

In the Senate of the United States,

November 8, 1997.

Resolved, That the bill from the House of Representatives (H.R. 867) entitled “An Act to promote the adoption of children in foster care.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Pro-*
3 *motion of Adoption, Safety, and Support for Abused and*
4 *Neglected Children (PASS) Act”.*

5 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
6 *Act is as follows:*

Sec. 1. Short title; table of contents.

***TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS FOR
FOSTER CARE AND ADOPTION PLACEMENTS***

Sec. 101. Clarification of the reasonable efforts requirement.

Sec. 102. Including safety in case plan and case review system requirements.

Sec. 103. Multidisciplinary/multiagency child death review teams.

*Sec. 104. States required to initiate or join proceedings to terminate parental
rights for certain children in foster care.*

Sec. 105. Notice of reviews and hearings; opportunity to be heard.

Sec. 106. Use of the Federal Parent Locator Service for child welfare services.

Sec. 107. Criminal records checks for prospective foster and adoptive parents and group care staff.

Sec. 108. Documentation of efforts for adoption or location of a permanent home.

TITLE II—INCENTIVES FOR PROVIDING PERMANENT FAMILIES FOR CHILDREN

Sec. 201. Adoption incentive payments.

Sec. 202. Adoptions across State and county jurisdictions.

Sec. 203. State performance in protecting children.

TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS

Sec. 301. Expansion of child welfare demonstration projects.

Sec. 302. Permanency planning hearings.

Sec. 303. Kinship care.

Sec. 304. Clarification of eligible population for independent living services.

Sec. 305. Reauthorization and expansion of family preservation and support services.

Sec. 306. Health insurance coverage for children with special needs.

Sec. 307. Continuation of eligibility for adoption assistance payments on behalf of children with special needs whose initial adoption has been disrupted.

Sec. 308. State standards to ensure quality services for children in foster care.

TITLE IV—MISCELLANEOUS

Sec. 401. Preservation of reasonable parenting.

Sec. 402. Reporting requirements.

Sec. 403. Sense of Congress regarding standby guardianship.

1 **TITLE I—REASONABLE EFFORTS**
 2 **AND SAFETY REQUIREMENTS**
 3 **FOR FOSTER CARE AND ADOPT-**
 4 **ION PLACEMENTS**

5 **SEC. 101. CLARIFICATION OF THE REASONABLE EFFORTS**
 6 **REQUIREMENT.**

7 (a) *IN GENERAL.*—Section 471(a)(15) of the Social Se-
 8 curity Act (42 U.S.C. 671(a)(15)) is amended to read as
 9 follows:

10 “(15) provides that—

1 “(A) in determining reasonable efforts, as
2 described in this section, the child’s health and
3 safety shall be the paramount concern;

4 “(B) reasonable efforts shall be made to pre-
5 serve and reunify families—

6 “(i) prior to the placement of a child
7 in foster care, to prevent or eliminate the
8 need for removing the child from the child’s
9 home when the child can be cared for at
10 home without endangering the child’s health
11 or safety; or

12 “(ii) to make it possible for the child
13 to safely return to the child’s home;

14 “(C) reasonable efforts shall not be required
15 on behalf of any parent—

16 “(i) if a court of competent jurisdiction
17 has made a determination that the parent
18 has—

19 “(I) committed murder (which
20 would have been an offense under sec-
21 tion 1111(a) of title 18, United States
22 Code, if the offense had occurred in the
23 special maritime or territorial juris-
24 diction of the United States) of another
25 child of the parent;

1 “(II) committed voluntary man-
2 slaughter (which would have been an
3 offense under section 1112(a) of title
4 18, United States Code, if the offense
5 had occurred in the special maritime
6 or territorial jurisdiction of the United
7 States) of another child of the parent;

8 “(III) aided or abetted, attempted,
9 conspired, or solicited to commit such
10 murder or voluntary manslaughter; or

11 “(IV) committed a felony assault
12 that results in serious bodily injury to
13 the child or another child of the parent;

14 “(ii) if a court of competent jurisdic-
15 tion determines that returning the child to
16 the home of the parent would pose a serious
17 risk to the child’s health or safety (including
18 but not limited to cases of abandonment,
19 torture, chronic physical abuse, sexual
20 abuse, or a previous involuntary termi-
21 nation of parental rights with respect to a
22 sibling of the child); or

23 “(iii) if the State, through legislation,
24 has specified cases in which the State is not
25 required to make reasonable efforts because

1 *of serious circumstances that endanger a*
2 *child’s health or safety;*

3 “(D) *if reasonable efforts of the type de-*
4 *scribed in subparagraph (B) are not made as a*
5 *result of a determination made by a court of*
6 *competent jurisdiction in accordance with sub-*
7 *paragraph (C)—*

8 “(i) *a permanency planning hearing*
9 *(as described in section 475(5)(C)) shall be*
10 *held for the child within 30 days of such de-*
11 *termination; and*

12 “(ii) *reasonable efforts shall be made to*
13 *place the child in a timely manner in ac-*
14 *cordance with the permanency plan, and to*
15 *complete whatever steps are necessary to fi-*
16 *nalize the permanent placement of the child;*
17 *and*

18 “(E) *reasonable efforts to place a child for*
19 *adoption or with a legal guardian or custodian*
20 *may be made concurrently with reasonable ef-*
21 *forts of the type described in subparagraph*
22 *(B);”.*

23 (b) *CONFORMING AMENDMENT.—Section 472(a)(1) of*
24 *such Act (42 U.S.C. 672(a)(1)) is amended by inserting “for*
25 *a child” before “have been made”.*

1 (c) *RULE OF CONSTRUCTION.*—Nothing in part E of
 2 *title IV of the Social Security Act (42 U.S.C. 670 et seq.),*
 3 *as amended by this Act, shall be construed as precluding*
 4 *State courts from exercising their discretion to protect the*
 5 *health and safety of children in individual cases, when such*
 6 *cases do not include aggravated circumstances, as defined*
 7 *by State law.*

8 **SEC. 102. INCLUDING SAFETY IN CASE PLAN AND CASE RE-**
 9 **VIEW SYSTEM REQUIREMENTS.**

10 *Title IV of the Social Security Act (42 U.S.C. 601 et*
 11 *seq.) is amended—*

12 (1) *in section 422(b)(10)(B) (as redesignated by*
 13 *section 5592(a)(1)(A)(iii) of the Balanced Budget Act*
 14 *of 1997 (Public Law 105–33; 111 Stat. 644))—*

15 (A) *in clause (iii)(I), by inserting “safe*
 16 *and” after “where”; and*

17 (B) *in clause (iv), by inserting “safely”*
 18 *after “remain”; and*

19 (2) *in section 475—*

20 (A) *in paragraph (1)—*

21 (i) *in subparagraph (A), by inserting*
 22 *“safety and” after “discussion of the”; and*

23 (ii) *in subparagraph (B)—*

24 (I) *by inserting “safe and” after*
 25 *“child receives”; and*

1 (II) by inserting “safe” after “re-
2 turn of the child to his own”; and

3 (B) in paragraph (5)—

4 (i) in subparagraph (A), in the matter
5 preceding clause (i), by inserting “a safe
6 setting that is” after “placement in”; and

7 (ii) in subparagraph (B)—

8 (I) by inserting “the safety of the
9 child,” after “determine”; and

10 (II) by inserting “and safely
11 maintained in” after “returned to”.

12 **SEC. 103. MULTIDISCIPLINARY/MULTIAGENCY CHILD**
13 **DEATH REVIEW TEAMS.**

14 (a) *STATE CHILD DEATH REVIEW TEAMS.*—Section
15 *471 of the Social Security Act (42 U.S.C. 671) is amended*
16 *by adding at the end the following:*

17 “(c)(1) *In order to investigate and prevent child death*
18 *from fatal abuse and neglect, not later than 2 years after*
19 *the date of the enactment of this subsection, a State, in*
20 *order to be eligible for payments under this part, shall sub-*
21 *mit to the Secretary a certification that the State has estab-*
22 *lished and is maintaining, in accordance with applicable*
23 *confidentiality laws, a State child death review team, and*
24 *if necessary in order to cover all counties in the State, child*

1 *death review teams on the regional or local level, that shall*
2 *review child deaths, including deaths in which—*

3 “(A) *there is a record of a prior report of child*
4 *abuse or neglect or there is reason to suspect that the*
5 *child death was caused by, or related to, child abuse*
6 *or neglect; or*

7 “(B) *the child who died was a ward of the State*
8 *or was otherwise known to the State or local child*
9 *welfare service agency.*

10 “(2) *A citizen review panel established in accordance*
11 *with section 106(c) of the Child Abuse Prevention and*
12 *Treatment Act (42 U.S.C. 5106a(c)) or a foster care review*
13 *board may be a State, regional, or local child death review*
14 *team for purposes of satisfying the requirements of para-*
15 *graph (1).”.*

16 **(b) FEDERAL CHILD DEATH REVIEW TEAM.**—*Section*
17 *471 of the Social Security Act (42 U.S.C. 671), as amended*
18 *by subsection (a), is amended by adding at the end the fol-*
19 *lowing:*

20 “(d)(1) *The Secretary shall establish a Federal child*
21 *death review team that shall consist of at least the following:*

22 “(A) *Representatives of the following Federal*
23 *agencies who have expertise in the prevention or*
24 *treatment of child abuse and neglect:*

1 “(i) Department of Health and Human
2 Services.

3 “(ii) Department of Justice.

4 “(iii) Bureau of Indian Affairs.

5 “(iv) Department of Defense.

6 “(v) Bureau of the Census.

7 “(B) Representatives of national child-serving
8 organizations who have expertise in the prevention or
9 treatment of child abuse and neglect and that, at a
10 minimum, represent the health, child welfare, social
11 services, and law enforcement fields.

12 “(2) The Federal child death review team established
13 under this subsection shall—

14 “(A) review reports of child deaths on military
15 installations and other Federal lands, and coordinate
16 with Indian tribal organizations in the review of
17 child deaths on Indian reservations;

18 “(B) upon request, provide guidance and tech-
19 nical assistance to States and localities seeking to ini-
20 tiate or improve child death review teams and to pre-
21 vent child fatalities; and

22 “(C) develop recommendations on related policy
23 and procedural issues for Congress, relevant Federal
24 agencies, and States and localities for the purpose of
25 preventing child fatalities.”.

1 **SEC. 104. STATES REQUIRED TO INITIATE OR JOIN PRO-**
2 **CEEDINGS TO TERMINATE PARENTAL RIGHTS**
3 **FOR CERTAIN CHILDREN IN FOSTER CARE.**

4 (a) *REQUIREMENT FOR PROCEEDINGS.*—Section
5 475(5) of the Social Security Act (42 U.S.C. 675(5)) is
6 amended—

7 (1) by striking “and” at the end of subpara-
8 graph (C);

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

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

12 “(E) in the case of a child who has been in
13 foster care under the responsibility of the State
14 for 12 of the most recent 18 months, or, if a
15 court of competent jurisdiction has determined
16 an infant to have been abandoned (as defined
17 under State law), or made a determination that
18 the parent has committed murder of another
19 child of such parent, committed voluntary man-
20 slaughter of another child of such parent, aided
21 or abetted, attempted, conspired, or solicited to
22 commit such murder or voluntary manslaughter,
23 or committed a felony assault that results in se-
24 rious bodily injury to the surviving child or to
25 another child of such parent, the State shall file
26 a petition to terminate the parental rights of the

1 *child’s parents (or, if such a petition has been*
2 *filed by another party, seek to be joined as a*
3 *party to the petition), and, concurrently, to*
4 *identify, recruit, process, and approve a quali-*
5 *fied family for an adoption, unless—*

6 *“(i) at the option of the State, the child*
7 *is being cared for by a relative;*

8 *“(ii) a State agency has documented to*
9 *a State court a compelling reason for deter-*
10 *mining that filing such a petition would*
11 *not be in the best interests of the child; or*

12 *“(iii) the State has not provided to the*
13 *family of the child such services as the State*
14 *deems necessary for the safe return of the*
15 *child to the child’s home.”.*

16 **(b) DETERMINATION OF BEGINNING OF FOSTER**
17 **CARE.—Section 475(5) of the Social Security Act (42**
18 **U.S.C. 675(5)), as amended by subsection (a), is amended—**

19 **(1) by striking “and” at the end of subpara-**
20 **graph (D);**

21 **(2) by striking the period at the end of subpara-**
22 **graph (E) and inserting “; and”; and**

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

24 **“(F) a child shall be considered to have en-**
25 **tered foster care on the earlier of—**

1 “(i) the date of the first judicial hear-
2 ing on removal of the child from the home;
3 or

4 “(ii) that date that is 30 days after the
5 date on which the child is removed from the
6 home.”.

7 (c) *RULE OF CONSTRUCTION.*—Nothing in part E of
8 *title IV of the Social Security Act (42 U.S.C. 670 et seq.),*
9 *as amended by this Act, shall be construed as precluding*
10 *State courts or State agencies from initiating the termi-*
11 *nation of parental rights for reasons other than, or for*
12 *timelines earlier than, those specified in part E of title IV*
13 *of such Act, when such actions are determined to be in the*
14 *best interests of the child, including cases where the child*
15 *has experienced multiple foster care placements of varying*
16 *durations .*

17 (d) *EFFECTIVE DATES.*—

18 (1) *IN GENERAL.*—Except as provided in para-
19 *graphs (2) and (3), the amendments made by this sec-*
20 *tion shall apply to children entering foster care under*
21 *the responsibility of the State after the date of enact-*
22 *ment of this Act.*

23 (2) *TRANSITION RULE FOR CURRENT AND*
24 *FORMER FOSTER CARE CHILDREN.*—Subject to para-
25 *graph (3), the amendments made by subsection (a)*

1 *shall apply to children in foster care under the re-*
2 *responsibility of the State on or before the date of enact-*
3 *ment of this Act as though those children first entered*
4 *foster care on the date of enactment of this Act.*

5 (3) *DELAY PERMITTED IF STATE LEGISLATION*
6 *REQUIRED.—The provisions of section 501(b) shall*
7 *apply to the effective date of the amendments made by*
8 *this section.*

9 **SEC. 105. NOTICE OF REVIEWS AND HEARINGS; OPPOR-**
10 **TUNITY TO BE HEARD.**

11 *Section 475(5) of the Social Security Act (42 U.S.C.*
12 *675(5)), as amended by section 104(b), is amended—*

13 (1) *by striking “and” at the end of subpara-*
14 *graph (E);*

15 (2) *by striking the period at the end of subpara-*
16 *graph (F) and inserting “; and”; and*

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

18 *“(G) the foster parents (if any) of a child*
19 *and any preadoptive parent, relative providing*
20 *care for the child, or any other individual who*
21 *has provided substitute care for the child are*
22 *provided with notice of, and an opportunity to*
23 *be heard in, any review or hearing to be held*
24 *with respect to the child, except that this sub-*
25 *paragraph shall not be construed to require that*

1 *any foster parent, preadoptive parent, relative*
 2 *providing care for the child, or other individual*
 3 *who has provided substitute care for the child be*
 4 *made a party to such a review or hearing solely*
 5 *on the basis of such notice and opportunity to be*
 6 *heard.”.*

7 **SEC. 106. USE OF THE FEDERAL PARENT LOCATOR SERVICE**
 8 **FOR CHILD WELFARE SERVICES.**

9 *Section 453 of the Social Security Act (42 U.S.C. 653),*
 10 *as amended by section 5534(a) of the Balanced Budget Act*
 11 *of 1997, is amended—*

12 (1) *in subsection (a)(2)—*

13 (A) *in the matter preceding subparagraph*
 14 (A), *by inserting “or making or enforcing child*
 15 *custody or visitation orders,” after “obliga-*
 16 *tions,”; and*

17 (B) *in subparagraph (A)—*

18 (i) *by striking “or” at the end of clause*

19 (ii);

20 (ii) *by striking the comma at the end*
 21 *of clause (iii) and inserting “; or”; and*

22 (iii) *by inserting after clause (iii) the*
 23 *following:*

24 “*(iv) who has or may have parental*
 25 *rights with respect to a child,”; and*

1 (2) *in subsection (c)—*

2 (A) *by striking the period at the end of*
3 *paragraph (3) and inserting “; and”; and*

4 (B) *by adding at the end the following:*

5 “(4) *a State agency that is administering a pro-*
6 *gram operated under a State plan under subpart 1*
7 *of part B, or a State plan approved under subpart*
8 *2 of part B or under part E.”.*

9 **SEC. 107. CRIMINAL RECORDS CHECKS FOR PROSPECTIVE**
10 **FOSTER AND ADOPTIVE PARENTS AND**
11 **GROUP CARE STAFF.**

12 (a) *REQUIREMENT FOR CRIMINAL RECORDS*
13 *CHECKS.—Section 471(a) of the Social Security Act (42*
14 *U.S.C. 671(a)), as amended by section 5591(b) of the Bal-*
15 *anced Budget Act of 1997, is amended—*

16 (1) *by striking “and” at the end of paragraph*
17 *(18);*

18 (2) *by striking the period at the end of para-*
19 *graph (19) and inserting “; and”; and*

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

21 “(20) *provides procedures for Federal and State*
22 *criminal records checks for any prospective foster or*
23 *adoptive parent and any other adults residing in the*
24 *household of such parent, and any employee of a resi-*
25 *dential child-care institution before the foster parent*

1 or adoptive parent, or the residential child-care insti-
2 tution may be finally approved for placement of a
3 child on whose behalf foster care maintenance pay-
4 ments or adoption assistance payments are to be
5 made under the State plan under this part, including
6 procedures requiring that in any case in which a
7 record check reveals a criminal conviction of child
8 abuse or neglect, or of spousal abuse, a criminal con-
9 viction for crimes against children (including child
10 pornography), or a criminal conviction for a crime
11 involving violence, including rape, sexual or other
12 physical assault, battery, or homicide, approval shall
13 not be granted, and that, with respect to drug-related
14 offenses, if a State finds that a court of competent ju-
15 risdiction has determined that such an offense has
16 been committed within the past 5 years, approval
17 shall not be granted.”.

18 (b) *CONTINUED APPLICABILITY OF STATE LAWS.*—The
19 amendment made by subsection (a) shall not be construed
20 to supersede any provision of State law that establishes, im-
21 plements, or continues in effect any standard or require-
22 ment relating to criminal records checks and other back-
23 ground checks for prospective foster and adoptive parents,
24 and for employees of a residential child-care institution, ex-
25 cept to the extent that such standard or requirement pre-

1 vents the application of the requirements added by such
2 amendment.

3 **SEC. 108. DOCUMENTATION OF EFFORTS FOR ADOPTION OR**
4 **LOCATION OF A PERMANENT HOME.**

5 *Section 475 of the Social Security Act (42 U.S.C. 675)*
6 *is amended—*

7 *(1) in paragraph (1)—*

8 *(A) in the last sentence—*

9 *(i) by striking “the case plan must also*
10 *include”; and*

11 *(ii) by redesignating such sentence as*
12 *subparagraph (D) and indenting appro-*
13 *priately; and*

14 *(B) by adding at the end, the following:*

15 *“(E) In the case of a child with respect to*
16 *whom the State’s plan is adoption or placement*
17 *in another permanent home, documentation of*
18 *the steps the agency is taking to find an adoptive*
19 *family or other permanent living arrangement*
20 *for the child, to place the child with an adoptive*
21 *family, a fit and willing relative, a legal guard-*
22 *ian, or in another planned permanent living ar-*
23 *rangement, and to finalize the adoption or legal*
24 *guardianship. At a minimum, such documenta-*
25 *tion shall include child specific recruitment ef-*

1 *forts such as the use of State, regional, and na-*
 2 *tional adoption exchanges including electronic*
 3 *exchange systems.”; and*

4 *(2) in paragraph (5)(B), by inserting “(includ-*
 5 *ing the requirement specified in paragraph (1)(E))”*
 6 *after “case plan”.*

7 ***TITLE II—INCENTIVES FOR PRO-***
 8 ***VIDING PERMANENT FAMI-***
 9 ***LIES FOR CHILDREN***

10 ***SEC. 201. ADOPTION INCENTIVE PAYMENTS.***

11 *(a) IN GENERAL.—Part E of title IV of the Social Se-*
 12 *curity Act (42 U.S.C. 670–679) is amended by inserting*
 13 *after section 473 the following:*

14 ***“SEC. 473A. ADOPTION INCENTIVE PAYMENTS.***

15 *“(a) GRANT AUTHORITY.—Subject to the availability*
 16 *of such amounts as may be provided in advance in appro-*
 17 *priations Acts for this purpose, the Secretary may make*
 18 *a grant to each State that is an incentive-eligible State for*
 19 *a fiscal year in an amount equal to the adoption incentive*
 20 *payment payable to the State for the fiscal year under this*
 21 *section, which shall be payable in the immediately succeed-*
 22 *ing fiscal year.*

23 *“(b) INCENTIVE-ELIGIBLE STATE.—A State is an in-*
 24 *centive-eligible State for a fiscal year if—*

1 “(1) the State has a plan approved under this
2 part for the fiscal year;

3 “(2) the number of foster child adoptions in the
4 State during the fiscal year exceeds the base number
5 of foster child adoptions for the State for the fiscal
6 year;

7 “(3) the State is in compliance with subsection
8 (c) for the fiscal year;

9 “(4) the State provides health insurance coverage
10 to any child with special needs for whom there is in
11 effect an adoption assistance agreement between a
12 State and an adoptive parent or parents; and

13 “(5) the fiscal year is any of fiscal years 1998
14 through 2002.

15 “(c) *DATA REQUIREMENTS.*—

16 “(1) *IN GENERAL.*—A State is in compliance
17 with this subsection for a fiscal year if the State has
18 provided to the Secretary the data described in para-
19 graph (2) for fiscal year 1997 (or, if later, the fiscal
20 year that precedes the 1st fiscal year for which the
21 State seeks a grant under this section) and for each
22 succeeding fiscal year.

23 “(2) *DETERMINATION OF NUMBERS OF ADOPT-*
24 *TIONS.*—

1 “(A) *DETERMINATIONS BASED ON AFCARS*
2 *DATA.—Except as provided in subparagraph*
3 *(B), the Secretary shall determine the numbers of*
4 *foster child adoptions and of special needs adop-*
5 *tions in a State during each of fiscal years 1997*
6 *through 2002, for purposes of this section, on the*
7 *basis of data meeting the requirements of the sys-*
8 *tem established pursuant to section 479, as re-*
9 *ported by the State in May of the fiscal year and*
10 *in November of the succeeding fiscal year, and*
11 *approved by the Secretary by April 1 of the suc-*
12 *ceeding fiscal year.*

13 “(B) *ALTERNATIVE DATA SOURCES PER-*
14 *MITTED FOR FISCAL YEAR 1997.—For purposes of*
15 *the determination described in subparagraph (A)*
16 *for fiscal year 1997, the Secretary may use data*
17 *from a source or sources other than that specified*
18 *in subparagraph (A) that the Secretary finds to*
19 *be of equivalent completeness and reliability, as*
20 *reported by a State by November 30, 1997, and*
21 *approved by the Secretary by March 1, 1998.*

22 “(3) *NO WAIVER OF AFCARS REQUIREMENTS.—*
23 *This section shall not be construed to alter or affect*
24 *any requirement of section 479 or any regulation pre-*
25 *scribed under such section with respect to reporting of*

1 *data by States, or to waive any penalty for failure*
2 *to comply with the requirements.*

3 *“(d) ADOPTION INCENTIVE PAYMENT.—*

4 *“(1) IN GENERAL.—Except as provided in para-*
5 *graph (2), the adoption incentive payment payable to*
6 *a State for a fiscal year under this section shall be*
7 *equal to the sum of—*

8 *“(A) \$3,000, multiplied by amount (if any)*
9 *by which the number of foster child adoptions in*
10 *the State during the fiscal year exceeds the base*
11 *number of foster child adoptions for the State for*
12 *the fiscal year; and*

13 *“(B) \$3,000, multiplied by the amount (if*
14 *any) by which the number of special needs adop-*
15 *tions in the State during the fiscal year exceeds*
16 *the base number of special needs adoptions for*
17 *the State for the fiscal year.*

18 *“(2) PRO RATA ADJUSTMENT IF INSUFFICIENT*
19 *FUNDS AVAILABLE.—For any fiscal year, if the total*
20 *amount of adoption incentive payments otherwise*
21 *payable under this section for a fiscal year exceeds the*
22 *amount appropriated for that fiscal year, the amount*
23 *of the adoption incentive payment payable to each*
24 *State under this section for the fiscal year shall be—*

1 “(A) the amount of the adoption incentive
2 payment that would otherwise be payable to the
3 State under this section for the fiscal year; mul-
4 tiplied by

5 “(B) the percentage represented by the
6 amount appropriated for that year, divided by
7 the total amount of adoption incentive payments
8 otherwise payable under this section for the fiscal
9 year.

10 “(e) *2-YEAR AVAILABILITY OF INCENTIVE PAY-*
11 *MENTS.—Payments to a State under this section in a fiscal*
12 *year shall remain available for use by the State through*
13 *the end of the succeeding fiscal year.*

14 “(f) *LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—*
15 *A State shall not expend an amount paid to the State under*
16 *this section except to provide to children or families any*
17 *service (including post-adoption services) that may be pro-*
18 *vided under part B or E. Amounts expended by a State*
19 *in accordance with the preceding sentence shall be dis-*
20 *regarded in determining State expenditures for purposes of*
21 *Federal matching payments under section 474.*

22 “(g) *DEFINITIONS.—As used in this section:*

23 “(1) *FOSTER CHILD ADOPTION.—The term ‘foster*
24 *child adoption’ means the final adoption of a child*

1 *who, at the time of adoptive placement, was in foster*
2 *care under the supervision of the State.*

3 “(2) *SPECIAL NEEDS ADOPTION.*—*The term ‘spe-*
4 *cial needs adoption’ means the final adoption of a*
5 *child for whom an adoption assistance agreement is*
6 *in effect under section 473.*

7 “(3) *BASE NUMBER OF FOSTER CHILD ADOPT-*
8 *TIONS.*—*The term ‘base number of foster child adop-*
9 *tions for a State’ means, with respect to a fiscal year,*
10 *the average number of foster child adoptions in the*
11 *State for the 3 most recent fiscal years.*

12 “(4) *BASE NUMBER OF SPECIAL NEEDS ADOPT-*
13 *TIONS.*—*The term ‘base number of special needs adop-*
14 *tions for a State’ means, with respect to a fiscal year,*
15 *the average number of special needs adoptions in the*
16 *State for the 3 most recent fiscal years.*

17 “(h) *LIMITATIONS ON AUTHORIZATION OF APPROPRIA-*
18 *TIONS.*—

19 “(1) *IN GENERAL.*—*For grants under this sec-*
20 *tion, there is authorized to be appropriated to the*
21 *Secretary \$15,000,000 for each of fiscal years 1999*
22 *through 2003.*

23 “(2) *AVAILABILITY.*—*Amounts appropriated*
24 *under paragraph (1) are authorized to remain avail-*
25 *able until expended, but not after fiscal year 2003.*

1 “(i) *TECHNICAL ASSISTANCE.—The Secretary shall*
2 *provide, directly, or by grant, contract, or interagency*
3 *agreement, technical assistance upon request to assist States*
4 *and local communities to reach their targets for increased*
5 *numbers of adoptions.”.*

6 (b) *DISCRETIONARY CAP ADJUSTMENT FOR ADOPTION*
7 *INCENTIVE PAYMENTS.—*

8 (1) *SECTION 251 AMENDMENT.—Section*
9 *251(b)(2) of the Balanced Budget and Emergency*
10 *Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)), as*
11 *amended by section 10203(a)(4) of the Balanced*
12 *Budget Act of 1997, is amended by adding at the end*
13 *the following new subparagraph:*

14 “(G) *ADOPTION INCENTIVE PAYMENTS.—*
15 *Whenever a bill or joint resolution making ap-*
16 *propriations for fiscal year 1999, 2000, 2001,*
17 *2002, or 2003 is enacted that specifies an*
18 *amount for adoption incentive payments for the*
19 *Department of Health and Human Services—*

20 “(i) *the adjustments for new budget*
21 *authority shall be the amounts of new budg-*
22 *et authority provided in that measure for*
23 *adoption incentive payments, but not to ex-*
24 *ceed \$15,000,000; and*

1 “(ii) the adjustment for outlays shall
2 be the additional outlays flowing from such
3 amount.”.

4 (2) *SECTION 314 AMENDMENT.*—Section 314(b) of
5 the Congressional Budget Act of 1974, as amended by
6 section 10114(a) of the Balanced Budget Act of 1997,
7 is amended—

8 (A) by striking “or” at the end of para-
9 graph (4);

10 (B) by striking the period at the end of
11 paragraph (5) and inserting “; or”; and

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

13 “(6) in the case of an amount for adoption in-
14 centive payments (as defined in section 251(b)(2)(G)
15 of the Balanced Budget and Emergency Deficit Con-
16 trol Act of 1985) for fiscal year 1999, 2000, 2001,
17 2002, or 2003 for the Department of Health and
18 Human Services, an amount not to exceed
19 \$15,000,000.”.

20 **SEC. 202. ADOPTIONS ACROSS STATE AND COUNTY JURIS-**
21 **DICTIONS.**

22 (a) *ELIMINATION OF GEOGRAPHIC BARRIERS TO*
23 *INTERSTATE ADOPTION.*—Section 471(a) of the Social Se-
24 *curity Act (42 U.S.C. 671(a)), as amended by section 107,*
25 *is amended—*

1 (1) *by striking “and” at the end of paragraph*
2 *(19);*

3 (2) *by striking the period at the end of para-*
4 *graph (20) and inserting “; and”; and*

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

6 “(21) *provides that neither the State nor any*
7 *other entity in the State that receives funds from the*
8 *Federal Government and is involved in adoption*
9 *may—*

10 “(A) *deny to any person the opportunity to*
11 *become an adoptive parent on the basis of the ge-*
12 *ographic residence of the person or of the child*
13 *involved; or*

14 “(B) *delay or deny the placement of a child*
15 *for adoption on the basis of the geographic resi-*
16 *dence of an adoptive parent or of the child in-*
17 *volved.”.*

18 (b) *STUDY OF INTERJURISDICTIONAL ADOPTION IS-*
19 *SUES.—*

20 (1) *IN GENERAL.—The Secretary of Health and*
21 *Human Services (in this subsection referred to as the*
22 *“Secretary”)* *shall appoint an advisory panel that*
23 *shall—*

24 (A) *study and consider how to improve pro-*
25 *cedures and policies to facilitate the timely and*

1 *permanent adoptions of children across State*
2 *and county jurisdictions;*

3 *(B) examine, at a minimum, interjurisdic-*
4 *tional adoption issues—*

5 *(i) concerning the recruitment of pro-*
6 *spective adoptive families from other States*
7 *and counties;*

8 *(ii) concerning the procedures to grant*
9 *reciprocity to prospective adoptive family*
10 *home studies from other States and coun-*
11 *ties;*

12 *(iii) arising from a review of the com-*
13 *ity and full faith and credit provided to*
14 *adoption decrees and termination of paren-*
15 *tal rights orders from other States; and*

16 *(iv) concerning the procedures related*
17 *to the administration and implementation*
18 *of the Interstate Compact on the Placement*
19 *of Children; and*

20 *(C) not later than 12 months after the final*
21 *appointment to the advisory panel, submit to the*
22 *Secretary the report described in paragraph (3).*

23 (2) *COMPOSITION OF ADVISORY PANEL.—In es-*
24 *tablishing the advisory panel required under para-*
25 *graph (1), the Secretary shall appoint members from*

1 *the general public who are individuals knowledgeable*
2 *on adoption and foster care issues, and with due con-*
3 *sideration to representation of ethnic or racial mi-*
4 *norities and diverse geographic areas, and who, at a*
5 *minimum, include the following:*

6 *(A) Adoptive and foster parents.*

7 *(B) Public and private child welfare agen-*
8 *cies that place children in and out of home care.*

9 *(C) Family court judges.*

10 *(D) Adoption attorneys.*

11 *(E) An Administrator of the Interstate*
12 *Compact on the Placement of Children and an*
13 *Administrator of the Interstate Compact on*
14 *Adoption and Medical Assistance.*

15 *(F) A representative cross-section of indi-*
16 *viduals from other organizations and individuals*
17 *with expertise or advocacy experience in adop-*
18 *tion and foster care issues.*

19 *(3) CONTENTS OF REPORT.—The report required*
20 *under paragraph (1)(C) shall include the results of*
21 *the study conducted under subparagraphs (A) and*
22 *(B) of paragraph (1) and recommendations on how to*
23 *improve procedures to facilitate the interjurisdictional*
24 *adoption of children, including interstate and inter-*

1 *county adoptions, so that children will be assured*
2 *timely and permanent placements.*

3 (4) *CONGRESS.—The Secretary shall submit a*
4 *copy of the report required under paragraph (1)(C) to*
5 *the appropriate committees of Congress, and, if rel-*
6 *evant, make recommendations for proposed legisla-*
7 *tion.*

8 **SEC. 203. STATE PERFORMANCE IN PROTECTING CHIL-**
9 **DREN.**

10 (a) *ANNUAL REPORT.—*

11 (1) *IN GENERAL.—Part E of title IV of the So-*
12 *cial Security Act (42 U.S.C. 670 et seq.) is amended*
13 *by adding at the end the following:*

14 **“SEC. 479A. ANNUAL REPORT.**

15 *“(a) IN GENERAL.—The Secretary shall issue an an-*
16 *nual report containing ratings of the performance of each*
17 *State in protecting children who are placed in foster care,*
18 *for adoption, or with a relative or guardian. The report*
19 *shall include ratings on outcome measures for categories re-*
20 *lated to safety and permanence for children.*

21 *“(b) OUTCOME MEASURES.—*

22 *“(1) IN GENERAL.—The Secretary, in consulta-*
23 *tion with the American Public Welfare Association,*
24 *the National Governors’ Association, the National*
25 *Conference of State Legislatures, and child welfare*

1 *advocates, shall develop a set of outcome measures to*
2 *be used in preparing the report.*

3 “(2) *CATEGORIES.—In developing the outcome*
4 *measures, the Secretary shall develop measures that*
5 *can track performance over time for the following cat-*
6 *egories:*

7 “(A) *The number of children placed annu-*
8 *ally for adoption, the number of placements of*
9 *children with special needs, and the number of*
10 *children placed permanently in a foster family*
11 *home, with a relative, or with a guardian who*
12 *is not a relative.*

13 “(B) *The number of children, including*
14 *those with parental rights terminated, that an-*
15 *nually leave foster care at the age of majority*
16 *without having been adopted or placed with a*
17 *guardian.*

18 “(C) *The median and mean length of stay*
19 *of children in foster care, for children with pa-*
20 *rental rights terminated, and children for whom*
21 *parental rights are retained by the biological or*
22 *adoptive parent.*

23 “(D) *The median and mean length of time*
24 *between a child having a plan of adoption and*
25 *termination of parental rights, between the*

1 *availability of a child for adoption and the*
2 *placement of the child in an adoptive family,*
3 *and between the placement of the child in such*
4 *a family and the finalization of the adoption.*

5 “(E) *The number of deaths of children in*
6 *foster care and other out-of-home care, including*
7 *kinship care, resulting from substantiated child*
8 *abuse and neglect.*

9 “(F) *The specific steps taken by the State to*
10 *facilitate permanence for children.*

11 “(3) *MEASURES.—In developing the outcome*
12 *measures, the Secretary shall use data from the Adop-*
13 *tion and Foster Care Analysis and Reporting System*
14 *established under section 479 to the maximum extent*
15 *possible.*

16 “(c) *RATING SYSTEM.—The Secretary shall develop a*
17 *system (including using State census data and poverty*
18 *rates) to rate the performance of each State based on the*
19 *outcome measures.*

20 “(d) *PREPARATION AND ISSUANCE.—On May 1, 1999,*
21 *and annually thereafter, the Secretary shall prepare, submit*
22 *to Congress, and issue to the States the report described in*
23 *subsection (a). Each report shall rate the performance of*
24 *a State on each outcome measure developed under sub-*
25 *section (b), include an explanation of the rating system de-*

1 *veloped under subsection (c), and the way in which scores*
2 *are determined under the rating system, analyze high and*
3 *low performances for the State, and make recommendations*
4 *to the State for improvement.”.*

5 (2) *CONFORMING AMENDMENTS.—Section 471(a)*
6 *of the Social Security Act (42 U.S.C. 671(a)), as*
7 *amended by section 202(a), is amended—*

8 (A) *in paragraph (20), by striking “and”*
9 *at the end;*

10 (B) *in paragraph (21), by striking the pe-*
11 *riod and inserting “; and”; and*

12 (C) *by adding at the end the following:*

13 “(22) *provides that the State shall annually pro-*
14 *vide to the Secretary the information required under*
15 *section 479A.”.*

16 (b) *DEVELOPMENT OF PERFORMANCE-BASED INCEN-*
17 *TIVE SYSTEM.—The Secretary of Health and Human Serv-*
18 *ices, in consultation with State and local public officials*
19 *responsible for administering child welfare programs and*
20 *child welfare advocates, shall develop and recommend to*
21 *Congress an incentive system to provide payments under*
22 *parts B and E of title IV of the Social Security Act (42*
23 *U.S.C. 620 et seq., 670 et seq.) to any State based on such*
24 *State’s performance under such a system. Such system shall,*
25 *to the extent the Secretary determines feasible and appro-*

1 *priate, be based on the annual report required under section*
 2 *479A of the Social Security Act (as added by subsection*
 3 *(a) of this Act) or on any proposed modifications of such*
 4 *annual report. Not later than 6 months after the date of*
 5 *enactment of this Act, the Secretary shall report on the new*
 6 *system to the Committee on Ways and Means of the House*
 7 *of Representatives and the Committee on Finance of the*
 8 *Senate.*

9 **TITLE III—ADDITIONAL**
 10 **IMPROVEMENTS AND REFORMS**

11 **SEC. 301. EXPANSION OF CHILD WELFARE DEMONSTRATION**
 12 **PROJECTS.**

13 *(a) IN GENERAL.—Section 1130(a) of the Social Security*
 14 *Act (42 U.S.C. 1320a–9) is amended to read as follows:*

15 *“(a) AUTHORITY TO APPROVE DEMONSTRATION*
 16 *PROJECTS.—*

17 *“(1) IN GENERAL.—The Secretary may authorize*
 18 *States to conduct demonstration projects pursuant to*
 19 *this section which the Secretary finds are likely to*
 20 *promote the objectives of part B or E of title IV. Such*
 21 *projects shall be designed to achieve 1 or more of the*
 22 *following goals:*

23 *“(A) Reducing a backlog of children in*
 24 *long-term foster care or awaiting adoption place-*
 25 *ment.*

1 “(B) Ensuring, not later than 1 year after
2 a child enters foster care, an adoptive placement
3 for the child.

4 “(C) Identifying and addressing barriers
5 that result in delays to adoptive placements for
6 children in foster care.

7 “(D) Identifying and addressing parental
8 substance abuse problems that endanger children
9 and result in the placement of children in foster
10 care, including through the placement of children
11 with their parents in residential treatment fa-
12 cilities (including residential treatment facilities
13 for post-partum depression) that are specifically
14 designed to serve parents and children together
15 in order to promote family reunification and
16 that can ensure the health and safety of the chil-
17 dren in such placements.

18 “(E) Overcoming barriers to the adoption of
19 children with special needs resulting from a lack
20 of health insurance coverage for such children.

21 “(F) Any other goal that the Secretary has
22 approved for a demonstration project under this
23 section as of the date of enactment of the Pro-
24 motion of Adoption, Safety, and Support for

1 *Abused and Neglected Children (PASS) Act, or,*
2 *after such date, specifies by regulation.*

3 “(2) *REQUIREMENT.*—*In considering an appli-*
4 *cation to conduct a demonstration project under this*
5 *section that has been submitted by a State in which*
6 *there has been a court order determining that the*
7 *State’s child welfare program has failed to comply*
8 *with the provisions of part B or E of title IV or of*
9 *the Constitution, the Secretary shall take into consid-*
10 *eration the effect of approving the proposed project on*
11 *the terms and conditions of any court order related*
12 *to such failure to comply that is in effect in the*
13 *State.”.*

14 *(b) RULE OF CONSTRUCTION.*—*Nothing in the amend-*
15 *ments made by subsection (a) shall be construed as affecting*
16 *the terms and conditions of any demonstration projects*
17 *under section 1130 of the Social Security Act (42 U.S.C.*
18 *1320a–9) that have been approved by the Secretary as of*
19 *the date of enactment of this Act.*

20 **SEC. 302. PERMANENCY PLANNING HEARINGS.**

21 *Section 475(5)(C) of the Social Security Act (42*
22 *U.S.C. 675(5)(C)) is amended—*

23 (1) *by striking “dispositional” and inserting*
24 *“permanency planning”;*

25 (2) *by striking “eighteen” and inserting “12”;*

1 (3) by striking “original placement” and insert-
2 ing “date the child is considered to have entered foster
3 care (as determined under subparagraph (F))”; and

4 (4) by striking “future status of” and all that
5 follows through “long term basis)” and inserting
6 “permanency plan for the child that includes whether,
7 and if applicable when, the child will be returned to
8 the parent, placed for adoption and the State will file
9 a petition for termination of parental rights, or re-
10 ferred for legal guardianship or custody, or (in cases
11 where the State agency has documented to the State
12 court a compelling reason for determining that it
13 would not be in the best interests of the child to re-
14 turn home, be referred for termination of parental
15 rights, or be placed for adoption, with a qualified rel-
16 ative, or with a legal guardian) placed in another
17 planned permanent living arrangement”.

18 **SEC. 303. KINSHIP CARE.**

19 (a) *REPORT.*—

20 (1) *IN GENERAL.*—The Secretary of Health and
21 Human Services shall—

22 (A) not later than March 1, 1998, convene
23 the advisory panel provided for in subsection
24 (b)(1) and prepare and submit to the advisory
25 panel an initial report on the extent to which

1 children in foster care are placed in the care of
2 a relative (in this section referred to as “kinship
3 care”); and

4 (B) not later than November 1, 1998, sub-
5 mit to the Committee on Ways and Means of the
6 House of Representatives and the Committee on
7 Finance of the Senate a final report on the mat-
8 ter described in subparagraph (A), which shall—

9 (i) be based on the comments submitted
10 by the advisory panel pursuant to sub-
11 section (b)(2) and other information and
12 considerations; and

13 (ii) include the policy recommenda-
14 tions of the Secretary with respect to the
15 matter.

16 (2) *REQUIRED CONTENTS.*—Each report required
17 by paragraph (1) shall—

18 (A) include, to the extent available for each
19 State, information on—

20 (i) the policy of the State regarding
21 kinship care;

22 (ii) the characteristics of the kinship
23 care providers (including age, income, eth-
24 nicity, and race, and the relationship of the
25 kinship care providers to the children);

1 (iii) the characteristics of the household
2 of such providers (such as number of other
3 persons in the household and family com-
4 position);

5 (iv) how much access to the child is af-
6 forded to the parent from whom the child
7 has been removed;

8 (v) the cost of, and source of funds for,
9 kinship care (including any subsidies such
10 as medicaid and cash assistance);

11 (vi) the permanency plan for the child
12 and the actions being taken by the State to
13 achieve the plan;

14 (vii) the services being provided to the
15 parent from whom the child has been re-
16 moved; and

17 (viii) the services being provided to the
18 kinship care provider; and

19 (B) specifically note the circumstances or
20 conditions under which children enter kinship
21 care.

22 (b) *ADVISORY PANEL.*—

23 (1) *ESTABLISHMENT.*—*The Secretary of Health*
24 *and Human Services, in consultation with the Chair-*
25 *man of the Committee on Ways and Means of the*

1 *House of Representatives and the Chairman of the*
2 *Committee on Finance of the Senate, shall convene an*
3 *advisory panel which shall include parents, foster*
4 *parents, relative caregivers, former foster children,*
5 *State and local public officials responsible for admin-*
6 *istering child welfare programs, private persons in-*
7 *volved in the delivery of child welfare services, rep-*
8 *resentatives of tribal governments and tribal courts,*
9 *judges, and academic experts.*

10 (2) *DUTIES.*—*The advisory panel convened pur-*
11 *suant to paragraph (1) shall review the report pre-*
12 *pared pursuant to subsection (a), and, not later than*
13 *July 1, 1998, submit to the Secretary comments on*
14 *the report.*

15 **SEC. 304. CLARIFICATION OF ELIGIBLE POPULATION FOR**
16 **INDEPENDENT LIVING SERVICES.**

17 *Section 477(a)(2)(A) of the Social Security Act (42*
18 *U.S.C. 677(a)(2)(A)) is amended by inserting “(including*
19 *children with respect to whom such payments are no longer*
20 *being made because the child has accumulated assets, not*
21 *to exceed \$5,000, which are otherwise regarded as resources*
22 *for purposes of determining eligibility for benefits under*
23 *this part)” before the comma.*

1 **SEC. 305. REAUTHORIZATION AND EXPANSION OF FAMILY**
2 **PRESERVATION AND SUPPORT SERVICES.**

3 (a) *REAUTHORIZATION OF FAMILY PRESERVATION*
4 *AND SUPPORT SERVICES.*—

5 (1) *IN GENERAL.*—Section 430(b) of the Social
6 Security Act (42 U.S.C. 629(b)) is amended—

7 (A) in paragraph (4), by striking “or” at
8 the end;

9 (B) in paragraph (5), by striking the period
10 and inserting a semicolon; and

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

12 “(6) for fiscal year 1999, \$275,000,000;

13 “(7) for fiscal year 2000, \$295,000,000; and

14 “(8) for fiscal year 2001, \$305,000,000.”.

15 (2) *CONTINUATION OF RESERVATION OF CERTAIN*
16 *AMOUNTS.*—Paragraphs (1) and (2) of section 430(d)
17 of the Social Security Act (42 U.S.C. 630(d)) are each
18 amended by striking “and 1998” and inserting
19 “1998, 1999, 2000, and 2001”.

20 (3) *CONFORMING AMENDMENTS.*—Section 13712
21 of the Omnibus Budget Reconciliation Act of 1993 (42
22 U.S.C. 670 note) is amended—

23 (A) in subsection (c), by striking “1998”
24 each place it appears and inserting “2001”; and

1 (B) in subsection (d)(2), by striking “and
2 1998” and inserting “1998, 1999, 2000, and
3 2001”.

4 (b) *EXPANSION FOR TIME-LIMITED FAMILY REUNIFI-*
5 *CATION SERVICES AND ADOPTION PROMOTION AND SUP-*
6 *PORT SERVICES.*—

7 (1) *ADDITIONS TO STATE PLAN; MINIMUM SPEND-*
8 *ING REQUIREMENTS.*—Section 432 of the Social Secu-
9 *rity Act (42 U.S.C. 629b) is amended—*

10 (A) in subsection (a)—

11 (i) in paragraph (4), by striking “and
12 community-based family support services”
13 and inserting “, community-based family
14 support services, time-limited family reuni-
15 fication services, and adoption promotion
16 and support services,”; and

17 (ii) in paragraph (5)(A), by striking
18 “and community-based family support serv-
19 ices” and inserting “, community-based
20 family support services, time-limited family
21 reunification services, and adoption pro-
22 motion and support services”; and

23 (B) in subsection (b)(1), by striking “and
24 family support” and inserting “, family support,

1 *family reunification, and adoption promotion*
2 *and support”.*

3 (2) *DEFINITIONS OF TIME-LIMITED FAMILY RE-*
4 *UNIFICATION SERVICES AND ADOPTION PROMOTION*
5 *AND SUPPORT SERVICES.—Section 431(a) of the So-*
6 *cial Security Act (42 U.S.C. 629a(a)) is amended by*
7 *adding at the end the following:*

8 “(7) *TIME-LIMITED FAMILY REUNIFICATION*
9 *SERVICES.—*

10 “(A) *IN GENERAL.—The term ‘time-limited*
11 *family reunification services’ means the services*
12 *and activities described in subparagraph (B)*
13 *that are provided to a child that is removed from*
14 *the child’s home and placed in a foster family*
15 *home or a child care institution and to the par-*
16 *ents or primary caregiver of such a child, in*
17 *order to facilitate the reunification of the child*
18 *safely and appropriately within a timely fash-*
19 *ion, but only during the 1-year period that be-*
20 *gins on the date that the child is removed from*
21 *the child’s home.*

22 “(B) *SERVICES AND ACTIVITIES DE-*
23 *SCRIBED.—The services and activities described*
24 *in this subparagraph are the following:*

1 “(i) *Individual, group, and family*
2 *counseling.*

3 “(ii) *Inpatient, residential, or out-*
4 *patient substance abuse treatment services.*

5 “(iii) *Mental health services.*

6 “(iv) *Assistance to address domestic vi-*
7 *olence.*

8 “(v) *Services designed to provide tem-*
9 *porary child care and therapeutic services*
10 *for families, including crisis nurseries.*

11 “(vi) *Transportation to or from any of*
12 *the services and activities described in this*
13 *subparagraph.*

14 “(8) *ADOPTION PROMOTION AND SUPPORT SERV-*
15 *ICES.—The term ‘adoption promotion and support*
16 *services’ means services and activities designed to en-*
17 *courage more adoptions out of the foster care system,*
18 *when adoptions promote the best interests of children,*
19 *and shall include the following:*

20 “(A) *Models to encourage adoptions of spe-*
21 *cial needs children, including through the provi-*
22 *sion of medical assistance.*

23 “(B) *The development of best practice*
24 *guidelines for expediting termination of parental*
25 *rights.*

1 “(C) Models to encourage the use of concur-
2 rent planning.

3 “(D) The development of specialized units
4 and expertise in moving children toward adop-
5 tion as a part of a permanency plan.

6 “(E) The development of risk assessment
7 tools to facilitate early identification of the chil-
8 dren who will be at risk of harm if returned
9 home.

10 “(F) Models to encourage the fast tracking
11 of children who have not attained 1 year of age
12 into adoptive and preadoptive placements.

13 “(G) Development of programs that place
14 children in preadoptive families without waiting
15 for termination of parental rights.

16 “(H) Development of programs to recruit
17 adoptive parents.

18 “(I) Such other services or activities that
19 are designed to promote and support adoption as
20 the Secretary may approve.”.

21 (3) *ADDITIONAL CONFORMING AMENDMENTS.*—

22 (A) *PURPOSES.*—Section 430(a) of the So-
23 cial Security Act (42 U.S.C. 629(a)) is amended
24 by striking “and community-based family sup-
25 port services” and inserting “, community-based

1 *family support services, time-limited family re-*
 2 *unification services, and adoption promotion*
 3 *and support services”.*

4 (B) *EVALUATIONS.*—*Subparagraphs (B)*
 5 *and (C) of section 435(a)(2) of the Social Secu-*
 6 *urity Act (42 U.S.C. 629d(a)(2)) are each amend-*
 7 *ed by striking “and family support” each place*
 8 *it appears and inserting “, family support, fam-*
 9 *ily reunification, and adoption promotion and*
 10 *support”.*

11 (C) *PROGRAM TITLE.*—*The heading of sub-*
 12 *part 2 of part B of title IV of the Social Security*
 13 *Act (42 U.S.C. 629 et seq.) is amended to read*
 14 *as follows:*

15 **“Subpart 2—Promoting Adoptive, Safe, and Stable**
 16 **Families”.**

17 (c) *EMPHASIZING THE SAFETY OF THE CHILD.*—

18 (1) *REQUIRING ASSURANCES THAT THE SAFETY*
 19 *OF CHILDREN SHALL BE OF PARAMOUNT CONCERN.*—
 20 *Section 432 of the Social Security Act (42 U.S.C.*
 21 *629b) is amended—*

22 (A) *in paragraph (7)(B), by striking “and”*
 23 *at the end;*

24 (B) *by redesignating paragraph (8) as*
 25 *paragraph (9); and*

1 (C) by inserting after paragraph (7), the
2 following:

3 “(8) contains assurances that in administering
4 and conducting service programs under the plan, the
5 safety of the children to be served shall be of para-
6 mount concern; and”.

7 (2) *DEFINITIONS OF FAMILY PRESERVATION AND*
8 *FAMILY SUPPORT SERVICES.*—Section 431(a) of the
9 *Social Security Act (42 U.S.C. 629a(a)) is amend-*
10 *ed—*

11 (A) in paragraph (1)—

12 (i) in subparagraph (A), by inserting
13 “safe and” before “appropriate” each place
14 it appears; and

15 (ii) in subparagraph (B), by inserting
16 “safely” after “remain”; and

17 (B) in paragraph (2)—

18 (i) by inserting “safety and” before
19 “well-being”; and

20 (ii) by striking “stable” and inserting
21 “safe, stable,”.

22 (d) *CLARIFICATION OF MAINTENANCE OF EFFORT RE-*
23 *QUIREMENT.*—

24 (1) *DEFINITION OF NON-FEDERAL FUNDS.*—Sec-
25 tion 431(a) of the *Social Security Act (42 U.S.C.*

1 629a(a)), as amended by subsection (b)(2), is amend-
2 ed by adding at the end the following:

3 “(9) *NON-FEDERAL FUNDS.*—The term ‘non-Fed-
4 eral funds’ means State funds, or at the option of a
5 State, State and local funds.”.

6 (2) *EFFECTIVE DATE.*—The amendment made by
7 paragraph (1) takes effect as if included in the enact-
8 ment of section 13711 of the Omnibus Budget Rec-
9 onciliation Act of 1993 (Public Law 103–33; 107
10 Stat. 649).

11 **SEC. 306. HEALTH INSURANCE COVERAGE FOR CHILDREN**
12 **WITH SPECIAL NEEDS.**

13 Section 471(a) of the Social Security Act (42 U.S.C.
14 671(a)), as amended by section 203(a)(2), is amended—

15 (1) in paragraph (21), by striking “and” at the
16 end;

17 (2) in paragraph (22), by striking the period
18 and inserting “; and”; and

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

20 “(23) provides for health insurance coverage for
21 any child who has been determined to be a child with
22 special needs, for whom there is in effect an adoption
23 assistance agreement (other than an agreement under
24 this part) between the State and an adoptive parent
25 or parents, and who the State has determined cannot

1 *be placed with an adoptive parent or parents without*
2 *medical assistance because such child has special*
3 *needs for medical, mental health, or rehabilitative*
4 *care, and that with respect to the provision of such*
5 *health insurance coverage—*

6 *“(A) such coverage may be provided through*
7 *1 or more State medical assistance programs;*

8 *“(B) the State, in providing such coverage,*
9 *shall ensure that the medical benefits, including*
10 *mental health benefits, provided are of the same*
11 *type and kind as those that would be provided*
12 *for children by the State under title XIX;*

13 *“(C) in the event that the State provides*
14 *such coverage through a State medical assistance*
15 *program other than the program under title*
16 *XIX, and the State exceeds its funding for serv-*
17 *ices under such other program, any such child*
18 *shall be deemed to be receiving aid or assistance*
19 *under the State plan under this part for pur-*
20 *poses of section 1902(a)(10)(A)(i)(I); and*

21 *“(D) in determining cost-sharing require-*
22 *ments, the State shall take into consideration the*
23 *circumstances of the adopting parent or parents*
24 *and the needs of the child being adopted.”.*

1 **SEC. 307. CONTINUATION OF ELIGIBILITY FOR ADOPTION**
2 **ASSISTANCE PAYMENTS ON BEHALF OF CHIL-**
3 **DREN WITH SPECIAL NEEDS WHOSE INITIAL**
4 **ADOPTION HAS BEEN DISRUPTED.**

5 (a) *CONTINUATION OF ELIGIBILITY.*—Section
6 473(a)(2) of the Social Security Act (42 U.S.C. 673(a)(2))
7 is amended by adding at the end the following: “Any child
8 who has been determined to meet the requirements of sub-
9 paragraph (C), and who has previously been determined eli-
10 gible for adoption assistance payments under paragraph
11 (1)(B)(ii), who has again become available for adoption be-
12 cause a court has set aside the child’s previous adoption
13 or the child’s adoptive parents have died, and who fails to
14 meet the requirements of subparagraphs (A) and (B) but
15 would meet such requirements if the child were treated as
16 if the child were in the same financial and other cir-
17 cumstances the child was in the last time the child was de-
18 termined eligible for adoption assistance payments and the
19 previous adoption were treated as having never occurred,
20 shall be treated as meeting the requirements of this para-
21 graph for purposes of paragraph (1)(B)(ii).”.

22 (b) *APPLICABILITY.*—The amendment made by sub-
23 section (a) shall only apply to children who become avail-
24 able for adoption because a court has set aside the child’s
25 previous adoption, or the child’s adoptive parents have died,

1 *and whose subsequent adoption occurs on or after October*
2 *1, 1997.*

3 **SEC. 308. STATE STANDARDS TO ENSURE QUALITY SERV-**
4 **ICES FOR CHILDREN IN FOSTER CARE.**

5 *Section 471(a) of the Social Security Act (42 U.S.C.*
6 *671(a)), as amended by section 306, is amended—*

7 *(1) in paragraph (22), by striking “and” at the*
8 *end;*

9 *(2) in paragraph (23), by striking the period*
10 *and inserting “; and”; and*

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

12 *“(24) provides that, not later than January 1,*
13 *1999, the State shall develop and implement stand-*
14 *ards to ensure that children in foster care placements*
15 *in public or private agencies are provided quality*
16 *services that protect the safety and health of the chil-*
17 *dren.”.*

18 **TITLE IV—MISCELLANEOUS**

19 **SEC. 401. PRESERVATION OF REASONABLE PARENTING.**

20 *Nothing in this Act is intended to disrupt the family*
21 *unnecessarily or to intrude inappropriately into family life,*
22 *to prohibit the use of reasonable methods of parental dis-*
23 *cipline, or to prescribe a particular method of parenting.*

1 **SEC. 402. REPORTING REQUIREMENTS.**

2 *Any information required to be reported under this Act*
3 *shall be supplied to the Secretary of Health and Human*
4 *Services through data meeting the requirements of the Adop-*
5 *tion and Foster Care Analysis and Reporting System estab-*
6 *lished pursuant to section 479 of the Social Security Act*
7 *(42 U.S.C. 679), to the extent such data is available under*
8 *that system. The Secretary shall make such modifications*
9 *to regulations issued under section 479 of such Act with*
10 *respect to the Adoption and Foster Care Analysis and Re-*
11 *porting System as may be necessary to allow States to ob-*
12 *tain data that meets the requirements of such system in*
13 *order to satisfy the reporting requirements of this Act.*

14 **SEC. 403. SENSE OF CONGRESS REGARDING STANDBY**
15 **GUARDIANSHIP.**

16 *It is the sense of Congress that the States should have*
17 *in effect laws and procedures that permit any parent who*
18 *is chronically ill or near death, without surrendering pa-*
19 *rental rights, to designate a standby guardian for the par-*
20 *ent's minor children, whose authority would take effect*
21 *upon—*

22 *(1) the death of the parent;*

23 *(2) the mental incapacity of the parent; or*

- 1 (3) *the physical debilitation and consent of the*
- 2 *parent.*

Attest:

Secretary.

105TH CONGRESS
1ST SESSION

H. R. 867

AMENDMENT

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