteria that treat all children equally; and

24 (2) the Secretary of Health and Human Serv-  
25 ices should collaborate with Members of Congress

- 1 and child welfare advocates in developing any modi-
- 2 fied standards.

