

117TH CONGRESS
2^D SESSION

H. R. 8335

To protect individuals with disabilities who are parents, legal guardians, relatives, other caregivers, foster or adoptive parents, or individuals seeking to become foster or adoptive parents from discrimination in the child welfare system.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2022

Mr. LANGEVIN (for himself, Ms. BASS, Mr. BACON, Mr. FITZPATRICK, and Mrs. LAWRENCE) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To protect individuals with disabilities who are parents, legal guardians, relatives, other caregivers, foster or adoptive parents, or individuals seeking to become foster or adoptive parents from discrimination in the child welfare system.

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 “Equality for Families
5 with Disabilities Act”.

1 **SEC. 2. FINDING.**

2 The Congress finds that title II of the Americans
3 with Disabilities Act of 1990 and section 504 of the Reha-
4 bilitation Act of 1973 protect qualified individuals with
5 disabilities, which can include children, parents, legal
6 guardians, relatives, other caregivers, foster and adoptive
7 parents, and individuals seeking to become foster or adop-
8 tive parents, from discrimination by child welfare agencies
9 and courts.

10 **SEC. 3. STATE PLAN REQUIREMENTS FOR PROTECTING IN-**
11 **DIVIDUALS WITH DISABILITIES WHO ARE**
12 **PARENTS, LEGAL GUARDIANS, RELATIVES,**
13 **OTHER CAREGIVERS, FOSTER OR ADOPTIVE**
14 **PARENTS, OR INDIVIDUALS SEEKING TO BE-**
15 **COME FOSTER OR ADOPTIVE PARENTS.**

16 (a) IN GENERAL.—Section 422(b) of the Social Secu-
17 rity Act (42 U.S.C. 622(b)) is amended—

18 (1) by striking “and” at the end of paragraph
19 (18);

20 (2) by striking the period at the end of para-
21 graph (19) and inserting a semicolon; and

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

23 “(20) explain the procedural safeguards and
24 supportive parenting services provided to individuals
25 with disabilities who are parents, legal guardians,
26 relatives, other caregivers, foster or adoptive par-

1 ents, or individuals seeking to become foster or
2 adoptive parents, from the time of earliest inter-
3 action with a family through any ongoing judicial or
4 administrative proceeding, including a description of
5 how each such individual receives—

6 “(A) a fact-specific, individualized par-
7 enting assessment that does not rely on gen-
8 eralizations but evaluates the strengths, needs,
9 and capabilities of the individual with a dis-
10 ability, based on objective evidence, personal
11 circumstances, and demonstrated competencies;
12 and

13 “(B) parenting education that is peer-re-
14 viewed or a best practice for use; and

15 “(21) demonstrate meaningful efforts to provide
16 supportive services and accommodations, directly or
17 by referral, to ensure full and equal opportunities for
18 participation by individuals with disabilities who are
19 parents, legal guardians, relatives, other caregivers,
20 foster or adoptive parents, or individuals seeking to
21 become foster or adoptive parents, including by mak-
22 ing available training on the rights of individuals
23 with disabilities who are involved with child welfare
24 proceedings and how to ensure full and equal par-
25 ticipation of the individuals in the proceedings, and,

1 in the case of child welfare professionals or court
2 personnel, how to conduct parenting assessments
3 and provide parenting education to various popu-
4 lations of individuals with disabilities to ensure that
5 any restrictions on parental rights are not imposed
6 solely on the basis of disability.”.

7 (b) EFFECTIVE DATE.—

8 (1) IN GENERAL.—The amendments made by
9 subsection (a) shall take effect 1 year after the ma-
10 terials required by section 5 of this Act are dissemi-
11 nated, and shall apply to payments under subpart 1
12 of part B of title IV of the Social Security Act for
13 calendar quarters beginning on or after such date.

14 (2) DELAY PERMITTED IF STATE LEGISLATION
15 REQUIRED.—If the Secretary of Health and Human
16 Services determines that State legislation (other
17 than legislation appropriating funds) is required in
18 order for a State plan developed pursuant to subpart
19 1 of part B of title IV of the Social Security Act to
20 meet the additional requirements imposed by the
21 amendments made by subsection (a), the plan shall
22 not be regarded as failing to meet any of the addi-
23 tional requirements before the 1st day of the 1st cal-
24 endar quarter beginning after the first regular ses-
25 sion of the State legislature that begins 1 year after

1 the materials required by section 5 of this Act are
2 disseminated. For purposes of the preceding sen-
3 tence, if the State has a 2-year legislative session,
4 each year of the session is deemed to be a separate
5 regular session of the State legislature.

6 **SEC. 4. AMENDMENTS TO THE STATE COURT IMPROVE-**
7 **MENT PROGRAM.**

8 (a) IN GENERAL.—Section 438 of the Social Security
9 Act (42 U.S.C. 629h) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1), by adding at the end
12 the following:

13 “(F) that determine child placements in
14 any case involving an individual with a dis-
15 ability who is a parent, legal guardian, relative,
16 other caregiver, foster or adoptive parent, or an
17 individual seeking to become an adoptive or fos-
18 ter parent;”; and

19 (B) in paragraph (2)—

20 (i) by striking “and” at the end of
21 subparagraph (B);

22 (ii) in subparagraph (C), by striking
23 the period and inserting “and”; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(D) to ensure full and equal opportunities
2 for individuals with disabilities who are parents,
3 legal guardians, relatives, other caregivers, fos-
4 ter or adoptive parents, or individuals seeking
5 to become foster or adoptive parents, consistent
6 with title II of the Americans with Disabilities
7 Act and section 504 of the Rehabilitation Act
8 of 1973;” and

9 (2) in subsection (b)—

10 (A) by striking “and” at the end of para-
11 graph (2);

12 (B) in subparagraph (C)—

13 (i) by striking “(C) in the case of a
14 grant for any purpose described in sub-
15 section (a),” and inserting “(3)”; and

16 (ii) by striking the period and insert-
17 ing “; and”; and

18 (C) by adding at the end the following:

19 “(4) a demonstration of meaningful efforts by
20 the highest court in the State to ensure that each
21 court in the State affords full and equal opportuni-
22 ties for participation by individuals with disabilities
23 who are parents, legal guardians, relatives, other
24 caregivers, foster or adoptive parents, or individuals
25 seeking to become foster or adoptive parents, includ-

1 ing by working with the State agency administering,
2 or supervising the administration of, a plan under
3 this part or part E, and, as applicable, Indian tribes
4 or tribal organizations, to make available training on
5 the rights of individuals with disabilities who are in-
6 volved with child welfare proceedings and how to en-
7 sure full and equal participation of the individuals in
8 the proceedings, and, in the case of child welfare
9 professionals or court personnel, how to conduct par-
10 enting assessments and provide parenting education
11 to various populations of individuals with disabili-
12 ties.”.

13 (b) **EFFECTIVE DATE.**—The amendments made by
14 subsection (a) shall take effect on the 1st day of the 1st
15 Federal fiscal year that begins after the date of the enact-
16 ment of this Act.

17 **SEC. 5. EDUCATION AND TRAINING.**

18 Subpart 1 of part B of title IV of the Social Security
19 Act (42 U.S.C. 620–628b) is amended by adding at the
20 end the following:

21 **“SEC. 429A. EDUCATION AND TRAINING.**

22 “(a) **IN GENERAL.**—The Secretary and the Attorney
23 General, in consultation with the entities referred to in
24 subsection (b), shall—

1 “(1) directly or by contract, jointly revise the
2 technical assistance provided in August 2015 for
3 State and local child welfare agencies and courts on
4 protecting the rights of parents and prospective par-
5 ents with disabilities, to—

6 “(A) include recommended minimum
7 guidelines for ensuring compliance with protec-
8 tions offered under Federal law, which shall re-
9 flect evidence-based or best practices in the
10 field;

11 “(B) address the amendments made by the
12 Equality for Families with Disabilities Act;

13 “(C) describe the requirements imposed by
14 or under the amendments and the mechanisms
15 by which the requirements will be enforced; and

16 “(D) include education and training mate-
17 rials that include, at minimum, guidelines for—

18 “(i) conducting individualized par-
19 enting assessments of persons with disabil-
20 ities that—

21 “(I) are, where possible, peer-re-
22 viewed or a best practice, and always
23 fact-specific; and

24 “(II) evaluate the strengths,
25 needs, and capabilities of a particular

1 person with disabilities based on ob-
2 jective evidence, personal cir-
3 cumstances, demonstrated com-
4 petencies, and other factors that are
5 divorced from generalizations and
6 stereotypes regarding people with dis-
7 abilities;

8 “(ii) providing full and equal opportu-
9 nities to benefit from or participate in
10 child welfare programs, services, and ac-
11 tivities that are equal to those extended to
12 individuals without disabilities, including
13 the use of disability-specific, peer-reviewed,
14 or best practice parenting training tools
15 and reasonable modifications in policies,
16 practices, and procedures when necessary
17 to avoid discrimination; and

18 “(iii) reunifying families in cases in-
19 volving individuals with disabilities;

20 “(2) ensure that the revised technical assistance
21 is addressed to States, Indian tribes, and courts;
22 and

23 “(3) within 1 year after the date of the enact-
24 ment of this section, disseminate the revised tech-
25 nical assistance to States, tribes, and courts.

1 “(b) CONSULTATION ENTITIES.—The entities re-
2 ferred to in this subsection shall include:

3 “(1) Federal entities, such as—

4 “(A) the Assistant Secretary for the Ad-
5 ministration for Children and Families of the
6 Department of Health and Human Services;

7 “(B) the Administrator of the Administra-
8 tion for Community Living of the Department
9 of Health and Human Services;

10 “(C) the Assistant Attorney General for
11 the Civil Rights Division of the Department of
12 Justice;

13 “(D) the Chairperson of the National
14 Council on Disability; and

15 “(E) the Commissioner of Administration
16 for Native Americans;

17 “(2) State, local, and tribal entities, such as—

18 “(A) State, local, and tribal child welfare
19 agencies;

20 “(B) Protection and Advocacy Systems;

21 “(C) a representative of the State Councils
22 on Developmental Disabilities;

23 “(D) a representative of the Conference of
24 Chief Justices; and

1 “(E) a representative of the Conference of
2 State Court Administrators;

3 “(3) disability and child welfare community en-
4 tities, such as—

5 “(A) individuals representing the disability
6 community and reflecting the diverse character-
7 istics of the members of that community, in-
8 cluding individuals with disabilities who have
9 been discriminated against in the child welfare
10 system; and

11 “(B) child welfare professionals; and

12 “(4) representatives of such other agencies or
13 entities as the Secretary may designate.”.

14 **SEC. 6. REPORT TO CONGRESS.**

15 Within 4 years after the date of the enactment of this
16 Act, the Secretary of Health and Human Services shall
17 submit to the Committee on Ways and Means of the
18 House of Representatives and the Committee on Finance
19 of the Senate a written report on the implementation of
20 this Act. The report shall include the following:

21 (1) A description and analysis of amended
22 State plans for child welfare services that have been
23 submitted as a result of this Act, including the effect
24 of the amendments on the treatment of and opportu-
25 nities for participation afforded to individuals with

1 disabilities who are parents, legal guardians, rel-
2 atives, other caregivers, foster or adoptive parents,
3 or individuals seeking to become foster or adoptive
4 parents.

5 (2) A description of procedures put in place by
6 State agencies administering or supervising the ad-
7 ministration of a plan developed or approved under
8 part B or E of title IV of the Social Security Act
9 to ensure that each individual with a disability who
10 is a parent, legal guardian, relative, other caregiver,
11 foster or adoptive parent, or individual seeking to
12 become a foster or adoptive parent receives a fact-
13 specific, individualized parenting assessment and
14 parenting education.

15 (3) A description and analysis of efforts made
16 by the highest court of each State to afford full and
17 equal opportunities for participation by individuals
18 with disabilities who are parents, legal guardians,
19 relatives, other caregivers, foster or adoptive par-
20 ents, or individuals seeking to become foster or
21 adoptive parents who are involved in child welfare
22 proceedings.

23 (4) An analysis of the outcomes for individuals
24 with disabilities who are parents, legal guardians,
25 relatives, other caregivers, foster or adoptive par-

1 ents, or individuals seeking to become foster or
2 adoptive parents when involved in child welfare pro-
3 ceedings before or after the enactment of this Act,
4 including the rate at which the parental rights of the
5 individuals are terminated.

6 (5) An analysis of the specific revisions made to
7 the 2015 technical assistance referred to in section
8 5(a)(1) of this Act in accordance with the require-
9 ments of section 5 of this Act, and a list of all con-
10 sultation entities that were consulted in the revision
11 process.

12 (6) An analysis of how State agencies admin-
13 istering or supervising the administration of a plan
14 developed or approved under part B or E of title IV
15 of the Social Security Act, as applicable, Indian
16 tribes or tribal organizations, and the highest court
17 of each State have used the technical assistance re-
18 vised as required by section 5 of this Act.

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