

116TH CONGRESS
1ST SESSION

S. 107

To provide any State with a child welfare demonstration project that is scheduled to terminate at the end of fiscal year 2019 the option to extend the project for up to 2 additional years.

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 2019

Mr. RUBIO (for himself and Mrs. FEINSTEIN) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To provide any State with a child welfare demonstration project that is scheduled to terminate at the end of fiscal year 2019 the option to extend the project for up to 2 additional years.

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 “State Flexibility for
5 Family First Transitions Act”.

1 **SEC. 2. STATE OPTION TO EXTEND A CHILD WELFARE DEM-**
 2 **ONSTRATION PROJECT.**

3 (a) IN GENERAL.—Section 1130(d)(2) of the Social
 4 Security Act (42 U.S.C. 1320a–9(d)(2)) is amended—

5 (1) by striking “In no event” and inserting the
 6 following:

7 “(A) IN GENERAL.—Except as provided in
 8 subparagraph (B), in no event”; and

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

10 “(B) STATE OPTION TO EXTEND TERMI-
 11 NATION DATE.—

12 “(i) NOTICE OF EXTENSION.—Any
 13 State conducting a demonstration project
 14 under this section that is scheduled to ter-
 15minate on September 30, 2019, may notify
 16the Secretary at any time prior to August
 1731, 2019, in such form and manner as the
 18Secretary may require, that the State
 19elects to extend the termination date of the
 20demonstration project, on the same terms
 21and conditions, for such additional period
 22as the State may determine, but in no
 23event beyond September 30, 2021.

24 “(ii) TRANSITION PLAN REQUIRED.—
 25No State conducting a demonstration
 26project described in clause (i) may extend

1 the termination date of the project unless
2 the State includes with the notice provided
3 under clause (i) a plan specifying—

4 “(I) how the State will transition
5 from the demonstration project to
6 compliance with the requirements of
7 the amendments made by sections
8 50741(a), 50741(b), and 50742 of
9 Public Law 115–123 by September
10 30, 2021; and

11 “(II) the measures the State will
12 implement to improve permanency
13 outcomes and reduce emancipation
14 from foster care during the remainder
15 of the demonstration project.

16 “(iii) EFFECT OF EXTENSION ON CER-
17 TAIN REQUIREMENTS.—If a State submits
18 a notice under clause (i) and a transition
19 plan described in clause (ii) to the Sec-
20 retary, then—

21 “(I) during the period the State
22 continues to conduct a demonstration
23 project under this section, the amend-
24 ments made by sections 50741(a),
25 50741(b), and 50742 of Public Law

1 115–123, to the extent such amend-
 2 ments are inconsistent with the terms
 3 of the demonstration project, shall not
 4 apply with respect to that State; and

5 “(II) the State shall be deemed
 6 to have requested a delayed effective
 7 date under section 50746(b)(2) of
 8 Public Law 115–123 for the same pe-
 9 riod.

10 “(iv) APPLICATION TO COUNTY-AD-
 11 MINISTERED AND HYBRID-ADMINISTERED
 12 CHILD WELFARE SERVICES.—In the case
 13 of a demonstration project described in
 14 clause (i) that is administered by 1 or
 15 more counties of a State, or that is par-
 16 tially administered by a State and partially
 17 administered by a 1 or more counties of a
 18 State, each State with such an administra-
 19 tive system shall, as a condition of having
 20 the State plans under parts B and E of
 21 title IV approved for fiscal year 2020—

22 “(I) determine whether any coun-
 23 ty administering the demonstration
 24 project as of the date of enactment of
 25 this subparagraph wants to continue

1 the project, on the same terms and
2 conditions, and have the conditions
3 described in clause (iii) applied with
4 respect to that county while the dem-
5 onstration project remains in effect
6 (without regard to whether the State
7 submits a notice under clause (i) or
8 requests a delayed effective date
9 under section 50746(b)(2) of Public
10 Law 115–123);

11 “(II) agree to allow any such
12 county to continue to administer the
13 demonstration project in that county
14 for such additional period as the coun-
15 ty may determine (but in no event be-
16 yond September 30, 2021);

17 “(III) notify the Secretary, in
18 such form and manner as the Sec-
19 retary may require, of the counties
20 electing to continue to administer the
21 demonstration project for an addi-
22 tional period and specify what the ad-
23 ditional period will be; and

24 “(IV) include with the notice de-
25 scribed in subclause (III) a transition

1 plan prepared by each county identi-
2 fied in the notice that contains the in-
3 formation described in subclauses (I)
4 and (II) of clause (ii) (but prepared
5 with respect to that county instead of
6 with respect to the State).”.

7 (b) CONFORMING AMENDMENT.—Section 50746(d)
8 of Public Law 115–123 (42 U.S.C. 622 note) is amended
9 by inserting “other than extensions made under subsection
10 (d)(2)(B) of such section” after “determined without re-
11 gard to any extensions”.

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