

Calendar No. 66

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 867**

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**AN ACT**

To promote the adoption of children in foster care.

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JUNE 3, 1997

Read the second time and placed on the calendar

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IN THE SENATE OF THE UNITED STATES

MAY 1, 1997

Received

JUNE 2, 1997

Read the first time

JUNE 3, 1997

Read the second time and placed on the calendar

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**AN ACT**

To promote the adoption of children in foster care.

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. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Adoption Promotion Act of 1997”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Clarification of the reasonable efforts requirement.
- Sec. 3. States required to initiate or join proceedings to terminate parental rights for certain children in foster care.
- Sec. 4. Adoption incentive payments.
- Sec. 5. Earlier status reviews and permanency hearings.
- Sec. 6. Notice of reviews and hearings; opportunity to be heard.
- Sec. 7. Documentation of reasonable efforts to adopt.
- Sec. 8. Kinship care.
- Sec. 9. Use of the Federal Parent Locator Service for child welfare services.
- Sec. 10. Performance of States in protecting children.
- Sec. 11. Authority to approve more child protection demonstration projects.
- Sec. 12. Technical assistance.
- Sec. 13. Coordination of substance abuse and child protection services.
- Sec. 14. Clarification of eligible population for independent living services.
- Sec. 15. Effective date.
- Sec. 16. Purchase of American-made equipment and products.
- Sec. 17. Criminal records checks for prospective foster and adoptive parents and group care staff.
- Sec. 18. Standby guardianship.

6 **SEC. 2. CLARIFICATION OF THE REASONABLE EFFORTS RE-**  
7 **QUIREMENT.**

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

11 “(15)(A) provides that—

12 “(i) except as provided in clauses (ii) and  
13 (iii), reasonable efforts shall be made—

14 “(I) before a child is placed in foster  
15 care, to prevent or eliminate the need to

1           remove the child from the child’s home;  
2           and

3                   “(II) to make it possible for the child  
4           to return home;

5                   “(ii) if continuation of reasonable efforts of  
6           the type described in clause (i) is determined to  
7           be inconsistent with the permanency plan for  
8           the child, reasonable efforts of the type required  
9           by clause (iii)(II) shall be made;

10                   “(iii) if a court of competent jurisdiction  
11           has determined that the child has been sub-  
12           jected to aggravated circumstances (as defined  
13           by State law, which definition may include  
14           abandonment, torture, chronic abuse, and sex-  
15           ual abuse) or parental conduct described in sec-  
16           tion 106(b)(2)(A)(xii) of the Child Abuse Pre-  
17           vention and Treatment Act, or that the paren-  
18           tal rights of a parent with respect to a sibling  
19           of the child have been terminated involuntar-  
20           ily—

21                   “(I) reasonable efforts of the type de-  
22           scribed in clause (i) shall not be required  
23           to be made with respect to any parent of  
24           the child who has been involved in subject-  
25           ing the child to such circumstances or such

1           conduct, or whose parental rights with re-  
2           spect to a sibling of the child have been  
3           terminated involuntarily; and

4                   “(II) if reasonable efforts of the type  
5           described in clause (i) are not made or are  
6           discontinued, reasonable efforts shall be  
7           made to place the child for adoption, with  
8           a legal guardian, or (if adoption or legal  
9           guardianship is determined not to be ap-  
10          propriate for the child) in some other  
11          planned, permanent living arrangement;  
12          and

13                   “(iv) reasonable efforts of the type de-  
14          scribed in clause (iii)(II) may be made concu-  
15          rently with reasonable efforts of the type de-  
16          scribed in clause (i); and

17                   “(B) in determining the reasonable efforts  
18          to be made with respect to a child and in mak-  
19          ing such reasonable efforts, the child’s health  
20          and safety shall be of paramount concern;”.

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

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

4 (a) IN GENERAL.—Section 475(5) of the Social Secu-  
5 rity Act (42 U.S.C. 675(5)) is amended—

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

8 (2) by striking the period at the end of sub-  
9 paragraph (D) and inserting “; and”; and

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

11 “(E) in the case of a child who has not at-  
12 tained 10 years of age and has been in foster  
13 care under the responsibility of the State for 18  
14 months of the most recent 24 months, the State  
15 shall file a petition to terminate the parental  
16 rights of the child’s parents (or, if such a peti-  
17 tion has been filed by another party, seek to be  
18 joined as a party to the petition), unless—

19 “(i) at the option of the State, the  
20 child is being cared for by a relative;

21 “(ii) a State court or State agency  
22 has documented a compelling reason for  
23 determining that filing such a petition  
24 would not be in the best interests of the  
25 child; or

1           “(iii) the State has not provided to  
2           the family of the child such services as the  
3           State deems appropriate, if reasonable ef-  
4           forts of the type described in section  
5           471(a)(15)(A)(i) are required to be made  
6           with respect to the child.”.

7           (b) LIMITATION ON APPLICABILITY.—The amend-  
8           ments made by subsection (a) shall apply only to children  
9           entering foster care on or after October 1, 1997.

10 **SEC. 4. ADOPTION INCENTIVE PAYMENTS.**

11           (a) IN GENERAL.—Part E of title IV of the Social  
12           Security 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 appropriations  
17           Acts, the Secretary shall make a grant to each State that  
18           is an incentive-eligible State for a fiscal year in an amount  
19           equal to the adoption incentive payment payable to the  
20           State for the fiscal year under this section, which shall  
21           be payable in the immediately succeeding fiscal year.

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

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

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

5           “(3) the State is in compliance with subsection  
6 (c) for the fiscal year; and

7           “(4) the fiscal year is any of fiscal years 1998  
8 through 2002.

9           “(c) DATA REQUIREMENTS.—

10           “(1) IN GENERAL.—A State is in compliance  
11 with this subsection for a fiscal year if the State has  
12 provided to the Secretary the data described in para-  
13 graph (2) for fiscal year 1997 (or, if later, the fiscal  
14 year that precedes the 1st fiscal year for which the  
15 State seeks a grant under this section) and for each  
16 succeeding fiscal year.

17           “(2) DETERMINATION OF NUMBERS OF ADOP-  
18 TIONS.—

19           “(A) DETERMINATIONS BASED ON AFCARS  
20 DATA.—Except as provided in subparagraph  
21 (B), the Secretary shall determine the numbers  
22 of foster child adoptions and of special needs  
23 adoptions in a State during each of fiscal years  
24 1997 through 2002, for purposes of this sec-  
25 tion, on the basis of data meeting the require-

1           ments of the system established pursuant to  
2           section 479, as reported by the State in May of  
3           the fiscal year and in November of the succeed-  
4           ing fiscal year, and approved by the Secretary  
5           by April 1 of the succeeding fiscal year.

6           “(B) ALTERNATIVE DATA SOURCES PER-  
7           MITTED FOR FISCAL YEAR 1997.—For purposes  
8           of the determination described in subparagraph  
9           (A) for fiscal year 1997, the Secretary may use  
10          data from a source or sources other than that  
11          specified in subparagraph (A) that the Sec-  
12          retary finds to be of equivalent completeness  
13          and reliability, as reported by a State by No-  
14          vember 30, 1997, and approved by the Sec-  
15          retary by March 1, 1998.

16          “(3) NO WAIVER OF AFCARS REQUIREMENTS.—  
17          This section shall not be construed to alter or affect  
18          any requirement of section 479 or any regulation  
19          prescribed under such section with respect to report-  
20          ing of data by States, or to waive any penalty for  
21          failure to comply with the requirements.

22          “(d) ADOPTION INCENTIVE PAYMENT.—

23                 “(1) IN GENERAL.—Except as provided in para-  
24                 graph (2), the adoption incentive payment payable to

1 a State for a fiscal year under this section shall be  
2 equal to the sum of—

3 “(A) \$4,000, multiplied by amount (if any)  
4 by which the number of foster child adoptions  
5 in the State during the fiscal year exceeds the  
6 base number of foster child adoptions for the  
7 State for the fiscal year; and

8 “(B) \$2,000, multiplied by the amount (if  
9 any) by which the number of special needs  
10 adoptions in the State during the fiscal year ex-  
11 ceeds the base number of special needs adop-  
12 tions for the State for the fiscal year.

13 “(2) PRO RATA ADJUSTMENT IF INSUFFICIENT  
14 FUNDS AVAILABLE.—If the total amount of adoption  
15 incentive payments otherwise payable under this sec-  
16 tion for a fiscal year exceeds \$15,000,000, the  
17 amount of the adoption incentive payment payable to  
18 each State under this section for the fiscal year shall  
19 be—

20 “(A) the amount of the adoption incentive  
21 payment that would otherwise be payable to the  
22 State under this section for the fiscal year; mul-  
23 tiplied by

24 “(B) the percentage represented by  
25 \$15,000,000, divided by the total amount of

1           adoption incentive payments otherwise payable  
2           under this section for the fiscal year.

3           “(e) 2-YEAR AVAILABILITY OF INCENTIVE PAY-  
4 MENTS.—Payments to a State under this section in a fis-  
5 cal year shall remain available for use by the State  
6 through the end of the succeeding fiscal year.

7           “(f) LIMITATIONS ON USE OF INCENTIVE PAY-  
8 MENTS.—A State shall not expend an amount paid to the  
9 State under this section except to provide to children or  
10 families any service (including post adoption services) that  
11 may be provided under part B or E. Amounts expended  
12 by a State in accordance with the preceding sentence shall  
13 be disregarded in determining State expenditures for pur-  
14 poses of Federal matching payments under section 474.

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

16           “(1) FOSTER CHILD ADOPTION.—The term  
17 ‘foster child adoption’ means the final adoption of a  
18 child who, at the time of adoptive placement, was in  
19 foster care under the supervision of the State.

20           “(2) SPECIAL NEEDS ADOPTION.—The term  
21 ‘special needs adoption’ means the final adoption of  
22 a child for whom an adoption assistance agreement  
23 is in effect under section 473.

24           “(3) BASE NUMBER OF FOSTER CHILD ADOP-  
25 TIONS.—The term ‘base number of foster child

1       adoptions for a State’ means, with respect to a fiscal  
2       year, the largest number of foster child adoptions in  
3       the State in fiscal year 1997 (or, if later, the 1st fis-  
4       cal year for which the State has furnished to the  
5       Secretary the data described in subsection (c)(2)) or  
6       in any succeeding fiscal year preceding the fiscal  
7       year.

8               “(4) BASE NUMBER OF SPECIAL NEEDS ADOP-  
9       TIONS.—The term ‘base number of special needs  
10       adoptions for a State’ means, with respect to a fiscal  
11       year, the largest number of special needs adoptions  
12       in the State in fiscal year 1997 (or, if later, the 1st  
13       fiscal year for which the State has furnished to the  
14       Secretary the data described in subsection (c)(2)) or  
15       in any succeeding fiscal year preceding the fiscal  
16       year.

17               “(h) LIMITATIONS ON AUTHORIZATION OF APPRO-  
18       PRIATIONS.—

19               “(1) IN GENERAL.—For grants under this sec-  
20       tion, there are 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 (b) DISCRETIONARY CAP ADJUSTMENT FOR ADOPT-  
2 TION INCENTIVE PAYMENTS.—

3 (1) SECTION 251 AMENDMENT.—Section  
4 251(b)(2) of the Balanced Budget and Emergency  
5 Deficit Control Act of 1985 is amended by adding  
6 at the end the following new subparagraph:

7 “(I) ADOPTION INCENTIVE PAYMENTS.—  
8 Whenever a bill or joint resolution making ap-  
9 propriations for fiscal year 1999, 2000, 2001,  
10 or 2002 is enacted that specifies an amount for  
11 adoption incentive payments for the Depart-  
12 ment of Health and Human Services—

13 “(i) the adjustments for new budget  
14 authority shall be the amounts of new  
15 budget authority provided in that measure  
16 for adoption incentive payments, but not to  
17 exceed \$15,000,000; and

18 “(ii) the adjustment for outlays shall  
19 be the additional outlays flowing from such  
20 amount.”.

21 (2) SECTION 606 AMENDMENT.—Section 606 of  
22 the Congressional Budget Act of 1974 is amended  
23 by adding at the end the following new subsection:

24 “(f) ADOPTION INCENTIVE PAYMENTS ADJUST-  
25 MENT.—

1           “(1) IN GENERAL.—(A)(i) When the Committee  
2           on Appropriations reports an appropriation measure  
3           for fiscal year 1999, 2000, 2001, 2002, or 2003 that  
4           specifies an amount for adoption incentive payments  
5           for the Department of Health and Human Services,  
6           or when a conference committee submits a con-  
7           ference report thereon, the chairman of the Commit-  
8           tee on the Budget of the Senate or House of Rep-  
9           resentatives (whichever is appropriate) shall—

10                   “(I) make adjustments for the amounts of  
11                   new budget authority provided by that appro-  
12                   priation measure for such payments, which  
13                   shall be the amount of new budget authority  
14                   provided in that measure for adoption incentive  
15                   payments, but not to exceed \$15,000,000; and

16                   “(II) make adjustment for outlays, which  
17                   shall be in an amount equal to the additional  
18                   outlays flowing from such amount.

19           “(ii) If the adjustments referred to in the pre-  
20           ceding sentence are made for an appropriations  
21           measure that is not enacted into law, then the chair-  
22           man of the Committee on the Budget of the House  
23           of Representatives shall, as soon as practicable, re-  
24           verse those adjustments.

1           “(iii) The chairman of the Committee on the  
2 Budget of the House of Representatives shall submit  
3 any adjustments made under this subparagraph to  
4 the House of Representatives and have such adjust-  
5 ments published in the Congressional Record.

6           “(B) The adjustments referred to in this para-  
7 graph consist of adjustments to—

8                   “(i) the discretionary spending limits for  
9 that fiscal year as set forth in the most recently  
10 adopted concurrent resolution on the budget;

11                   “(ii) the allocations to the Committees on  
12 Appropriations of the Senate and the House of  
13 Representatives for that fiscal year under sec-  
14 tions 302(a) and 602(a); and

15                   “(iii) the appropriate budgetary aggregates  
16 for that fiscal year in the most recently adopted  
17 concurrent resolution on the budget.

18           “(C) The adjusted discretionary spending lim-  
19 its, allocations, and aggregates under this paragraph  
20 shall be considered the appropriate limits, alloca-  
21 tions, and aggregates for purposes of congressional  
22 enforcement of this Act and concurrent budget reso-  
23 lutions under this Act.

24           “(2) REPORTING REVISED SUBALLOCATIONS.—  
25 Following the adjustments made under paragraph

1 (1), the Committees on Appropriations of the Senate  
2 and the House of Representatives may report appro-  
3 priately revised suballocations pursuant to sections  
4 302(b) and 602(b) of this Act to carry out this sub-  
5 section.

6 “(3) DEFINITION.—As used in this section, the  
7 term ‘adoption incentive payments’ shall have the  
8 same meaning as provided in section 251(b)(2)(I) of  
9 the Balanced Budget and Emergency Deficit Control  
10 Act of 1985.”.

11 **SEC. 5. EARLIER STATUS REVIEWS AND PERMANENCY**  
12 **HEARINGS.**

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

15 (1) by striking “eighteen months after” and in-  
16 serting “12 months after”;

17 (2) by striking “dispositional” and inserting  
18 “permanency”; and

19 (3) by striking “future status of” and all that  
20 follows through “long-term basis)” and inserting  
21 “permanency plan for the child (including whether  
22 (and, if applicable, when) the child will be returned  
23 to the parent, the child will be placed for adoption  
24 and the State will file a petition to terminate the pa-  
25 rental rights of the parent, a legal guardian will be

1 appointed for the child, or the child will be placed  
2 in some other planned, permanent living arrange-  
3 ment, including in the custody of another fit and  
4 willing relative)".

5 **SEC. 6. NOTICE OF REVIEWS AND HEARINGS; OPPOR-**  
6 **TUNITY TO BE HEARD.**

7 Section 475(5) of the Social Security Act (42 U.S.C.  
8 675(5)), as amended by section 3 of this Act, is amend-  
9 ed—

10 (1) by striking “and” at the end of subpara-  
11 graph (D);

12 (2) by striking the period at the end of sub-  
13 paragraph (E) and inserting “; and”; and

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

15 “(F) the foster parents (if any) of a child  
16 and any relative providing care for the child are  
17 provided with notice of, and an opportunity to  
18 be heard in, any review or hearing to be held  
19 with respect to the child, except that this sub-  
20 paragraph shall not be construed to make any  
21 foster parent a party to such a review or hear-  
22 ing.”.

1 **SEC. 7. DOCUMENTATION OF REASONABLE EFFORTS TO**  
2 **ADOPT.**

3 Section 475(5) of the Social Security Act (42 U.S.C.  
4 675(5)), as amended by sections 3 and 6 of this Act, is  
5 amended—

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

8 (2) by striking the period at the end of sub-  
9 paragraph (F) and inserting “; and”; and

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

11 “(G) in the case of a child with respect to  
12 whom the State’s goal is adoption or placement  
13 in another permanent home, the steps taken by  
14 the State agency to find an adoptive family or  
15 other permanent living arrangement for the  
16 child, to place the child with an adoptive family,  
17 a legal guardian, or in another planned perma-  
18 nent living arrangement (including in the cus-  
19 tody of another fit and willing relative), and to  
20 finalize the adoption or legal guardianship are  
21 documented, and such documentation shall in-  
22 clude documentation of child specific recruit-  
23 ment efforts such as the use of State, regional,  
24 and national adoption information exchanges,  
25 including electronic information exchange sys-  
26 tems.”.

1 **SEC. 8. KINSHIP CARE.**

2 (a) REPORT.—

3 (1) IN GENERAL.—The Secretary of Health and  
4 Human Services shall—

5 (A) not later than March 1, 1998, convene  
6 the advisory panel provided for in subsection  
7 (b)(1) and prepare and submit to the advisory  
8 panel an initial report on the extent to which  
9 children in foster care are placed in the care of  
10 a relative (in this section referred to as “kin-  
11 ship care”); and

12 (B) not later than November 1, 1998, sub-  
13 mit to the Committee on Ways and Means of  
14 the House of Representatives and the Commit-  
15 tee on Finance of the Senate a final report on  
16 the matter described in subparagraph (A),  
17 which shall—

18 (i) be based on the comments submit-  
19 ted by the advisory panel pursuant to sub-  
20 section (b)(2) and other information and  
21 considerations; and

22 (ii) include the policy recommenda-  
23 tions of the Secretary with respect to the  
24 matter.

25 (2) REQUIRED CONTENTS.—Each report re-  
26 quired by paragraph (1) shall—

1 (A) include, to the extent available for each  
2 State, information on—

3 (i) the policy of the State regarding  
4 kinship care;

5 (ii) the characteristics of the kinship  
6 care providers (including age, income, eth-  
7 nicity, and race);

8 (iii) the characteristics of the house-  
9 hold of such providers (such as number of  
10 other persons in the household and family  
11 composition);

12 (iv) how much access to the child is  
13 afforded to the parent from whom the  
14 child has been removed;

15 (v) the cost of, and source of funds  
16 for, kinship care (including any subsidies  
17 such as medicaid and cash assistance);

18 (vi) the goal for a permanent living  
19 arrangement for the child and the actions  
20 being taken by the State to achieve the  
21 goal;

22 (vii) the services being provided to the  
23 parent from whom the child has been re-  
24 moved; and

1 (viii) the services being provided to  
2 the kinship care provider; and

3 (B) specifically note the circumstances or  
4 conditions under which children enter kinship  
5 care.

6 (b) ADVISORY PANEL.—

7 (1) ESTABLISHMENT.—The Secretary of Health  
8 and Human Services, in consultation with the Chair-  
9 man of the Committee on Ways and Means of the  
10 House of Representatives and the Chairman of the  
11 Committee on Finance of the Senate, shall convene  
12 an advisory panel which shall include parents, foster  
13 parents, former foster children, State and local pub-  
14 lic officials responsible for administering child wel-  
15 fare programs, private persons involved in the deliv-  
16 ery of child welfare services, representatives of tribal  
17 governments and tribal courts, judges, and academic  
18 experts.

19 (2) DUTIES.—The advisory panel convened pur-  
20 suant to paragraph (1) shall review the report pre-  
21 pared pursuant to subsection (a), and, not later than  
22 July 1, 1998, submit to the Secretary comments on  
23 the report.

1 **SEC. 9. USE OF THE FEDERAL PARENT LOCATOR SERVICE**  
2 **FOR CHILD WELFARE SERVICES.**

3 Section 453 of the Social Security Act (42 U.S.C.  
4 653) is amended—

5 (1) in subsection (a)—

6 (A) by striking “or enforcing child custody  
7 or visitation orders” and inserting “or making  
8 or enforcing child custody or visitation orders”;  
9 and

10 (B) in paragraph (1)—

11 (i) by striking the comma at the end  
12 of subparagraph (C) and inserting “; or”;  
13 and

14 (ii) by inserting after subparagraph  
15 (C) the following:

16 “(D) who has or may have parental rights  
17 with respect to a child,”; and

18 (2) in subsection (c)—

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

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

22 “(4) a State agency that is administering a pro-  
23 gram operated under a State plan under subpart 1  
24 of part B, or a State plan approved under subpart  
25 2 of part B or under part E.”.

1 **SEC. 10. PERFORMANCE OF STATES IN PROTECTING CHIL-**  
2 **DREN.**

3 The Secretary of Health and Human Services, in con-  
4 sultation with the American Public Welfare Association,  
5 the National Governors' Association, and persons or orga-  
6 nizations devoted to child advocacy, shall—

7 (1) develop a set of outcome measures (includ-  
8 ing length of stay in foster care, number of foster  
9 care placements, and number of adoptions) that can  
10 be used to assess the performance of States in oper-  
11 ating child protection and child welfare programs  
12 pursuant to parts B and E of title IV of the Social  
13 Security Act to ensure the safety of children;

14 (2) to the maximum extent possible, the out-  
15 come measures should be developed from data avail-  
16 able from the Adoption and Foster Care Analysis  
17 and Reporting System;

18 (3) develop a system for rating the performance  
19 of States with respect to the outcome measures, and  
20 provide to the States an explanation of the rating  
21 system and how scores are determined under the  
22 rating system;

23 (4) prescribe such regulations as may be nec-  
24 essary to ensure that States provide to the Secretary  
25 the data necessary to determine State performance  
26 with respect to each outcome measure, as a condi-

1       tion of the State receiving funds under part E of  
2       title IV of the Social Security Act;

3               (5) on May 1, 1999, and annually thereafter,  
4       prepare and submit to the Congress a report on the  
5       performance of each State on each outcome meas-  
6       ure, which shall examine the reasons for high per-  
7       formance and low performance and, where possible,  
8       make recommendations as to how State performance  
9       could be improved.

10 **SEC. 11. AUTHORITY TO APPROVE MORE CHILD PROTEC-**  
11 **TION DEMONSTRATION PROJECTS.**

12       Section 1130(a) of the Social Security Act (42 U.S.C.  
13 1320a–9(a)) is amended—

14               (1) by striking “10” and inserting “15”; and

15               (2) by adding at the end the following: “At  
16       least 1 of the demonstration projects approved on or  
17       after October 1, 1997, shall address kinship care.”.

18 **SEC. 12. TECHNICAL ASSISTANCE.**

19       (a) IN GENERAL.—The Secretary of Health and  
20       Human Services may, directly or through grants or con-  
21       tracts, provide technical assistance to assist States and  
22       local communities to reach their targets for increased  
23       numbers of adoptions and, to the extent that adoption is  
24       not possible, alternative permanent placements, for chil-  
25       dren in foster care.

1 (b) LIMITATIONS.—The technical assistance provided  
2 under subsection (a) shall support the goal of encouraging  
3 more adoptions out of the foster care system, when adop-  
4 tions promote the best interests of children, and shall in-  
5 clude the following:

6 (1) The development of best practice guidelines  
7 for expediting termination of parental rights.

8 (2) Models to encourage the use of concurrent  
9 planning.

10 (3) The development of specialized units and  
11 expertise in moving children toward adoption as a  
12 permanency goal.

13 (4) The development of risk assessment tools to  
14 facilitate early identification of the children who will  
15 be at risk of harm if returned home.

16 (5) Models to encourage the fast tracking of  
17 children who have not attained 1 year of age into  
18 pre-adoptive placements.

19 (6) Development of programs that place chil-  
20 dren into pre-adoptive families without waiting for  
21 termination of parental rights.

22 (c) LIMITATIONS ON AUTHORIZATION OF APPRO-  
23 PRIATIONS.—To carry out this section, there are author-  
24 ized to be appropriated to the Secretary of Health and

1 Human Services not to exceed \$10,000,000 for each of  
2 fiscal years 1998 through 2000.

3 **SEC. 13. COORDINATION OF SUBSTANCE ABUSE AND CHILD**  
4 **PROTECTION SERVICES.**

5 Within 1 year after the date of the enactment of this  
6 Act, the Secretary of Health and Human Services, based  
7 on information from the Substance Abuse and Mental  
8 Health Services Administration and the Administration  
9 for Children and Families in the Department of Health  
10 of Human Services, shall prepare and submit to the Com-  
11 mittee on Ways and Means of the House of Representa-  
12 tives and the Committee on Finance of the Senate a report  
13 which describes the extent and scope of the problem of  
14 substance abuse in the child welfare population, the types  
15 of services provided to such population, and the outcomes  
16 resulting from the provision of such services to such popu-  
17 lation. The report shall include recommendations for any  
18 legislation that may be needed to improve coordination in  
19 providing such services to such population.

20 **SEC. 14. CLARIFICATION OF ELIGIBLE POPULATION FOR**  
21 **INDEPENDENT LIVING SERVICES.**

22 Section 477(a)(2)(A) of the Social Security Act (42  
23 U.S.C. 677(a)(2)(A)) is amended by inserting “(including  
24 children with respect to whom such payments are no  
25 longer being made because the child has accumulated as-

1 sets, not to exceed \$5,000, which are otherwise regarded  
2 as resources for purposes of determining eligibility for  
3 benefits under this part)” before the comma.

4 **SEC. 15. EFFECTIVE DATE.**

5 (a) IN GENERAL.—The amendments made by this  
6 Act shall take effect on October 1, 1997.

7 (b) DELAY PERMITTED IF STATE LEGISLATION RE-  
8 QUIRED.—In the case of a State plan under part B or  
9 E of title IV of the Social Security Act which the Secretary  
10 of Health and Human Services determines requires State  
11 legislation (other than legislation appropriating funds) in  
12 order for the plan to meet the additional requirements im-  
13 posed by the amendments made by this Act, the State plan  
14 shall not be regarded as failing to comply with the require-  
15 ments of such part solely on the basis of the failure of  
16 the plan to meet such additional requirements before the  
17 1st day of the 1st calendar quarter beginning after the  
18 close of the 1st regular session of the State legislature that  
19 begins after the date of the enactment of this Act. For  
20 purposes of the previous sentence, in the case of a State  
21 that has a 2-year legislative session, each year of such ses-  
22 sion shall be deemed to be a separate regular session of  
23 the State legislature.

1 **SEC. 16. PURCHASE OF AMERICAN-MADE EQUIPMENT AND**  
2 **PRODUCTS.**

3 (a) IN GENERAL.—It is the sense of the Congress  
4 that, to the greatest extent practicable, all equipment and  
5 products purchased with funds made available under this  
6 Act should be American-made.

7 (b) NOTICE REQUIREMENT.—In providing financial  
8 assistance to, or entering into any contract with, any en-  
9 tity using funds made available under this Act, the head  
10 of each Federal agency, to the greatest extent practicable,  
11 shall provide to such entity a notice describing the state-  
12 ment made in subsection (a) by the Congress.

13 **SEC. 17. CRIMINAL RECORDS CHECKS FOR PROSPECTIVE**  
14 **FOSTER AND ADOPTIVE PARENTS AND**  
15 **GROUP CARE STAFF.**

16 Section 471(a) of the Social Security Act (42 U.S.C.  
17 671(a)) is amended—

18 (1) in paragraph (18), by striking “and” at the  
19 end;

20 (2) in paragraph (19), by striking the period  
21 and inserting “; and”; and

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

23 “(20) at the option of the State, provides proce-  
24 dures for criminal records checks and checks of a  
25 State’s child abuse registry for any prospective fos-  
26 ter parent or adoptive parent, and any employee of

1 a child-care institution before the foster care or  
2 adoptive parent, or the child-care institution may be  
3 finally approved for placement of a child on whose  
4 behalf foster care maintenance payments or adoption  
5 assistance payments are to be made under the State  
6 plan under this part, including procedures requiring  
7 that—

8 “(A) in any case in which a criminal  
9 record check reveals a criminal conviction for  
10 child abuse or neglect, or spousal abuse, a  
11 criminal conviction for crimes against children,  
12 or a criminal conviction for a crime involving vi-  
13 olence, including rape, sexual or other assault,  
14 or homicide, approval shall not be granted; and

15 “(B) in any case in which a criminal  
16 record check reveals a criminal conviction for a  
17 felony or misdemeanor not involving violence, or  
18 a check of any State child abuse registry indi-  
19 cates that a substantiated report of abuse or  
20 neglect exists, final approval may be granted  
21 only after consideration of the nature of the of-  
22 fense or incident, the length of time that has  
23 elapsed since the commission of the offense or  
24 the occurrence of the incident, the individual’s  
25 life experiences during the period since the com-

1 mission of the offense or the occurrence of the  
2 incident, and any risk to the child.”.

3 **SEC. 18. STANDBY GUARDIANSHIP.**

4 It is the sense of the Congress that the States should  
5 have in effect laws and procedures that permit any parent  
6 who is chronically ill or near death, without surrendering  
7 parental rights, to designate a standby guardian for the  
8 parent’s minor children, whose authority would take effect  
9 upon—

- 10 (1) the death of the parent;  
11 (2) the mental incapacity of the parent; or  
12 (3) the physical debilitation and consent of the  
13 parent.

Passed the House of Representatives April 30, 1997.

Attest: ROBIN H. CARLE,  
*Clerk.*