

117TH CONGRESS
1ST SESSION

S. 1540

To amend the Child Abuse Prevention and Treatment Act to provide for better protections for children raised in kinship families outside of the foster care system.

IN THE SENATE OF THE UNITED STATES

MAY 10, 2021

Ms. HASSAN (for herself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Child Abuse Prevention and Treatment Act to provide for better protections for children raised in kinship families outside of the foster care 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 “Help Grandfamilies
5 Prevent Child Abuse Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

8 (1) Nearly 2,700,000 children are being raised
9 in kinship families, or “grandfamilies”, by relatives

1 or close family friends without their parents in the
 2 home, and the vast majority of such children are
 3 raised outside of the foster care system.

4 (2) The majority of kinship caregivers are
 5 grandparents.

6 (3) For every child in foster care living with rel-
 7 atives, there are 19 being raised by relatives outside
 8 of the foster care system.

9 (4) More than one-third of all children placed
 10 in foster care because of parental drug or alcohol
 11 use are placed with relatives.

12 (5) Children who have been exposed to sub-
 13 stance misuse in the home may also experience
 14 abuse and neglect, and research indicates that chil-
 15 dren in family foster care because of substance use
 16 are more likely to be placed with relatives than with
 17 nonrelatives.

18 **SEC. 3. AMENDMENTS TO CAPTA.**

19 (a) ADVISORY BOARD ON CHILD ABUSE AND NE-
 20 GLECT.—Section 102(c) of the Child Abuse Prevention
 21 and Treatment Act (42 U.S.C. 5102(c)) is amended—

22 (1) in paragraph (13), by striking “; and” and
 23 inserting a semicolon;

24 (2) in paragraph (14), by striking the period
 25 and inserting a semicolon; and

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

2 “(15) organizations providing services to kin-
3 ship families; and

4 “(16) birth parents, kinship caregivers, and fos-
5 ter care alumni.”.

6 (b) NATIONAL CLEARINGHOUSE FOR INFORMATION
7 RELATING TO CHILD ABUSE.—Section 103(b) of the
8 Child Abuse Prevention and Treatment Act (42 U.S.C.
9 5104(b)) is amended—

10 (1) in paragraph (8)(B), by striking “; and”
11 and inserting a semicolon;

12 (2) in paragraph (9), by striking the period and
13 inserting “; and”; and

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

15 “(10) coordinate with the National Technical
16 Assistance Center on Grandfamilies and Kinship
17 Families to disseminate information about evidence-
18 based, evidence-informed, and exemplary practices
19 used to support children being raised in kinship fam-
20 ilies within, or outside of, the child welfare system.”.

21 (c) GRANTS TO STATES, INDIAN TRIBES OR TRIBAL
22 ORGANIZATIONS, AND PUBLIC OR PRIVATE AGENCIES
23 AND ORGANIZATIONS.—Section 105(a)(4) of the Child
24 Abuse Prevention and Treatment Act (42 U.S.C.
25 5106(a)(4)) is amended by adding at the end the fol-

1 lowing: “Such procedures used by recipients of a grant
 2 pursuant to this paragraph shall reflect equity for children
 3 placed with kin, recognize their unique circumstances, and
 4 include plans for prioritizing placement with kin as the
 5 first placement, identifying and engaging kin as supports
 6 for children throughout the child’s involvement with the
 7 child welfare system, making it a priority to license kin
 8 as foster parents, supporting permanent families for chil-
 9 dren placed with kin, and creating a strong community
 10 network to support kin families.”.

11 (d) GRANTS TO STATES FOR CHILD ABUSE OR NE-
 12 GLECT PREVENTION AND TREATMENT PROGRAMS.—Sec-
 13 tion 106 of the Child Abuse Prevention and Treatment
 14 Act (42 U.S.C. 5106a)—

15 (1) in subsection (b)(2)—

16 (A) in subparagraph (B)(iv), by inserting
 17 “, and for how kinship placements will be
 18 prioritized” before the semicolon; and

19 (B) in subparagraph (D)(v), by inserting
 20 “kinship navigators,” after “substance abuse
 21 treatment agencies,”; and

22 (2) in subsection (d)(3)—

23 (A) by redesignating subparagraphs (B)
 24 and (C) as subparagraphs (C) and (D), respec-
 25 tively;

1 (B) by inserting after subparagraph (A)
 2 the following:

3 “(B) the number that did not receive serv-
 4 ices during the year under the State program
 5 funded under this section or an equivalent State
 6 program because the child was diverted from
 7 the child welfare system to live with kin outside
 8 of the foster care system;”; and

9 (C) in subparagraph (D), as so redesign-
 10 nated, by striking “families” and inserting
 11 “parents”.

12 (e) COMMUNITY-BASED GRANTS FOR THE PREVEN-
 13 TION OF CHILD ABUSE AND NEGLECT.—

14 (1) PURPOSE.—Section 201(b)(1) of the Child
 15 Abuse Prevention and Treatment Act (42 U.S.C.
 16 5116(b)(1)) is amended—

17 (A) in subparagraph (G), by striking “;
 18 and” and inserting a semicolon;

19 (B) in subparagraph (H), by adding “and”
 20 after the semicolon; and

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

22 “(I) support the unique needs of kinship
 23 families raising children inside or outside the
 24 foster care system;”.

(2) LOCAL PROGRAM REQUIREMENTS.—Section 205(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(A) in paragraph (2), by striking “and to parents who are adult former victims of domestic violence or child abuse or neglect” and inserting “to parents who are adult former victims of domestic violence or child abuse or neglect, and to families where children are being raised by kin because their parents cannot raise them”;

(B) in paragraph (3)(B)—

(i) in clause (viii), by striking “and”;

(ii) in clause (ix), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

“(x) training to meet the specific needs of kinship caregivers, including training on caring for children with behavioral or mental health challenges and how to access services for which such caregivers may be eligible; and

“(xi) training on understanding substance use disorders and the impact of trauma on children.”; and

- 1 (C) in paragraph (4), by inserting “, kin-
- 2 ship caregivers, and foster care alumni” after
- 3 “parents”.

