

116TH CONGRESS
2D SESSION

H. R. 7976

To modify certain rules and procedures under the Federal foster care and adoption assistance program during a public health crisis.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 7, 2020

Ms. MOORE introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To modify certain rules and procedures under the Federal foster care and adoption assistance program during a public health crisis.

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 “Suspend the Timeline
5 not Parental Rights in a Public Health Crisis Act”.

1 **SEC. 2. MODIFICATION OF CERTAIN RULES AND PROCE-**
2 **DURES UNDER THE FEDERAL FOSTER CARE**
3 **AND ADOPTION ASSISTANCE PROGRAM DUR-**
4 **ING A PUBLIC HEALTH CRISIS.**

5 (a) **TIMELINE AND COMPELLING REASON.**—Section
6 475(5)(E) of the Social Security Act (42 U.S.C.
7 675(5)(E)) is amended—

8 (1) in clause (ii), by inserting “, and any effect
9 of a public health crisis shall be considered such a
10 compelling reason” before the semicolon;

11 (2) by adding “except that” at the end of
12 clause (iii);

13 (3) by redesignating clauses (i) through (iii) (as
14 amended by the preceding paragraphs of this sub-
15 section) as subclauses (I) through (III), respectively;

16 (4) by inserting “(i)” after “(E)”; and

17 (5) by adding after and below the end the fol-
18 lowing:

19 “(ii) in the case of a child who has been
20 in foster care under the responsibility of the
21 State for 15 of the most recent 22 months, the
22 requirement in clause (i) that the State file a
23 petition to terminate the parental rights of the
24 child’s parents (or, if such a petition has been
25 filed by another party, seek to be joined as a
26 party to the petition), shall be suspended for

1 the duration of any public health crisis period
2 applicable with respect to the State;”.

3 (b) REASONABLE EFFORTS.—Section 471(a)(15) of
4 such Act (42 U.S.C. 671(a)(15)) is amended—

5 (1) by striking “and” at the end of subpara-
6 graph (E); and

7 (2) by adding at the end the following:

8 “(G) the State agency shall ensure that—

9 “(i) in response to a public health cri-
10 sis, service or treatment providers develop
11 and implement alternative methods of
12 treatment, visitation, and providing serv-
13 ices, that are tailored to the individual
14 needs of a child or the family of a child to
15 meet the reasonable efforts requirements of
16 this paragraph;

17 “(ii) parents who participate in any
18 such alternative methods of treatment or
19 receipt of services shall qualify for comple-
20 tion of the services; and

21 “(iii) permanency plans for reunifica-
22 tion shall not be delayed by service or
23 treatment gaps that result from a public
24 health crisis; and

1 “(H) the removal a child during a public
2 health crisis meets the requirements of this
3 paragraph if the removal is based on a judicial
4 determination that removal is necessary to pro-
5 tect the child from imminent risk of serious
6 harm and is not necessary due to any effect of
7 a public health crisis;”.

8 (c) DEFINITIONS.—Section 475 of such Act (42
9 U.S.C. 675) is amended by adding at the end the fol-
10 lowing:

11 “(14) The term ‘public health crisis period’
12 means, with respect to a State, a period that begins
13 when a state of emergency that applies to the State
14 is declared under a Federal or State law in response
15 to a threat to public health, and ends 1 year after
16 the last such state of emergency applicable to the
17 State is terminated.

18 “(15) The term ‘effect of a public health crisis’
19 means consequences experienced by an individual
20 due to a threat to public health with respect to
21 which a state of emergency described in paragraph
22 (14) has been declared, including lack of medical,
23 educational, or therapeutic services for children, loss
24 of income, loss of employment, loss of contact be-
25 tween a parent and a child of the parent, housing

1 instability, loss of housing, lack of access to child
2 care, exposure to or contracting an illness or infec-
3 tious disease, service closure, lack of access or di-
4 minished access to services, quarantine, shelter-in-
5 place order, and having to provide care for another
6 individual who is at risk of contracting, or has con-
7 tracted, an illness or infectious disease.”.

8 (d) EFFECTIVE DATE.—

9 (1) IN GENERAL.—The amendments made by
10 this section shall take effect on the 1st day of the
11 1st fiscal year beginning on or after the date of the
12 enactment of this Act, and shall apply to payments
13 under part E of title IV of the Social Security Act
14 for calendar quarters beginning on or after such
15 date.

16 (2) DELAY PERMITTED IF STATE LEGISLATION
17 REQUIRED.—If the Secretary of Health and Human
18 Services determines that State legislation (other
19 than legislation appropriating funds) is required in
20 order for a State plan developed pursuant to part E
21 of title IV of the Social Security Act to meet the ad-
22 ditional requirements imposed by the amendments
23 made by this Act, the plan shall not be regarded as
24 failing to meet any of the additional requirements
25 before the 1st day of the 1st calendar quarter begin-

1 ning after the first regular session of the State legis-
2 lature that begins after the date of the enactment of
3 this Act. For purposes of the preceding sentence, if
4 the State has a 2-year legislative session, each year
5 of the session is deemed to be a separate regular
6 session of the State legislature.

○