

104TH CONGRESS
2D SESSION

H. R. 3650

To amend part E of title IV of the Social Security Act to require States to regard adult relatives who meet State child protection standards as the preferred placement option for children, and to provide for demonstration projects to test the feasibility of establishing kinship care as an alternative to foster care for a child who has adult relatives willing to provide safe and appropriate care for the child.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 1996

Mrs. MORELLA (for herself, Mr. KENNEDY of Massachusetts, Mr. WOLF, Ms. NORTON, Mr. SABO, and Mr. JOHNSTON of Florida) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend part E of title IV of the Social Security Act to require States to regard adult relatives who meet State child protection standards as the preferred placement option for children, and to provide for demonstration projects to test the feasibility of establishing kinship care as an alternative to foster care for a child who has adult relatives willing to provide safe and appropriate care for the child.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. ADULT RELATIVES WHO MEET RELEVANT**
2 **STATE CHILD PROTECTION STANDARDS TO**
3 **BE REGARDED AS THE PREFERRED PLACE-**
4 **MENT OPTION FOR CHILDREN.**

5 Section 471(a) of the Social Security Act (42 U.S.C.
6 671(a)) is amended—

7 (1) by striking “and” at the end of paragraph
8 (16);

9 (2) by striking the period at the end of para-
10 graph (17) and inserting “; and”; and

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

12 “(18) provides that, where appropriate and
13 timely, the adult relatives of a child will be involved
14 in determining a safe and appropriate placement for
15 the child, and that placement with such relatives will
16 be the preferred placement option for the child if
17 such relatives meet all child protection standards of
18 the State.”.

19 **SEC. 2. DEMONSTRATION PROJECTS.**

20 Part E of title IV of the Social Security Act (42
21 U.S.C. 670–679) is amended by inserting after section
22 477 the following:

23 **“SEC. 478. KINSHIP CARE DEMONSTRATION PROJECTS.**

24 “(a) PURPOSE.—The purpose of this section is to
25 allow and encourage States to develop effective alter-
26 natives to foster care for children who might be eligible

1 for foster care but who have adult relatives who can pro-
2 vide safe and appropriate care for the child.

3 “(b) DEMONSTRATION AUTHORITY.—The Secretary
4 may authorize any State to conduct a demonstration
5 project designed to determine whether it is feasible to es-
6 tablish kinship care as an alternative to foster care for
7 a child who—

8 “(1) has been removed from home as a result
9 of a judicial determination that continuation in the
10 home would be contrary to the welfare of the child;

11 “(2) would otherwise be placed in foster care;
12 and

13 “(3) has adult relatives willing to provide safe
14 and appropriate care for the child.

15 “(c) KINSHIP CARE DEFINED.—As used in this sec-
16 tion, the term ‘kinship care’ means safe and appropriate
17 care (including long-term care) of a child by 1 or more
18 adult relatives of the child who have legal custody of the
19 child, or physical custody of the child pending transfer to
20 the adult relative of legal custody of the child.

21 “(d) PROJECT REQUIREMENTS.—In any demonstra-
22 tion project authorized to be conducted under this section,
23 the State—

1 “(1) should examine the provision of alternative
2 financial and service supports to families providing
3 kinship care; and

4 “(2) shall establish such procedures as may be
5 necessary to assure the safety of children who are
6 placed in kinship care.

7 “(e) WAIVER AUTHORITY.—The Secretary may waive
8 compliance with any requirement of this part which (if ap-
9 plied) would prevent a State from carrying out a dem-
10 onstration project under this section or prevent the State
11 from effectively achieving the purpose of such a project,
12 except that the Secretary may not waive—

13 “(1) any provision of section 427 (as in effect
14 before April 1, 1996), section 422(b)(9) (as in effect
15 after such date), section 479, or this section; or

16 “(2) any provision of this part, to the extent
17 that the waiver would impair the entitlement of any
18 qualified child or family to benefits under a State
19 plan approved under this part.

20 “(f) PAYMENTS TO STATES; COST NEUTRALITY.—In
21 lieu of any payment under section 473 for expenses in-
22 curred by a State during a quarter with respect to a dem-
23 onstration project authorized to be conducted under this
24 section, the Secretary shall pay to the State an amount
25 equal to the total amount that would be paid to the State

1 for the quarter under this part, in the absence of the
2 project, with respect to the children and families partici-
3 pating in the project.

4 “(g) USE OF FUNDS.—A State may use funds paid
5 under this section for any purpose related to the provision
6 of services and financial support for families participating
7 in a demonstration project under this section.

8 “(h) DURATION OF PROJECT.—A demonstration
9 project under this section may be conducted for not more
10 than 5 years.

11 “(i) APPLICATION.—Any State seeking to conduct a
12 demonstration project under this section shall submit to
13 the Secretary an application, in such form as the Sec-
14 retary may require, which includes—

15 “(1) a description of the proposed project, the
16 geographic area in which the proposed project would
17 be conducted, the children or families who would be
18 served by the proposed project, the procedures to be
19 used to assure the safety of such children, and the
20 services which would be provided by the proposed
21 project (which shall provide, where appropriate, for
22 random assignment of children and families to
23 groups served under the project and to control
24 groups);

1 “(2) a statement of the period during which the
2 proposed project would be conducted, and how, at
3 the termination of the project, the safety and stabil-
4 ity of the children and families who participated in
5 the project will be protected;

6 “(3) a discussion of the benefits that are ex-
7 pected from the proposed project (compared to a
8 continuation of activities under the State plan ap-
9 proved under this part);

10 “(4) an estimate of the savings to the State of
11 the proposed project;

12 “(5) a statement of program requirements for
13 which waivers would be needed to permit the pro-
14 posed project to be conducted;

15 “(6) a description of the proposed evaluation
16 design; and

17 “(7) such additional information as the Sec-
18 retary may require.

19 “(j) STATE EVALUATIONS AND REPORTS.—Each
20 State authorized to conduct a demonstration project under
21 this section shall—

22 “(1) obtain an evaluation by an independent
23 contractor of the effectiveness of the project, using
24 an evaluation design approved by the Secretary
25 which provides for—

1 “(A) comparison of outcomes for children
2 and families (and groups of children and fami-
3 lies) under the project, and such outcomes
4 under the State plan approved under this part,
5 for purposes of assessing the effectiveness of
6 the project in achieving program goals; and

7 “(B) any other information that the Sec-
8 retary may require;

9 “(2) obtain an evaluation by an independent
10 contractor of the effectiveness of the State in assur-
11 ing the safety of the children participating in the
12 project; and

13 “(3) provide interim and final evaluation re-
14 ports to the Secretary, at such times and in such
15 manner as the Secretary may require.

16 “(k) REPORT TO THE CONGRESS.—Not later than 4
17 years after the date of the enactment of this section, the
18 Secretary shall submit to the Congress a report that con-
19 tains the recommendations of the Secretary for changes
20 in law with respect to kinship care and placements.”.

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