

112TH CONGRESS
1ST SESSION

S. 1542

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 SENATE OF THE UNITED STATES

SEPTEMBER 12, 2011

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

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 Improvement and Innovation Act”.

1 **TITLE I—EXTENSION OF CHILD**
2 **AND FAMILY SERVICES PRO-**
3 **GRAMS**

4 **SEC. 101. STEPHANIE TUBBS JONES CHILD WELFARE SERV-**
5 **ICES PROGRAM.**

6 (a) EXTENSION OF PROGRAM.—Section 425 of the
7 Social Security Act (42 U.S.C. 625) is amended by strik-
8 ing “2007 through 2011” and inserting “2012 through
9 2016”.

10 (b) MODIFICATION OF CERTAIN STATE PLAN RE-
11 QUIREMENTS.—

12 (1) RESPONSE TO EMOTIONAL TRAUMA.—Sec-
13 tion 422(b)(15)(A)(ii) of such Act (42 U.S.C.
14 622(b)(15)(A)(ii)) is amended by inserting “, includ-
15 ing emotional trauma associated with a child’s mal-
16 treatment and removal from home” before the semi-
17 colon.

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

24 (3) DESCRIPTION OF ACTIVITIES TO ADDRESS
25 DEVELOPMENTAL NEEDS OF VERY YOUNG CHIL-

1 DREN.—Section 422(b) of such Act (42 U.S.C.
2 622(b)) is amended—

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

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

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

8 “(18) include a description of the activities that
9 the State has undertaken to reduce the length of
10 time children who have not attained 5 years of age
11 are without a permanent family, and the activities
12 the State undertakes to address the developmental
13 needs of such children who receive benefits or serv-
14 ices under this part or part E.”.

15 (4) DATA SOURCES FOR CHILD DEATH REPORT-
16 ING.—Section 422(b) of such Act (42 U.S.C.
17 622(b)), as amended by paragraph (3) of this sub-
18 section, is amended—

19 (A) by striking “and” at the end of para-
20 graph (17);

21 (B) by striking the period at the end of
22 paragraph (18) and inserting “; and”; and

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

24 “(19) contain a description of the sources used
25 to compile information on child maltreatment deaths

1 required by Federal law to be reported by the State
2 agency referred to in paragraph (1), and to the ex-
3 tent that the compilation does not include informa-
4 tion on such deaths from the State vital statistics
5 department, child death review teams, law enforce-
6 ment agencies, or offices of medical examiners or
7 coroners, the State shall describe why the informa-
8 tion is not so included and how the State will in-
9 clude the information.”.

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

15 “(f)(1)(A) Each State shall take such steps as are
16 necessary to ensure that the total number of visits made
17 by caseworkers on a monthly basis to children in foster
18 care under the responsibility of the State during a fiscal
19 year is not less than 90 percent (or, in the case of fiscal
20 year 2015 or thereafter, 95 percent) of the total number
21 of such visits that would occur during the fiscal year if
22 each such child were so visited once every month while
23 in such 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. 102. PROMOTING SAFE AND STABLE FAMILIES PRO-**
11 **GRAM.**

12 (a) EXTENSION OF FUNDING AUTHORIZATIONS.—

13 (1) IN GENERAL.—Section 436(a) of the Social
14 Security Act (42 U.S.C. 629f(a)) is amended by
15 striking all that follows “\$345,000,000” and insert-
16 ing “for each of fiscal years 2012 through 2016.”.

17 (2) DISCRETIONARY GRANTS.—Section 437(a)
18 of such Act (42 U.S.C. 629g(a)) is amended by
19 striking “2007 through 2011” and inserting “2012
20 through 2016”.

21 (b) TARGETING OF SERVICES TO POPULATIONS AT
22 GREATEST RISK OF MALTREATMENT.—Section 432(a) of
23 such Act (42 U.S.C. 629b(a)) is amended—

24 (1) by striking “and” at the end of paragraph
25 (8);

1 (2) by striking the period at the end of para-
2 graph (9) and inserting “; and”; and

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

4 “(10) describes how the State identifies which
5 populations are at the greatest risk of maltreatment
6 and how services are targeted to the populations.”.

7 (c) REVISED PURPOSES OF FAMILY SUPPORT SERV-
8 ICES AND TIME-LIMITED FAMILY REUNIFICATION SERV-
9 ICES.—

10 (1) FAMILY SUPPORT SERVICES.—Section
11 431(a)(2) of such Act (42 U.S.C. 629a(a)(2)) is
12 amended to read as follows:

13 “(2) FAMILY SUPPORT SERVICES.—

14 “(A) IN GENERAL.—The term ‘family sup-
15 port services’ means community-based services
16 designed to carry out the purposes described in
17 subparagraph (B).

18 “(B) PURPOSES DESCRIBED.—The pur-
19 poses described in this subparagraph are the
20 following:

21 “(i) To promote the safety and well-
22 being of children and families.

23 “(ii) To increase the strength and sta-
24 bility of families (including adoptive, fos-
25 ter, and extended families).

1 “(iii) To increase parents’ confidence
2 and competence in their parenting abilities.

3 “(iv) To afford children a safe, stable,
4 and supportive family environment.

5 “(v) To strengthen parental relation-
6 ships and promote healthy marriages.

7 “(vi) To enhance child development,
8 including through mentoring (as defined in
9 section 439(b)(2)).”.

10 (2) TIME-LIMITED FAMILY REUNIFICATION
11 SERVICES.—Section 431(a)(7)(B) of such Act (42
12 U.S.C. 629a(a)(7)(B)) is amended by redesignating
13 clause (vi) as clause (viii) and inserting after clause
14 (v) the following:

15 “(vi) Peer-to-peer mentoring and sup-
16 port groups for parents and primary care-
17 givers.

18 “(vii) Services and activities designed
19 to facilitate access to and visitation of chil-
20 dren by parents and siblings.”.

21 (d) UNIFORM DEFINITIONS OF INDIAN TRIBE AND
22 TRIBAL ORGANIZATION.—Section 431(a) of such Act (42
23 U.S.C. 629a(a)(5) and (6)) is amended by striking para-
24 graphs (5) and (6) and inserting the following:

1 “(5) INDIAN TRIBE.—The term ‘Indian tribe’
2 has the meaning given the term in section 428(c).

3 “(6) TRIBAL ORGANIZATION.—The term ‘tribal
4 organization’ has the meaning given the term in sec-
5 tion 428(c).”.

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

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

12 “(c) ANNUAL SUBMISSION OF STATE REPORTS TO
13 CONGRESS.—

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

15 (2) by adding after and below the end the fol-
16 lowing:

17 “(2) INFORMATION TO BE INCLUDED.—The
18 compilation shall include the individual State reports
19 and tables that synthesize State information into na-
20 tional totals for each element required to be included
21 in the reports, including planned and actual spend-
22 ing by service category for the program authorized
23 under this subpart and planned spending by service
24 category for the program authorized under subpart
25 1.

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

6 (f) GAO REPORT ON MULTIPLE SOURCES OF FED-
7 ERAL SPENDING AND FAMILY ACCESS TO SERVICES.—
8 Not later than 12 months after the date of enactment of
9 this Act, the Comptroller General of the United States
10 shall submit to Congress a report that—

11 (1) identifies alternative sources of Federal
12 funding that are being employed by States or other
13 entities for the same purposes for which funding is
14 provided under subpart 1 or 2 of part B of title IV
15 of the Social Security Act; and

16 (2) assesses the needs of families eligible for
17 services under such program, including identification
18 of underserved communities and information regard-
19 ing—

20 (A) the supports available for caseworkers
21 to appropriately investigate and safely manage
22 their caseloads;

23 (B) the length of the wait time for families
24 to receive substance abuse and other preventive
25 services; and

1 (C) the number of families on waiting lists
2 for such services and the effect of the delay on
3 healthy, successful reunification outcomes for
4 such families.

5 (g) TECHNICAL CORRECTIONS.—

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

12 (2) Section 433(c)(2) of the Social Security Act
13 (42 U.S.C. 629c(c)(2)) is amended—

14 (A) in the paragraph heading, by striking
15 “FOOD STAMP” and inserting “SUPPLEMENTAL
16 NUTRITION ASSISTANCE PROGRAM BENEFITS”;
17 and

18 (B) by striking “benefits benefits” each
19 place it appears and inserting “benefits”.

20 **SEC. 103. GRANTS FOR TARGETED PURPOSES.**

21 (a) EXTENSION OF FUNDING RESERVATIONS FOR
22 MONTHLY CASEWORKER VISITS AND REGIONAL PART-
23 NERSHIP GRANTS.—Section 436(b) of the Social Security
24 Act (42 U.S.C. 629f(b)) is amended—

1 (1) in paragraph (4)(A), by striking “433(e)”
2 and all that follows and inserting “433(e)
3 \$20,000,000 for each of fiscal years 2012 through
4 2016.”; and

5 (2) in paragraph (5), by striking “437(f)” and
6 all that follows and inserting “437(f) \$20,000,000
7 for each of fiscal years 2012 through 2016”.

8 (b) REVISION IN USE OF MONTHLY CASEWORKER
9 VISITS GRANTS.—Section 436(b)(4)(B)(i) of such Act (42
10 U.S.C. 629f(b)(4)(B)) is amended—

11 (1) by striking “support” and insert “improve
12 the quality of”; and

13 (2) by striking “a primary emphasis” and all
14 that follows and inserting “an emphasis on improv-
15 ing caseworker decision making on the safety, per-
16 manency, and well-being of foster children and on
17 activities designed to increase retention, recruitment,
18 and training of caseworkers.”; and

19 (c) REAUTHORIZATION OF REGIONAL PARTNERSHIP
20 GRANTS TO ASSIST CHILDREN AFFECTED BY PARENTAL
21 SUBSTANCE ABUSE.—

22 (1) EXTENSION OF PROGRAM.—Section
23 437(f)(3)(A) of such Act (42 U.S.C. 629g(f)(3)(A))
24 is amended by striking “2007 through 2011” and
25 inserting “2012 through 2016”.

1 (2) REVISIONS TO PROGRAM.—Section 437(f) of
2 such Act (42 U.S.C. 629g(f)) is amended—

3 (A) in the subsection heading, by striking
4 “METHAMPHETAMINE OR OTHER”;

5 (B) in each of paragraphs (1), (4)(A),
6 (7)(A)(i), and (9)(B)(iii), by striking “meth-
7 amphetamine or other”;

8 (C) in paragraph (3), by striking subpara-
9 graph (B) and inserting the following:

10 “(B) REQUIRED MINIMUM PERIOD OF AP-
11 PROVAL.—

12 “(i) IN GENERAL.—A grant shall be
13 awarded under this subsection for a period
14 of not less than 2, and not more than 5,
15 fiscal years, subject to clause (ii).

16 “(ii) EXTENSION OF GRANT.—On ap-
17 plication of the grantee, the Secretary may
18 extend for not more than 2 fiscal years the
19 period for which a grant is awarded under
20 this subsection.

21 “(C) MULTIPLE GRANTS ALLOWED.—This
22 subsection shall not be interpreted to prevent a
23 grantee from applying for, or being awarded,
24 separate grants under this subsection.”;

25 (D) in paragraph (6)(A)—

1 (i) by striking “and” at the end of
2 clause (ii);

3 (ii) by striking the period at the end
4 of clause (iii) and inserting a semicolon;
5 and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(iv) 70 percent for the sixth such fis-
9 cal year; and

10 “(v) 65 percent for the seventh such
11 fiscal year.”;

12 (E) in paragraph (7)—

13 (i) by striking “shall—” and all that
14 follows through “(A) take” and inserting
15 “shall take”;

16 (ii) in subparagraph (A)(iv), by strik-
17 ing “; and” and inserting a period;

18 (iii) by striking subparagraph (B);
19 and

20 (iv) by redesignating clauses (i)
21 through (iv) of subparagraph (A) as sub-
22 paragraphs (A) through (D), respectively,
23 and moving each of such provisions 2 ems
24 to the left; and

25 (F) by adding at the end the following:

1 “(10) LIMITATION ON USE OF FUNDS FOR AD-
2 MINISTRATIVE EXPENSES OF THE SECRETARY.—Not
3 more than 5 percent of the amounts appropriated or
4 reserved for awarding grants under this subsection
5 for each of fiscal years 2012 through 2016 may be
6 used by the Secretary for salaries and Department
7 of Health and Human Services administrative ex-
8 penses in administering this subsection.”.

9 (3) EVALUATIONS.—Not later than December
10 31, 2012, and not later than December 31, 2017,
11 the Secretary of Health and Human Services shall
12 evaluate the effectiveness of the grants awarded to
13 regional partnerships under section 437(f) of the So-
14 cial Security Act (42 U.S.C. 629g(f)) and shall pub-
15 lish a report regarding the results of each evaluation
16 on the Web site of the Department of Health and
17 Human Services. Each report required to be pub-
18 lished under this subsection shall include—

19 (A) an evaluation of the programs and ac-
20 tivities conducted, and the services provided,
21 with the grant funds awarded under such sec-
22 tion for fiscal years 2007 through 2011, in the
23 case of the evaluation required by December 31,
24 2012, and for fiscal years 2012 through 2016,

1 in the case of the evaluation required by De-
2 cember 31, 2017;

3 (B) an analysis of the regional partner-
4 ships awarded such grants that have, and have
5 not, been successful in achieving the goals and
6 outcomes specified in their grant applications
7 and with respect to the performance indicators
8 established by the Secretary under paragraph
9 (8) of such section that are applicable to their
10 grant awards; and

11 (C) an analysis of the extent to which such
12 grants have been successful in addressing the
13 needs of families with methamphetamine or
14 other substance abuse problems who come to
15 the attention of the child welfare system and in
16 achieving the goals of child safety, permanence,
17 and family stability.

18 **SEC. 104. COURT IMPROVEMENT PROGRAM.**

19 (a) GRANT PURPOSES.—Section 438(a) of the Social
20 Security Act (42 U.S.C. 629h(a)) is amended—

21 (1) in paragraph (2)—

22 (A) in subparagraph (A), by striking “;
23 and” and inserting “, including the require-
24 ments in the Act related to concurrent plan-
25 ning;”;

1 (B) in subparagraph (B), by adding “and”
2 at the end; and

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

4 “(C) to increase and improve engagement
5 of the entire family in court processes relating
6 to child welfare, family preservation, family re-
7 unification, and adoption;” and

8 (2) in paragraph (4)—

9 (A) by inserting “(A)” after “(4)”; and

10 (B) by adding after and below the end the
11 following:

12 “(B) to increase and improve engagement
13 of the entire family in court processes relating
14 to child welfare, family preservation, family re-
15 unification, and adoption;”.

16 (b) SINGLE GRANT APPLICATION.—Section
17 438(b)(2) of such Act (42 U.S.C. 629h(b)(2)) is amended
18 to read as follows:

19 “(2) SINGLE GRANT APPLICATION.—Pursuant
20 to the requirements under paragraph (1) of this sub-
21 section, a highest State court desiring a grant under
22 this section shall submit a single application to the
23 Secretary that specifies whether the application is
24 for a grant for—

1 “(A) the purposes described in paragraphs
2 (1) and (2) of subsection (a);

3 “(B) the purpose described in subsection
4 (a)(3);

5 “(C) the purpose described in subsection
6 (a)(4); or

7 “(D) the purposes referred to in 2 or more
8 (specifically identified) of subparagraphs (A),
9 (B), and (C) of this paragraph.”.

10 (c) AMOUNT OF GRANT.—Section 438(c) of such Act
11 (42 U.S.C. 629h(c)) is amended to read as follows:

12 “(c) AMOUNT OF GRANT.—

13 “(1) IN GENERAL.—With respect to each of
14 subparagraphs (A), (B), and (C) of subsection (b)(2)
15 that refers to 1 or more grant purposes for which
16 an application of a highest State court is approved
17 under this section, the court shall be entitled to pay-
18 ment, for each of fiscal years 2012 through 2016,
19 from the amount allocated under paragraph (3) of
20 this subsection for grants for the purpose or pur-
21 poses, of an amount equal to \$85,000 plus the
22 amount described in paragraph (2) of this subsection
23 with respect to the purpose or purposes.

24 “(2) AMOUNT DESCRIBED.—The amount de-
25 scribed in this paragraph for any fiscal year with re-

1 spect to the purpose or purposes referred to in a
2 subparagraph of subsection (b)(2) is the amount
3 that bears the same ratio to the total of the amounts
4 allocated under paragraph (3) of this subsection for
5 grants for the purpose or purposes as the number of
6 individuals in the State who have not attained 21
7 years of age bears to the total number of such indi-
8 viduals in all States the highest State courts of
9 which have approved applications under this section
10 for grants for the purpose or purposes.

11 “(3) ALLOCATION OF FUNDS.—

12 “(A) MANDATORY FUNDS.—Of the
13 amounts reserved under section 436(b)(2) for
14 any fiscal year, the Secretary shall allocate—

15 “(i) \$9,000,000 for grants for the
16 purposes described in paragraphs (1) and
17 (2) of subsection (a);

18 “(ii) \$10,000,000 for grants for the
19 purpose described in subsection (a)(3);

20 “(iii) \$10,000,000 for grants for the
21 purpose described in subsection (a)(4); and

22 “(iv) \$1,000,000 for grants to be
23 awarded on a competitive basis among the
24 highest courts of Indian tribes or tribal
25 consortia that—

1 “(I) are operating a program
2 under part E, in accordance with sec-
3 tion 479B;

4 “(II) are seeking to operate a
5 program under part E and have re-
6 ceived an implementation grant under
7 section 476; or

8 “(III) has a court responsible for
9 proceedings related to foster care or
10 adoption.

11 “(B) DISCRETIONARY FUNDS.—The Sec-
12 retary shall allocate all of the amounts reserved
13 under section 437(b)(2) for grants for the pur-
14 poses described in paragraphs (1) and (2) of
15 subsection (a).”.

16 (d) EXTENSION OF FEDERAL SHARE.—Section
17 438(d) of such Act (42 U.S.C. 629h(d)) is amended by
18 striking “2002 through 2011” and inserting “2012
19 through 2016”.

20 (e) TECHNICAL CORRECTION.—Effective as if in-
21 cluded in the enactment of the Safe and Timely Interstate
22 Placement of Foster Children Act of 2006, section 8(b)
23 of such Act (120 Stat. 513) is amended by striking
24 “438(b) of such Act (42 U.S.C. 638(b))” and inserting
25 “438(b)(1) of such Act (42 U.S.C. 629h(b)(1))”.

1 **SEC. 105. DATA STANDARDIZATION FOR IMPROVED DATA**
2 **MATCHING.**

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

6 **“Subpart 3—Common Provisions**

7 **“SEC. 440. DATA STANDARDIZATION FOR IMPROVED DATA**
8 **MATCHING.**

9 “(a) STANDARD DATA ELEMENTS.—

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

16 “(2) DATA ELEMENTS MUST BE NONPROPRI-
17 ETARY AND INTEROPERABLE.—The standard data
18 elements designated under paragraph (1) shall, to
19 the extent practicable, be nonproprietary and inter-
20 operable.

21 “(3) OTHER REQUIREMENTS.—In designating
22 standard data elements under this subsection, the
23 Secretary shall, to the extent practicable, incor-
24 porate—

25 “(A) interoperable standards developed
26 and maintained by an international voluntary

1 consensus standards body, as defined by the Of-
2 fice of Management and Budget, such as the
3 International Organization for Standardization;

4 “(B) interoperable standards developed
5 and maintained by intergovernmental partner-
6 ships, such as the National Information Ex-
7 change Model; and

8 “(C) interoperable standards developed
9 and maintained by Federal entities with author-
10 ity over contracting and financial assistance,
11 such as the Federal Acquisition Regulatory
12 Council.

13 “(b) DATA STANDARDS FOR REPORTING.—

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

20 “(2) REQUIREMENTS.—The data reporting
21 standards required by paragraph (1) shall, to the ex-
22 tent practicable—

23 “(A) incorporate a widely accepted, non-
24 proprietary, searchable, computer-readable for-
25 mat;

1 (1) by striking “and” at the end of subpara-
2 graph (G);

3 (2) by striking the period at the end of sub-
4 paragraph (H) and inserting “; and”; and

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

6 “(I) each child in foster care under the re-
7 sponsibility of the State who has attained 16
8 years of age receives without cost a copy of any
9 consumer report (as defined in section 603(d)
10 of the Fair Credit Reporting Act) pertaining to
11 the child each year until the child is discharged
12 from care, and receives assistance (including,
13 when feasible, from any court-appointed advo-
14 cate for the child) in interpreting and resolving
15 any inaccuracies in the report.”.

16 (c) DESCRIPTION OF ADOPTION SPENDING.—Section
17 473(a)(8) of such Act (42 U.S.C. 673(a)(8)) is amended
18 by inserting “, and shall document how such amounts are
19 spent, including on post-adoption services” before the pe-
20 riod.

21 (d) INCLUSION IN ANNUAL REPORT OF ADDITIONAL
22 INFORMATION ON CHILD VISITATION BY CASE-
23 WORKERS.—Section 479A(6) of such Act (42 U.S.C.
24 679b(6)) is amended—

1 (1) by striking “and” at the end of subpara-
2 graph (A); and

3 (2) by redesignating subparagraph (B) as sub-
4 paragraph (C) and inserting after subparagraph (A)
5 the following:

6 “(B) the total number of visits made by
7 caseworkers on a monthly basis to children in
8 foster care under the responsibility of the State
9 during a fiscal year as a percentage of the total
10 number of the visits that would occur during
11 the fiscal year if each child were so visited once
12 every month while in such care; and”.

13 **SEC. 107. EFFECTIVE DATE.**

14 (a) IN GENERAL.—Except as otherwise provided in
15 this title, this title and the amendments made by this title
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 title,
 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.

11 **TITLE II—CHILD WELFARE**
 12 **DEMONSTRATION PROJECTS**

13 **SEC. 201. RENEWAL OF AUTHORITY TO APPROVE DEM-**
 14 **ONSTRATION PROJECTS DESIGNED TO TEST**
 15 **INNOVATIVE STRATEGIES IN STATE CHILD**
 16 **WELFARE PROGRAMS.**

17 Section 1130 of the Social Security Act (42 U.S.C.
 18 1320a–9) is amended—

19 (1) in subsection (a)—

20 (A) by amending paragraph (2) to read as
 21 follows:

22 “(2) **LIMITATION.**—During fiscal years 2012
 23 through 2014, the Secretary may authorize dem-
 24 onstration projects described in paragraph (1), with

1 not more than 10 demonstration projects to be au-
2 thorized in each fiscal year.”.

3 (B) by striking paragraph (3) and insert-
4 ing the following:

5 “(3) CONDITIONS FOR STATE ELIGIBILITY.—
6 For purposes of a new demonstration project under
7 this section that is initially approved in any of fiscal
8 years 2012 through 2014, a State shall be author-
9 ized to conduct such demonstration project only if
10 the State satisfies the following conditions:

11 “(A) IDENTIFY 1 OR MORE GOALS.—

12 “(i) IN GENERAL.—The State shall
13 demonstrate that the demonstration
14 project is designed to accomplish 1 or more
15 of the following goals:

16 “(I) Increase permanency for all
17 infants, children, and youth by reduc-
18 ing the time in foster placements
19 when possible and promoting a suc-
20 cessful transition to adulthood for
21 older youth.

22 “(II) Increase positive outcomes
23 for infants, children, youth, and fami-
24 lies in their homes and communities,
25 including tribal communities, and im-

1 prove the safety and well-being of in-
2 fants, children, and youth.

3 “(III) Prevent child abuse and
4 neglect and the re-entry of infants,
5 children, and youth into foster care.

6 “(ii) LONG-TERM THERAPEUTIC FAM-
7 ILY TREATMENT CENTERS; ADDRESSING
8 DOMESTIC VIOLENCE.—With respect to a
9 demonstration project that is designed to
10 accomplish 1 or more of the goals de-
11 scribed in clause (i), the State may elect to
12 establish a program—

13 “(I) to permit foster care mainte-
14 nance payments to be made under
15 part E of title IV to a long-term
16 therapeutic family treatment center
17 (as described in paragraph (8)(B)) on
18 behalf of a child residing in the cen-
19 ter; or

20 “(II) to identify and address do-
21 mestic violence that endangers chil-
22 dren and results in the placement of
23 children in foster care.

24 “(B) DEMONSTRATE READINESS.—The
25 State shall demonstrate through a narrative de-

1 description the State’s capacity to effectively use
2 the authority to conduct a demonstration
3 project under this section by identifying
4 changes the State has made or plans to make
5 in policies, procedures, or other elements of the
6 State’s child welfare program that will enable
7 the State to successfully achieve the goal or
8 goals of the project.

9 “(C) DEMONSTRATE IMPLEMENTED OR
10 PLANNED CHILD WELFARE PROGRAM IMPROVE-
11 MENT POLICIES.—

12 “(i) IN GENERAL.—The State shall
13 demonstrate that the State has imple-
14 mented, or plans to implement within 3
15 years of the date on which the State sub-
16 mits its application to conduct the dem-
17 onstration project or 2 years after the date
18 on which the Secretary approves such dem-
19 onstration project (whichever is later), at
20 least 2 of the child welfare program im-
21 provement policies described in paragraph
22 (7).

23 “(ii) PREVIOUS IMPLEMENTATION.—
24 For purposes of the requirement described
25 in clause (i), at least 1 of the child welfare

1 program improvement policies to be imple-
2 mented by the State shall be a policy that
3 the State has not previously implemented
4 as of the date on which the State submits
5 an application to conduct the demonstra-
6 tion project.

7 “(iii) IMPLEMENTATION REVIEW.—

8 The Secretary may terminate the authority
9 of a State to conduct a demonstration
10 project under this section if, after the 3-
11 year period following approval of the dem-
12 onstration project, the State has not made
13 significant progress in implementing the
14 child welfare program improvement policies
15 proposed by the State under clause (i).”;

16 (C) in paragraph (5), by inserting “and
17 the ability of the State to implement a correc-
18 tive action plan approved under section 1123A”
19 before the period; and

20 (D) by adding at the end the following:

21 “(6) INAPPLICABILITY OF RANDOM ASSIGN-
22 MENT FOR CONTROL GROUPS AS A FACTOR FOR AP-
23 PROVAL OF DEMONSTRATION PROJECTS.—For pur-
24 poses of evaluating an application to conduct a dem-
25 onstration project under this section, the Secretary

1 shall not take into consideration whether such
2 project requires random assignment of children and
3 families to groups served under the project and to
4 control groups.

5 “(7) CHILD WELFARE PROGRAM IMPROVEMENT
6 POLICIES.—For purposes of paragraph (3)(C), the
7 child welfare program improvement policies de-
8 scribed in this paragraph are the following:

9 “(A) The establishment of a bill of rights
10 for infants, children, and youth in foster care
11 that is widely shared and clearly outlines pro-
12 tections for infants, children, and youth, such
13 as assuring frequent visits with parents, sib-
14 lings, and caseworkers, access to attorneys, and
15 participation in age-appropriate extracurricular
16 activities, and procedures for ensuring the pro-
17 tections are provided.

18 “(B) The development and implementation
19 of a plan for meeting the health and mental
20 health needs of infants, children, and youth in
21 foster care that includes ensuring that the pro-
22 vision of health and mental health care is child-
23 specific, comprehensive, appropriate, and con-
24 sistent (through means such as ensuring the in-
25 fant, child, or youth has a medical home, reg-

1 ular wellness medical visits, and addressing the
2 issue of trauma, when appropriate).

3 “(C) The inclusion in the State plan under
4 section 471 of an amendment implementing the
5 option under subsection (a)(28) of that section
6 to enter into kinship guardianship assistance
7 agreements.

8 “(D) The election under the State plan
9 under section 471 to define a ‘child’ for pur-
10 poses of the provision of foster care mainte-
11 nance payments, adoption assistance payments,
12 and kinship guardianship assistance payments,
13 so as to include individuals described in each of
14 subclauses (I), (II), and (III) of section
15 475(8)(B)(i) who have not attained age 21.

16 “(E) The development and implementation
17 of a plan that ensures congregate care is used
18 appropriately and reduces the placement of chil-
19 dren and youth in such care.

20 “(F) Of those infants, children, and youth
21 in out-of-home placements, substantially in-
22 creasing the number of cases of siblings who
23 are in the same foster care, kinship guardian-
24 ship, or adoptive placement, above the number
25 of such cases in fiscal year 2008.

1 “(G) The development and implementation
2 of a plan to improve the recruitment and reten-
3 tion of high quality foster family homes trained
4 to help assist infants, children, and youth swift-
5 ly secure permanent families. Supports for fos-
6 ter families under such a plan may include in-
7 creasing maintenance payments to more ade-
8 quately meet the needs of infants, children, and
9 youth in foster care and expanding training,
10 respite care, and other support services for fos-
11 ter parents.

12 “(H) The establishment of procedures de-
13 signed to assist youth as they prepare for their
14 transition out of foster care, such as arranging
15 for participation in age-appropriate extra-cur-
16 ricular activities, providing appropriate access
17 to cell phones, computers, and opportunities to
18 obtain a driver’s license, providing notification
19 of all sibling placements if siblings are in care
20 and sibling location if siblings are out of care,
21 and providing counseling and financial support
22 for post-secondary education.

23 “(I) The inclusion in the State plan under
24 section 471 of a description of State procedures
25 for—

1 “(i) ensuring that youth in foster care
2 who have attained age 16 are engaged in
3 discussions, including during the develop-
4 ment of the transition plans required
5 under paragraphs (1)(D) and (5)(H) of
6 section 475, that explore whether the
7 youth wishes to reconnect with the youth’s
8 biological family, including parents, grand-
9 parents, and siblings, and, if so, what skills
10 and strategies the youth will need to suc-
11 cessfully and safely reconnect with those
12 family members;

13 “(ii) providing appropriate guidance
14 and services to youth whom affirm an in-
15 tent to reconnect with biological family
16 members on how to successfully and safely
17 manage such reconnections; and

18 “(iii) making, when appropriate, ef-
19 forts to include biological family members
20 in such reconnection efforts.

21 “(J) The establishment of one or more of
22 the following programs designed to prevent in-
23 fants, children, and youth from entering foster
24 care or to provide permanency for infants, chil-
25 dren, and youth in foster care:

1 “(i) An intensive family finding pro-
2 gram.

3 “(ii) A kinship navigator program.

4 “(iii) A family counseling program,
5 such as a family group decision-making
6 program, and which may include in-home
7 peer support for families.

8 “(iv) A comprehensive family-based
9 substance abuse treatment program.

10 “(v) A program under which special
11 efforts are made to identify and address
12 domestic violence that endangers infants,
13 children, and youth and puts them at risk
14 of entering foster care.

15 “(vi) A mentoring program.

16 “(8) DEFINITIONS.—In this subsection—

17 “(A) the term ‘youth’ means, with respect
18 to a State, an individual who has attained age
19 12 but has not attained the age at which an in-
20 dividual is no longer considered to be a child
21 under the State plans under parts B and E of
22 title IV, and

23 “(B) the term ‘long-term therapeutic fam-
24 ily treatment center’ means a State licensed or
25 certified program that enables parents and their

1 children to live together in a safe environment
2 for a period of not less than 6 months and pro-
3 vides, on-site or by referral, substance abuse
4 treatment services, children’s early intervention
5 services, family counseling, legal services, med-
6 ical care, mental health services, nursery and
7 preschool, parenting skills training, pediatric
8 care, prenatal care, sexual abuse therapy, re-
9 lapse prevention, transportation, and job or vo-
10 cational training or classes leading to a sec-
11 ondary school diploma or a certificate of general
12 equivalence.”;

13 (2) by striking subsection (d) and inserting the
14 following:

15 “(d) DURATION OF DEMONSTRATION.—

16 “(1) IN GENERAL.—Subject to paragraph (2), a
17 demonstration project under this section may be
18 conducted for not more than 5 years, unless in the
19 judgment of the Secretary, the demonstration
20 project should be allowed to continue.

21 “(2) TERMINATION OF AUTHORITY.—In no
22 event shall a demonstration project under this sec-
23 tion be conducted after September 30, 2019.”;

24 (3) in subsection (e)—

1 (A) in paragraph (1), by striking “(which
2 shall provide,” and all that follows up to the
3 semicolon;

4 (B) by striking “and” at the end of para-
5 graph (6);

6 (C) by redesignating paragraph (7) as
7 paragraph (8); and

8 (D) by inserting after paragraph (6) the
9 following:

10 “(7) an accounting of any additional Federal,
11 State, and local investments made, as well as any
12 private investments made in coordination with the
13 State, during the 2 fiscal years preceding the appli-
14 cation to provide the services described in paragraph
15 (1), and an assurance that the State will provide an
16 accounting of that same spending for each year of
17 an approved demonstration project; and”;

18 (4) by redesignating subsection (g) as sub-
19 section (h);

20 (5) by striking subsection (f) and inserting the
21 following:

22 “(f) EVALUATIONS.—Each State authorized to con-
23 duct a demonstration project under this section shall ob-
24 tain an evaluation by an independent contractor of the ef-

1 fectiveness of the project, using an evaluation design ap-
2 proved by the Secretary which provides for—

3 “(1) comparison of methods of service delivery
4 under the project, and such methods under a State
5 plan or plans, with respect to efficiency, economy,
6 and any other appropriate measures of program
7 management;

8 “(2) comparison of outcomes for children and
9 families (and groups of children and families) under
10 the project, and such outcomes under a State plan
11 or plans, for purposes of assessing the effectiveness
12 of the project in achieving program goals; and

13 “(3) any other information that the Secretary
14 may require.

15 “(g) REPORTS.—

16 “(1) STATE REPORTS; PUBLIC AVAILABILITY.—
17 Each State authorized to conduct a demonstration
18 project under this section shall—

19 “(A) submit periodic reports to the Sec-
20 retary on the specific programs, activities, and
21 strategies used to improve outcomes for infants,
22 children, youth, and families and the results
23 achieved for infants, children, and youth during
24 the conduct of the demonstration project, in-
25 cluding with respect to those infants, children,

1 and youth who are prevented from entering fos-
 2 ter care, infants, children, and youth in foster
 3 care, and infants, children, and youth who move
 4 from foster care to permanent families; and

5 “(B) post a copy of each such report on
 6 the Web site for the State child welfare pro-
 7 gram concurrent with the submission of the re-
 8 port to the Secretary.

9 “(2) REPORTS TO CONGRESS.—The Secretary
 10 shall submit to the Committee on Ways and Means
 11 of the House of Representatives and the Committee
 12 on Finance of the Senate—

13 “(A) periodic reports based on the State
 14 reports submitted under paragraph (1); and

15 “(B) a report based on the results of the
 16 State evaluations required under subsection (f)
 17 that includes an analysis of the results of such
 18 evaluations and such recommendations for ad-
 19 ministrative or legislative changes as the Sec-
 20 retary determines appropriate.”; and

21 (6) by adding at the end the following:

22 “(i) INDIAN TRIBES OPERATING IV–E PROGRAMS
 23 CONSIDERED STATES.—An Indian tribe, tribal organiza-
 24 tion, or tribal consortium that has elected to operate a
 25 program under part E of title IV in accordance with sec-

1 tion 479B shall be considered a State for purposes of this
2 section.”.

3 **TITLE III—BUDGET PROVISIONS**

4 **SEC. 301. BUDGETARY EFFECTS.**

5 The budgetary effects of this Act, for the purpose of
6 complying with the Statutory Pay-As-You-Go Act of 2010,
7 shall be determined by reference to the latest statement
8 titled “Budgetary Effects of PAYGO Legislation” for this
9 Act, submitted for printing in the Congressional Record
10 by the Chairman of the Senate Budget Committee, pro-
11 vided that such statement has been submitted prior to the
12 vote on passage.

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