

111TH CONGRESS
1ST SESSION

S. 410

To amend part E of title IV of the Social Security Act to ensure States follow best policies and practices for supporting and retaining foster parents and to require the Secretary of Health and Human Services to award grants to States to improve the empowerment, leadership, support, training, recruitment, and retention of foster care, kinship care, and adoptive parents.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2009

Mrs. LINCOLN (for herself, Ms. COLLINS, Mr. CASEY, Mr. BAYH, Mr. JOHNSON, Ms. LANDRIEU, Mr. ROCKEFELLER, Ms. SNOWE, Mr. KERRY, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend part E of title IV of the Social Security Act to ensure States follow best policies and practices for supporting and retaining foster parents and to require the Secretary of Health and Human Services to award grants to States to improve the empowerment, leadership, support, training, recruitment, and retention of foster care, kinship care, and adoptive parents.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Resource Family Re-
3 cruitment and Retention Act of 2009”.

4 **SEC. 2. AGENCY RESPONSIBILITIES TO RESOURCE FAMI-**
5 **LIES.**

6 Section 471(a)(22) of the Social Security Act (42
7 U.S.C. 671(a)(22)) is amended—

8 (1) by striking “that, not” and inserting
9 “that—

10 “(A) not”;

11 (2) by adding “and” after the semicolon; and

12 (3) by adding at the end the following new sub-
13 paragraph:

14 “(B) not later than January 1, 2010, such
15 standards require each public and private place-
16 ment agency, subject to the renewal of the
17 agency’s license or other State approval, to an-
18 nually certify to the State that the agency pro-
19 vides foster parents with the following:

20 “(i) Notification of scheduled meet-
21 ings concerning the child placed with the
22 foster parents in order to allow the foster
23 parents the opportunity to actively partici-
24 pate and have input in the case planning
25 and decision-making process regarding the
26 placement of the child in their home.

1 “(ii) Support services to assist with
2 the care of the child, consistent with the
3 child’s approved permanency plan.

4 “(iii) Open, complete, and timely re-
5 sponses from the agency when contacted
6 by foster parents.

7 “(iv) Consistent with the requirements
8 under section 475(5)(D), information
9 about the child’s medical history, edu-
10 cational history, general behaviors, and life
11 experiences, the placement circumstances
12 of the child, and the relationship between
13 the children and the child’s parents as
14 soon as that information is obtained by the
15 agency.

16 “(v) Timely and complete information
17 about all permanency options available to
18 the child and the benefits, rights, and re-
19 sponsibilities associated with each such op-
20 tion, including as appropriate (but not lim-
21 ited to) the availability of adoption assist-
22 ance payments and payments for non-
23 recurring adoption expenses under an
24 adoption agreement entered into under sec-
25 tion 473, the potential eligibility of the in-

1 dividual for a Federal tax credit (under
2 section 23 of the Internal Revenue Code)
3 for adoption-related expenses, the avail-
4 ability of medical coverage for the child,
5 the availability of post-permanency serv-
6 ices, and the availability of tuition support
7 for the child.

8 “(vi) Consultation with the foster par-
9 ents in the decision to release the foster
10 parents’ address to the parents of the child
11 and notification when that information has
12 been provided to the child’s parents.

13 “(vii) Assistance with the coordination
14 of services for dealing with family loss and
15 separation when a child leaves the foster
16 home and when relocation is not the result
17 of an immediate threat to the health and
18 safety of the child caused by the foster
19 parent or a member of the foster parent’s
20 family.

21 “(viii) Information on agency policies
22 and procedures that relate to the role of a
23 foster parent.

24 “(ix) Consistent with the requirements
25 of paragraph (24), appropriate training

1 that will enhance skills and ability of the
2 foster parent.

3 “(x) Information on how to receive
4 services and reach agency personnel on a
5 24 hours-a-day, 7 days-a-week basis.

6 “(xi) Confidentiality regarding allega-
7 tions of abuse involving a member of the
8 foster parent’s family and an assurance
9 that the provision of such confidentiality
10 shall not interfere with the health or safety
11 of the child.

12 “(xii) The opportunity to be heard re-
13 garding agency decisions or practices and
14 an assurance that the agency shall not dis-
15 charge, threaten, or otherwise discriminate
16 or retaliate against a foster parent for
17 questioning the decisions or practices of
18 the agency.

19 “(xiii) The provision to each foster
20 parent of—

21 “(I) consistent with section
22 475(5)(G), notice of, and an oppor-
23 tunity to be heard at, all court pro-
24 ceedings (including reviews and hear-
25 ings) that are held with respect to a

1 foster child placed in the foster par-
 2 ent’s care; and

3 “(II) support for participating in
 4 such proceedings,, including (but not
 5 limited to) training and assisting with
 6 transportation to and from the pro-
 7 ceedings;”.

8 **SEC. 3. GRANTS TO IMPROVE THE EMPOWERMENT, LEAD-**
 9 **ERSHIP, SUPPORT, TRAINING, RECRUITMENT,**
 10 **AND RETENTION OF FOSTER CARE, KINSHIP**
 11 **CARE, AND ADOPTIVE PARENTS.**

12 Subpart 1 of part B of title IV of the Social Security
 13 Act (42 U.S.C. 621 et seq.) is amended by adding at the
 14 end the following new section:

15 **“SEC. 429B. GRANTS TO IMPROVE THE EMPOWERMENT,**
 16 **LEADERSHIP, SUPPORT, TRAINING, RECRUIT-**
 17 **MENT, AND RETENTION OF FOSTER CARE,**
 18 **KINSHIP CARE, AND ADOPTIVE PARENTS.**

19 “(a) **AUTHORITY TO AWARD GRANTS.**—The Sec-
 20 retary shall award grants to eligible States for the purpose
 21 of carrying out innovative programs to empower, provide
 22 leadership for, and improve the recruitment, support,
 23 training, and retention of foster care, kinship care, and
 24 adoptive parents (in this section referred to as ‘resource
 25 parents’).

1 “(b) ELIGIBLE STATE.—A State is eligible for a
2 grant under this section if the State—

3 “(1) submits an application for the grant that
4 includes the information described in subsection (c);
5 and

6 “(2) has approved State plans under this sub-
7 part, subpart 2 of this part, and part E.

8 “(c) APPLICATION REQUIREMENTS.—For purposes
9 of subsection (b)(1), the information described in this sub-
10 section is the following:

11 “(1) DESCRIPTION OF PROGRAMS.—A descrip-
12 tion of the programs the State proposes to imple-
13 ment with funds awarded under this section that are
14 consistent with the purposes described in subsection
15 (a) and that may include any or all of the following:

16 “(A) EMPOWERMENT AND LEADERSHIP.—
17 The establishment of, or increased support
18 for—

19 “(i) a Resource Parent Ombudsman
20 who would advocate on behalf of resource
21 parents;

22 “(ii) programs to provide recognition
23 of resource parents as key partners in the
24 child welfare system;

1 “(iii) programs to provide career-path
 2 acknowledgment for long-term master re-
 3 source parents;

4 “(iv) initiatives for courts to recognize
 5 the role of the resource parent on a child’s
 6 service team;

7 “(v) flexible spending options that
 8 permit States to purchase items that will
 9 help resource parents do their jobs better
 10 and help the children placed in their care,
 11 such as computers, bedroom furnishings,
 12 transportation, and after-school supports;
 13 and

14 “(vi) programs to involve resource
 15 parents to a greater degree in assessment
 16 and case planning activities.

17 “(B) FAMILY SUPPORT.—The establish-
 18 ment of, or increased support for—

19 “(i) peer-to-peer support and men-
 20 toring groups for resource parents;

21 “(ii) programs to assist resource par-
 22 ents in caring for children with special
 23 needs;

1 “(iii) programs to provide reliable and
2 accessible respite care to help resource par-
3 ents recharge and avoid burnout;

4 “(iv) a 24-hour emergency hotline for
5 resource parents;

6 “(v) a Medicaid hotline to secure med-
7 ical services under the State plan under
8 title XIX or the State child health plan
9 under title XXI (as appropriate) for chil-
10 dren under the care of resource parents;

11 “(vi) family preservation services for
12 crises situations;

13 “(vii) direct services, including ongo-
14 ing in-service psychological and education
15 and support, that address child behavior
16 issues common among foster care and
17 adopted children and caregiver interests
18 and concerns; and

19 “(viii) experienced parent advocates
20 who can serve as liaisons to other resource
21 parents and provide information and sup-
22 port as needed.

23 “(C) TRAINING.—The establishment of, or
24 increased support for—

1 “(i) training programs on the court
 2 process, the role of court appointed special
 3 advocates (commonly referred to as
 4 ‘CASA’) and Guardians ad Litem;

5 “(ii) training programs on caring for
 6 children with special needs;

7 “(iii) high-quality initial and ongoing
 8 training for resource parents targeted spe-
 9 cifically at understanding the needs and
 10 behaviors of foster care and adopted chil-
 11 dren, as well as presenting specific tech-
 12 niques for meeting a child’s special needs;

13 “(iv) educational innovations (such as
 14 online learning and access to Internet
 15 websites) with credit given toward manda-
 16 tory training for participation in the non-
 17 traditional training, offered at no cost to
 18 the resource parents.

19 “(D) RECRUITMENT AND RETENTION.—

20 The establishment of, or increased support
 21 for—

22 “(i) innovative ways to provide out-
 23 reach to increase participation of new re-
 24 source parents;

1 “(ii) alliances with faith-based organi-
2 zations to improve the recruitment and
3 support of resource parents;

4 “(iii) programs to engage the business
5 community and other community partners
6 in the recruitment and retention of re-
7 source parents;

8 “(iv) targeted recruitment efforts for
9 local communities or neighborhoods;

10 “(v) programs to provide convenient
11 education and licensing options for re-
12 source parents; and

13 “(vi) programs to mitigate language
14 and cultural barriers to the recruitment
15 and retention of resource parents, includ-
16 ing through the provision of culturally or
17 linguistically specific materials.

18 “(2) DEVELOPMENT PLAN.—A 12-month plan
19 detailing the strategies and process the State will
20 use to develop such programs.

21 “(3) IMPLEMENTATION PLAN.—A 48-month
22 plan detailing the strategies and process the State
23 will use to implement such programs.

24 “(4) COOPERATIVE AGREEMENTS WITH SUP-
25 PORT ORGANIZATIONS.—An assurance that the State

1 will enter into cooperative agreements with nonprofit
2 organizations that provide support for foster care,
3 kinship care, or adoption, to assist with implementa-
4 tion of the programs carried out with funds awarded
5 under this section.

6 “(5) EVALUATION PLAN.—A plan for inde-
7 pendent evaluation of the programs carried out with
8 such funds.

9 “(d) ALLOTMENTS.—

10 “(1) IN GENERAL.—Each eligible State which
11 has an application approved under this section shall
12 be entitled to payment, for each of fiscal years 2010
13 through 2014, from the amount appropriated under
14 subsection (e) for such fiscal year, of an amount
15 equal to the sum of \$75,000 plus the amount de-
16 scribed in paragraph (2) for the fiscal year.

17 “(2) PROPORTIONALLY BASED ON STATE
18 SHARE OF CHILDREN IN FOSTER CARE.—The
19 amount described in this subparagraph for any fiscal
20 year is the amount that bears the same ratio to the
21 remainder of the amount appropriated under sub-
22 section (e) for such fiscal year, after the application
23 of paragraph (1) for the fiscal year, as the number
24 of children in foster care under the supervision of
25 the State in the State who have not attained 18

1 years of age bears to the total number of such chil-
2 dren in all States which have approved applications
3 under this section for such fiscal year.

4 “(3) NO EFFECT ON OTHER PAYMENTS UNDER
5 THIS SUBPART.—Amounts paid to an eligible State
6 under this section for a fiscal year shall be in addi-
7 tion to any other amounts paid to the State under
8 this subpart for this fiscal year.

9 “(e) APPROPRIATION; NONAPPLICATION.—Out of
10 any money in the Treasury of the United States not other-
11 wise appropriated, there are appropriated to the Secretary
12 for purposes of awarding grants under this section,
13 \$10,400,000 for each of fiscal years 2010 through 2014,
14 to remain available until expended. Section 425 shall not
15 apply to amounts appropriated under this subsection for
16 a fiscal year.”.

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