

112TH CONGRESS
1ST SESSION

H. R. 2790

To amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2011

Mr. DAVIS of Kentucky (for himself and Mr. DOGGETT) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

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 “Child and Family Serv-
5 ices Extension and Enhancement Act”.

1 **SEC. 2. EXTENSION OF STEPHANIE TUBBS JONES CHILD**
2 **WELFARE SERVICES PROGRAM.**

3 (a) IN GENERAL.—Section 425 of the Social Security
4 Act (42 U.S.C. 625) is amended by striking “2007
5 through 2011” and inserting “2012 through 2016”.

6 (b) MODIFICATION OF CERTAIN STATE PLAN RE-
7 QUIREMENTS.—

8 (1) RESPONSE TO EMOTIONAL TRAUMA.—Sec-
9 tion 422(b)(15)(A)(ii) of such Act (42 U.S.C.
10 622(b)(15)(A)(ii)) is amended by inserting “, includ-
11 ing emotional trauma associated with a child’s mal-
12 treatment and removal from home” before the semi-
13 colon.

14 (2) PROCEDURES ON THE USE OF PSYCHO-
15 TROPIC MEDICATIONS.—Section 422(b)(15)(A)(v) of
16 such Act (42 U.S.C. 622(b)(15)(A)(v)) is amended
17 by inserting “, including protocols for the appro-
18 priate use and monitoring of psychotropic medica-
19 tions” before the semicolon.

20 (3) DESCRIPTION OF ACTIVITIES TO ADDRESS
21 DEVELOPMENTAL NEEDS OF VERY YOUNG CHIL-
22 DREN.—Section 422(b) of such Act (42 U.S.C.
23 622(b)) is amended—

24 (A) by striking “and” at the end of para-
25 graph (16);

1 (B) by striking the period at the end of
2 paragraph (17) and inserting “; and”; and

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

4 “(18) include a description of the activities that
5 the State has undertaken to reduce the length of
6 time children who have not attained 5 years of age
7 are without a permanent family placement, and the
8 activities the State undertakes to address the devel-
9 opmental needs of such children who receive benefits
10 or services under this part or part E.”.

11 (e) CHILD VISITATION BY CASEWORKERS.—Section
12 424 of such Act (42 U.S.C. 624) is amended by striking
13 the 2nd subsection (e), as added by section 7(b) of the
14 Child and Family Services Improvement Act of 2006, and
15 inserting the following:

16 “(f)(1)(A) Each State shall take such steps as are
17 necessary to ensure that the total number of visits made
18 by caseworkers on a monthly basis to children in foster
19 care under the responsibility of the State during a fiscal
20 year is not less than 90 percent of the total number of
21 such visits that would occur during the fiscal year if each
22 such child were so visited once every month while in such
23 care.

24 “(B) If the Secretary determines that a State has
25 failed to comply with subparagraph (A) for a fiscal year,

1 then the percentage that would otherwise apply for pur-
2 poses of subsection (a) for the fiscal year shall be reduced
3 by—

4 “(i) 1, if the number of full percentage points
5 by which the State fell short of the percentage speci-
6 fied in subparagraph (A) is less than 10;

7 “(ii) 3, if the number of full percentage points
8 by which the State fell short, as described in clause
9 (i), is not less than 10 and less than 20; or

10 “(iii) 5, if the number of full percentage points
11 by which the State fell short, as described in clause
12 (i), is not less than 20.

13 “(2)(A) Each State shall take such steps as are nec-
14 essary to ensure that not less than 50 percent of the total
15 number of visits made by caseworkers to children in foster
16 care under the responsibility of the State during a fiscal
17 year occur in the residence of the child involved.

18 “(B) If the Secretary determines that a State has
19 failed to comply with subparagraph (A) for a fiscal year,
20 then the percentage that would otherwise apply for pur-
21 poses of subsection (a) for the fiscal year shall be reduced
22 by—

23 “(i) 1, if the number of full percentage points
24 by which the State fell short of the percentage speci-
25 fied in subparagraph (A) is less than 10;

1 “(ii) 3, if the number of full percentage points
2 by which the State fell short, as described in clause
3 (i), is not less than 10 and less than 20; or

4 “(iii) 5, if the number of full percentage points
5 by which the State fell short, as described in clause
6 (i), is not less than 20.”.

7 (d) TECHNICAL CORRECTION.—Section 423(b) of
8 such Act (42 U.S.C. 623(b)) is amended by striking “per
9 centum” each place it appears and inserting “percent”.

10 **SEC. 3. EXTENSION OF PROGRAM TO PROMOTE SAFE AND**
11 **STABLE FAMILIES.**

12 (a) IN GENERAL.—Section 436 of the Social Security
13 Act (42 U.S.C. 629f) is amended—

14 (1) in subsection (a), by striking all that follows
15 “\$345,000,000” and inserting “for each of fiscal
16 years 2012 through 2016.”; and

17 (2) in subsection (b)—

18 (A) in paragraph (2), by striking
19 “\$30,000,000” and inserting “\$20,000,000”;

20 (B) in paragraph (4)(A), by striking
21 “433(e)” and all that follows and inserting
22 “433(e) \$20,000,000 for each of fiscal years
23 2012 through 2016.”; and

24 (C) in paragraph (5), by striking “437(f)”
25 and all that follows and inserting “437(f)

1 \$20,000,000 for each of fiscal years 2012
2 through 2016”.

3 (b) DISCRETIONARY AND TARGETED GRANTS.—Sec-
4 tion 437 of such Act (42 U.S.C. 629g) is amended in each
5 of subsections (a) and (f)(3)(A) by striking “2007 through
6 2011” and inserting “2012 through 2016”.

7 (c) ENTITLEMENT FUNDING FOR STATE COURTS TO
8 ASSESS AND IMPROVE HANDLING OF PROCEEDINGS RE-
9 LATING TO FOSTER CARE AND ADOPTION.—Section 438
10 of such Act (42 U.S.C. 629h) is amended—

11 (1) in subsection (a)(2)(A), by inserting “, in-
12 cluding the requirements in the Act related to con-
13 current planning and the ability to bypass reunifica-
14 tion efforts in certain egregious situations” before
15 the semicolon;

16 (2) in each of subsections (c)(1)(A) and (d), by
17 striking “2002 through 2011” and inserting “2012
18 through 2016”;

19 (3) in subsection (c)(2)(A)—

20 (A) by striking “2006 through 2011” and
21 inserting “2012 through 2016”; and

22 (B) by striking “the amount made avail-
23 able under whichever of paragraph (1) or (2) of
24 subsection (e) applies with respect to the grant”
25 and inserting “the amount reserved pursuant to

1 section 436(b)(2) (and the amount, if any, re-
2 served pursuant to section 437(b)(2))”;

3 (4) in subsection (c)(2)(B), by striking “the
4 amount made available under subsection (e) for such
5 a grant” and inserting “the amount reserved pursu-
6 ant to section 436(b)(2) (and the amount, if any, re-
7 served pursuant to section 437(b)(2))”; and

8 (5) by striking subsection (e).

9 (d) SUBMISSION TO CONGRESS OF STATE SUM-
10 MARIES OF FINANCIAL DATA; PUBLICATION ON HHS WEB
11 SITE.—Section 432(c) of such Act (42 U.S.C. 629b(c))
12 is amended—

13 (1) by striking all that precedes “shall” and in-
14 serting the following:

15 “(c) ANNUAL SUBMISSION OF STATE REPORTS TO
16 CONGRESS.—

17 “(1) IN GENERAL.—The Secretary”; and

18 (2) by adding after and below the end the fol-
19 lowing:

20 “(2) INFORMATION TO BE INCLUDED.—The
21 compilation shall include the individual State reports
22 and tables that synthesize State information into na-
23 tional totals for each element required to be included
24 in the reports, including planned and actual spend-
25 ing by service category for the program authorized

1 under this subpart and planned spending by service
2 category for the program authorized under subpart
3 1.

4 “(3) PUBLIC ACCESSIBILITY.—Not later than
5 September 30 of each year, the Secretary shall pub-
6 lish the compilation on the Web site of the Depart-
7 ment of Health and Human Services in a location
8 easily accessible by the public.”.

9 (e) ELIMINATION OF REFERENCES TO
10 METHAMPHETAMINES IN SUBSTANCE ABUSE GRANTS.—
11 Section 437(f) of such Act (42 U.S.C. 629g(f)) is amend-
12 ed—

13 (1) in the subsection heading, by striking
14 “METHAMPHETAMINE OR OTHER”;

15 (2) in each of paragraphs (1), (4)(A), (7)(A)(i),
16 and (9)(B)(iii), by striking “methamphetamine or
17 other”; and

18 (3) in paragraph (7)—

19 (A) by striking “shall—” and all that fol-
20 lows through “(A) take” and inserting “shall
21 take”;

22 (B) in subparagraph (A)(iv), by striking “;
23 and” and inserting a period;

24 (C) by striking subparagraph (B); and

1 (D) by redesignating clauses (i) through
2 (iv) of subparagraph (A) as subparagraphs (A)
3 through (D), respectively, and moving each of
4 such provisions 2 ems to the left.

5 (f) GRANTS FOR PROGRAMS FOR MENTORING CHIL-
6 DREN OF PRISONERS.—Section 439 of such Act (42
7 U.S.C. 629i) is amended—

8 (1) by striking subsection (a)(2) and inserting
9 the following:

10 “(2) PURPOSE.—The purpose of this section is
11 to authorize the Secretary to make competitive
12 grants to applicants in areas with substantial num-
13 bers of children of incarcerated parents, in order to
14 support the establishment or expansion and oper-
15 ation of programs using a network of public and pri-
16 vate community entities to provide mentoring serv-
17 ices for children of prisoners.”;

18 (2) in subsection (c)—

19 (A) by striking “(i) for a fiscal year that
20 remain after applying subsection (i)(2)” and in-
21 serting “(h) for a fiscal year that remain after
22 applying subsection (h)(2)”;

23 (B) by striking “2007 through 2011” and
24 inserting “2012 through 2016”;

25 (3) by striking subsection (g);

1 (4) in subsection (h)—

2 (A) in paragraph (1), by striking “, includ-
3 ing the service delivery demonstration project
4 authorized under subsection (g)”;

5 (B) in paragraph (2)—

6 (i) by striking subparagraph (B);

7 (ii) in subparagraph (C), by striking
8 “and how the evaluation has been ex-
9 panded to include an evaluation of the
10 demonstration project authorized under
11 subsection (g)”;

12 (iii) by redesignating subparagraphs
13 (C) and (D) as subparagraphs (B) and
14 (C), respectively;

15 (5) in subsection (i)—

16 (A) in paragraph (1), by striking “such
17 sums as may be necessary for fiscal years 2007
18 through 2011” and inserting “\$25,000,000 for
19 each of fiscal years 2012 through 2016”;

20 (B) in paragraph (2)—

21 (i) by striking all through “The Sec-
22 retary” and inserting the following:

23 “(2) RESERVATION FOR RESEARCH, TECHNICAL
24 ASSISTANCE, AND EVALUATION.—The Secretary”;

25 and

1 (ii) by striking subparagraph (B); and
2 (6) by redesignating subsections (h) and (i) as
3 subsections (g) and (h), respectively.

4 (g) TECHNICAL CORRECTIONS.—

5 (1) Section 432(a)(8)(B) of the Social Security
6 Act (42 U.S.C. 629b(a)(8)(B)) is amended in each
7 of clauses (i) and (ii) by striking “forms CFS 101–
8 Part I and CFS 101–Part II (or any successor
9 forms)” and inserting “form CFS–101 (including all
10 parts and any successor forms)”.

11 (2) Section 433(e)(2) of the Social Security Act
12 (42 U.S.C. 629e(e)(2)) is amended by striking “ben-
13 efits benefits” each place it appears and inserting
14 “benefits”.

15 (3) Effective as if included in the enactment of
16 the Safe and Timely Interstate Placement of Foster
17 Children Act of 2006, section 8(b) of such Act (120
18 Stat. 513) is amended by striking “438(b) of such
19 Act (42 U.S.C. 638(b))” inserting “438(b)(1) of
20 such Act (42 U.S.C. 629h(b)(1))”.

21 **SEC. 4. DATA STANDARDIZATION FOR IMPROVED DATA**
22 **MATCHING.**

23 (a) IN GENERAL.—Part B of title IV of the Social
24 Security Act (42 U.S.C. 621–629i) is amended by adding
25 at the end the following:

1 **“Subpart 3—Common Provisions**

2 **“SEC. 440. DATA STANDARDIZATION FOR IMPROVED DATA**
3 **MATCHING.**

4 “(a) STANDARD DATA ELEMENTS.—

5 “(1) DESIGNATION.—The Secretary, in con-
6 sultation with an interagency work group established
7 by the Office of Management and Budget, and con-
8 sidering State perspectives, shall, by rule, designate
9 standard data elements for any category of informa-
10 tion required to be reported under this part.

11 “(2) DATA ELEMENTS MUST BE NONPROPRI-
12 ETARY AND INTEROPERABLE.—The standard data
13 elements designated under paragraph (1) shall, to
14 the extent practicable, be nonproprietary and inter-
15 operable.

16 “(3) OTHER REQUIREMENTS.—In designating
17 standard data elements under this subsection, the
18 Secretary shall, to the extent practicable, incor-
19 porate—

20 “(A) interoperable standards developed
21 and maintained by an international voluntary
22 consensus standards body, as defined by the Of-
23 fice of Management and Budget, such as the
24 International Organization for Standardization;

25 “(B) interoperable standards developed
26 and maintained by intergovernmental partner-

1 ships, such as the National Information Ex-
2 change Model; and

3 “(C) interoperable standards developed
4 and maintained by Federal entities with author-
5 ity over contracting and financial assistance,
6 such as the Federal Acquisition Regulations
7 Council.

8 “(b) DATA STANDARDS FOR REPORTING.—

9 “(1) DESIGNATION.—The Secretary, in con-
10 sultation with an interagency work group established
11 by the Office of Management and Budget, and con-
12 sidering State government perspectives, shall, by
13 rule, designate data reporting standards to govern
14 the reporting required under this part.

15 “(2) REQUIREMENTS.—The data reporting
16 standards required by paragraph (1) shall, to the ex-
17 tent practicable—

18 “(A) incorporate a widely accepted, non-
19 proprietary, searchable, computer-readable for-
20 mat;

21 “(B) be consistent with and implement ap-
22 plicable accounting principles; and

23 “(C) be capable of being continually up-
24 graded as necessary.

1 “(3) INCORPORATION OF NONPROPRIETARY
2 STANDARDS.—In designating reporting standards
3 under this subsection, the Secretary shall, to the ex-
4 tent practicable, incorporate existing nonproprietary
5 standards, such as the eXtensible Business Report-
6 ing Language.”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 subsection (a) shall take effect on October 1, 2012, and
9 shall apply with respect to information required to be re-
10 ported on or after such date.

11 **SEC. 5. PROVISIONS RELATING TO FOSTER CARE OR ADOPT-**
12 **TION.**

13 (a) EDUCATIONAL STABILITY FOR EACH FOSTER
14 PLACEMENT.—Section 475(1)(G) of the Social Security
15 Act (42 U.S.C. 675(1)(G)) is amended—

16 (1) in clause (i), by striking “the placement”
17 and inserting “each placement”; and

18 (2) in clause (ii)(I), by inserting “each” before
19 “placement”.

20 (b) STUDY ON RECRUITMENT OF AND SUPPORT FOR
21 FOSTER PARENTS, ADOPTIVE PARENTS, AND KIN
22 GUARDIANS.—

23 (1) IN GENERAL.—The Secretary of Health and
24 Human Services shall, in accordance with paragraph
25 (2), conduct a study on the recruitment of and sup-

1 port for families caring for children served by any
2 program funded under part E of title IV of the So-
3 cial Security Act (42 U.S.C. 670 et seq.), including
4 foster parents, adoptive parents, and kin guardians.

5 (2) CONTENTS OF STUDY.—The study shall in-
6 clude—

7 (A) a survey of foster parents, who care
8 for children served by any foster care program
9 funded under part E of title IV of the Social
10 Security Act;

11 (B) an evaluation of the role of respite
12 care training and services;

13 (C) the identification of the capacity of
14 respite care service providers in each State;

15 (D) the identification of any barriers that
16 limit the ability of States to successfully recruit
17 and retain foster families in the foster care sys-
18 tem;

19 (E) the identification of any barriers that
20 limit the ability of States to successfully recruit
21 and support adoptive parents and relative care-
22 givers; and

23 (F) any other matters that the Secretary
24 of Health and Human Services deems appro-
25 priate for this study.

1 (3) REPORT.—Within 3 years after the date of
2 the enactment of this Act, the Secretary of Health
3 and Human Services shall submit to Congress a re-
4 port containing the findings of the study required by
5 paragraph (1), and such recommendations with re-
6 spect to the matters studied as the Secretary deems
7 appropriate.

8 (c) DESCRIPTION OF ADOPTION SPENDING.—Section
9 473(a)(8) of the Social Security Act (42 U.S.C. 673(a)(8))
10 is amended by inserting “, and shall document how such
11 amounts are spent, including on post-adoption services”
12 before the period.

13 **SEC. 6. EFFECTIVE DATE.**

14 (a) IN GENERAL.—Except as otherwise provided in
15 this Act, this Act and the amendments made by this Act
16 shall take effect on October 1, 2011, and shall apply to
17 payments under parts B and E of title IV of the Social
18 Security Act for calendar quarters beginning on or after
19 such date, without regard to whether regulations to imple-
20 ment the amendments are promulgated by such date.

21 (b) DELAY PERMITTED IF STATE LEGISLATION RE-
22 QUIRED.—If the Secretary of Health and Human Services
23 determines that State legislation (other than legislation
24 appropriating funds) is required in order for a State plan
25 developed pursuant to subpart 1 of part B, or a State plan

1 approved under subpart 2 of part B or part E, of title
2 IV of the Social Security Act to meet the additional re-
3 quirements imposed by the amendments made by this Act,
4 the plan shall not be regarded as failing to meet any of
5 the additional requirements before the 1st day of the 1st
6 calendar quarter beginning after the first regular session
7 of the State legislature that begins after the date of the
8 enactment of this Act. If the State has a 2-year legislative
9 session, each year of the session is deemed to be a separate
10 regular session of the State legislature.

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