

117TH CONGRESS
1ST SESSION

S. 2167

To establish a national, research-based, and comprehensive home study assessment process for the evaluation of prospective foster parents and adoptive parents and provide funding to States and Indian tribes to adopt such process.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2021

Mrs. GILLIBRAND (for herself and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish a national, research-based, and comprehensive home study assessment process for the evaluation of prospective foster parents and adoptive parents and provide funding to States and Indian tribes to adopt such process.

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 “National Adoption and
5 Foster Care Home Study Act”.

1 **SEC. 2. DEMONSTRATION PROGRAM FOR THE IMPLEMEN-**
 2 **TATION OF A NATIONAL HOME STUDY PROC-**
 3 **ESS.**

4 Title II of the Child Abuse Prevention and Treatment
 5 Act and Adoption Reform Act of 1978 (42 U.S.C. 5111
 6 et seq.) is amended—

7 (1) in section 203(b) (42 U.S.C. 5113(b))—

8 (A) in paragraph (3)(A), by striking “(in-
 9 cluding” and inserting “(including the national
 10 database established under section 203A(c) but
 11 containing”;

12 (B) in paragraph (10)(B), by striking “;
 13 and” and inserting “;”;

14 (C) in paragraph (11)(C), by striking the
 15 period and inserting “; and”; and

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

17 “(12) establish a demonstration program, not
 18 later than 1 year after the date of enactment of the
 19 National Adoption and Foster Care Home Study
 20 Act, through which each participating State or In-
 21 dian tribe—

22 “(A) adopts the uniform, research-based
 23 home study methodology for the evaluation of
 24 prospective foster parents and adoptive parents
 25 developed by the Secretary under section
 26 203A(a); and

1 “(B) provides data gathered through oper-
 2 ation of the program to the Secretary, as the
 3 Secretary may require for purposes of the na-
 4 tional database under section 203A(c).”; and
 5 (2) by inserting after section 203 (42 U.S.C.
 6 5113) the following:

7 **“SEC. 203A. NATIONAL HOME STUDY DEMONSTRATION PRO-**
 8 **GRAMS; NATIONAL DATABASE.**

9 “(a) PROGRAM METHODOLOGY.—Each demonstra-
 10 tion program established by a State or Indian tribe in ac-
 11 cordance with section 203(b)(12) shall use a uniform, re-
 12 search-based home study methodology for the evaluation
 13 of prospective foster parents and adoptive parents (devel-
 14 oped by the Secretary after consultation with stakeholders
 15 and professionals in the field of child welfare) that shall—

16 “(1) incorporate—

17 “(A) information gathering tools, includ-
 18 ing—

19 “(i) an initial written questionnaire
 20 that is a uniform set of closed-ended ques-
 21 tions with a variety of possible answers
 22 that provides significant family informa-
 23 tion;

24 “(ii) a secondary in-person question-
 25 naire that is administered in a private set-

ting in the home, and, if applicable, with both applicants present together; and

“(iii) guidelines that describe standardized questions that an individual serving as a reference for the applicant uses in writing a reference letter, to be sent directly to such individual and not shared with the applicant, and which is consistent with the questionnaires described in clauses (i) and (ii);

“(B) a written guidance document to assist home study practitioners in performing a psychosocial evaluation of the applicant that—

“(i) provides instructions on how to systematically analyze information learned from the information gathering tools described in subparagraph (A) in order to identify specific strengths and concerns of the applicant;

“(ii) provides sufficient information for the home study practitioner to determine the significance of behaviors and events in the applicant’s life in relation to being a successful foster care or adoption provider; and

1 “(iii) includes a rating system that
2 will be incorporated into the home study
3 report described in subparagraph (C); and

4 “(C) a model home study report that may,
5 at the discretion of the Secretary, be cus-
6 tomized by a State or Indian tribe as necessary
7 to comply with State or tribal and local regula-
8 tions and requirements;

9 “(2) ensure ongoing training of home study cer-
10 tified personnel; and

11 “(3) designate a home study auditor to ensure
12 quality control and accuracy of information provided
13 to placing agencies.

14 “(b) GRANTS.—The Secretary shall make grants to
15 States and Indian tribes to enable and encourage the
16 States and Indian tribes to establish demonstration pro-
17 grams in accordance with section 203(b)(12).

18 “(c) NATIONAL DATABASE.—The Secretary shall es-
19 tablish a secure national database of home study reports
20 filed by home study practitioners using the home study
21 methodology described in subsection (a). Such database
22 shall be accessible only to State and tribal foster care and
23 adoption agencies, or a designated entity, as determined
24 by the lead agency in the State, to assist with the selection
25 of prospective foster parents and adoptive parents.

1 “(d) CONDITION ON PARTICIPATION IN DEMONSTRA-
 2 TION PROJECT.—As a condition for participating in the
 3 demonstration program under section 203(b)(12), a State
 4 or Indian tribe shall agree to recognize as valid all home
 5 study reports listed in the database described in subsection
 6 (c), including such reports filed by other States or Indian
 7 tribes.

8 “(e) EVALUATION.—The Secretary shall enter into a
 9 contract with an independent entity to—

10 “(1) carry out a periodic evaluation of the home
 11 study methodology established under subsection (a)
 12 and the demonstration programs established in ac-
 13 cordance with section 203(b)(12); and

14 “(2) submit to the Secretary a report that in-
 15 cludes—

16 “(A) a description of the extent to which
 17 such methodology—

18 “(i) meets the requirements of each of
 19 paragraphs (1) through (3) of subsection
 20 (a);

21 “(ii) expedites the screening of care-
 22 givers to promote more family-based care
 23 over institutional care for children;

1 “(iii) provides cost savings to State or
2 Indian tribe foster care and adoption sys-
3 tems;

4 “(iv) reduces the number of children
5 waiting for foster care or adoptive place-
6 ment; and

7 “(v) reduces the number of prospec-
8 tive families waiting for foster care or
9 adoptive placement; and

10 “(B) recommendations for expanding the
11 demonstration program and home study meth-
12 odology to all States and Indian tribes.”; and

13 (3) in section 205(b) (42 U.S.C. 5115(b)), by
14 adding at the end the following: “The Secretary may
15 allocate such sums as the Secretary determines to be
16 appropriate from the funds appropriated under sub-
17 section (a) for activities under sections 203(b)(12)
18 and 203A.”.

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