

115TH CONGRESS  
1ST SESSION

# H. R. 2866

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IN THE SENATE OF THE UNITED STATES

JUNE 21, 2017

Received; read twice and referred to the Committee on Finance

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## AN ACT

To review and improve licensing standards for placement  
in a relative foster family home.

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 “Reducing Unnecessary  
3 Barriers for Relative Foster Parents Act”.

4 **SEC. 2. REVIEWING AND IMPROVING LICENSING STAND-**  
5 **ARDS FOR PLACEMENT IN A RELATIVE FOS-**  
6 **TER FAMILY HOME.**

7       (a) IDENTIFICATION OF REPUTABLE MODEL LI-  
8 CENSING STANDARDS.—Not later than October 1, 2018,  
9 the Secretary of Health and Human Services shall identify  
10 reputable model licensing standards with respect to the li-  
11 censing of foster family homes (as defined in section  
12 472(c)(1) of the Social Security Act).

13       (b) STATE PLAN REQUIREMENT.—Section 422(b) of  
14 the Social Security Act (42 U.S.C. 622(b)) is amended—

15           (1) in paragraph (18), by striking “and” after  
16 the semicolon;

17           (2) in paragraph (19), by striking the period at  
18 the end and inserting a semicolon; and

19           (3) by adding at the end the following:

20           “(20) provide that, not later than April 1,  
21 2019, the State shall submit to the Secretary infor-  
22 mation addressing—

23           “(A) whether the State licensing standards  
24 are in accord with model standards identified  
25 by the Secretary, and if not, the reason for the  
26 specific deviation and a description as to why

1           having a standard that is reasonably in accord  
2           with the corresponding national model stand-  
3           ards is not appropriate for the State;

4           “(B) whether the State has elected to  
5           waive standards established in 471(a)(10)(A)  
6           for relative foster family homes (pursuant to  
7           waiver authority provided by 471(a)(10)(D)), a  
8           description of which standards the State most  
9           commonly waives, and if the State has not  
10          elected to waive the standards, the reason for  
11          not waiving these standards;

12          “(C) if the State has elected to waive  
13          standards specified in subparagraph (B), how  
14          caseworkers are trained to use the waiver au-  
15          thority and whether the State has developed a  
16          process or provided tools to assist caseworkers  
17          in waiving nonsafety standards per the author-  
18          ity provided in 471(a)(10)(D) to quickly place  
19          children with relatives; and

20          “(D) a description of the steps the State is  
21          taking to improve caseworker training or the  
22          process, if any.”.

1 **SEC. 3. EFFECTIVE DATE.**

2 (a) EFFECTIVE DATE.—Subject to subsection (b),  
3 the amendments made by this Act shall take effect on the  
4 date of enactment of this Act.

5 (b) TRANSITION RULE.—

6 (1) IN GENERAL.—In the case of a State plan  
7 under part E of title IV of the Social Security Act  
8 which the Secretary of Health and Human Services  
9 determines requires State legislation (other than leg-  
10 islation appropriating funds) in order for the plan to  
11 meet the additional requirements imposed by the  
12 amendments made by this Act, the State plan shall  
13 not be regarded as failing to comply with the re-  
14 quirements of such part solely on the basis of the  
15 failure of the plan to meet such additional require-  
16 ments before the first day of the first calendar quar-  
17 ter beginning after the close of the first regular ses-  
18 sion of the State legislature that begins after the  
19 date of enactment of this Act. For purposes of the  
20 previous sentence, in the case of a State that has a  
21 2-year legislative session, each year of the session  
22 shall be deemed to be a separate regular session of  
23 the State legislature.

24 (2) APPLICATION TO PROGRAMS OPERATED BY  
25 INDIAN TRIBAL ORGANIZATIONS.—In the case of an  
26 Indian tribe, tribal organization, or tribal consortium

1       which the Secretary of Health and Human Services  
2       determines requires time to take action necessary to  
3       comply with the additional requirements imposed by  
4       the amendments made by this Act (whether the  
5       tribe, organization, or tribal consortium has a plan  
6       under section 479B of the Social Security Act or a  
7       cooperative agreement or contract entered into with  
8       a State), the Secretary shall provide the tribe, orga-  
9       nization, or tribal consortium with such additional  
10      time as the Secretary determines is necessary for the  
11      tribe, organization, or tribal consortium to take the  
12      action to comply with the additional requirements  
13      before being regarded as failing to comply with the  
14      requirements.

Passed the House of Representatives June 20, 2017.

Attest:

KAREN L. HAAS,

*Clerk.*