

109TH CONGRESS
1ST SESSION

S. 1679

To amend part E of title IV of the Social Security Act to strengthen courts for at-risk children, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2005

Mr. DEWINE (for himself and Mr. ROCKEFELLER) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend part E of title IV of the Social Security Act to strengthen courts for at-risk children, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Working to Enhance
5 Courts for At-Risk and Endangered Kids Act of 2005”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—COLLABORATION AMONG STATE IV-B AND IV-E
AGENCY AND COURTS

- Sec. 101. Collaboration on child and family services plans, child and family service reviews, program improvement plans, and court improvement program plans.
- Sec. 102. Multidisciplinary, broad-based State child welfare commissions.
- Sec. 103. Training for abuse and neglect court personnel.
- Sec. 104. Reservation of funds for collaboration support.

TITLE II—OUTCOME PERFORMANCE STANDARDS FOR ABUSE AND NEGLECT COURTS

- Sec. 201. Outcome performance standards for abuse and neglect courts.

TITLE III—COURT MODEL STANDARDS

- Sec. 301. Standards, training, and technical assistance for attorneys.
- Sec. 302. Loan forgiveness for attorneys who represent low-income families or individuals involved in the family or domestic relations court system.
- Sec. 303. Loan forgiveness to social workers who work for child protective agencies.
- Sec. 304. Reauthorization of court-appointed special advocate (CASA) programs and increased funding for expansion in rural and underserved urban areas.

TITLE IV—CLARIFICATION ON STATE FLEXIBILITY FOR PUBLIC ACCESS TO COURTS

- Sec. 401. Clarification on State flexibility for public access to courts.

TITLE V—COURT LEADERSHIP

- Sec. 501. Sense of the Senate regarding State court leadership.

TITLE VI—SAFE AND TIMELY INTERSTATE PLACEMENT OF FOSTER CHILDREN

- Sec. 601. Sense of Congress.
- Sec. 602. Orderly and timely process for interstate placement of children.
- Sec. 603. Home studies.
- Sec. 604. Requirement to complete background checks before approval of any foster or adoptive placement and to check child abuse registries; grandfather of opt-out election; limited nonapplication.
- Sec. 605. Courts allowed access to the Federal parent locator service to locate parents in foster care or adoptive placement cases.
- Sec. 606. Caseworker visits.
- Sec. 607. Health and education records.
- Sec. 608. Right to be heard in foster care proceedings.
- Sec. 609. Court improvement.
- Sec. 610. Reasonable efforts.
- Sec. 611. Case plans.
- Sec. 612. Case review system.
- Sec. 613. Use of interjurisdictional resources.

TITLE VII—EFFECTIVE DATE

- Sec. 701. Effective date.

1 **TITLE I—COLLABORATION**
 2 **AMONG STATE IV-B AND IV-E**
 3 **AGENCY AND COURTS**

4 **SEC. 101. COLLABORATION ON CHILD AND FAMILY SERV-**
 5 **ICES PLANS, CHILD AND FAMILY SERVICE RE-**
 6 **VIEWS, PROGRAM IMPROVEMENT PLANS,**
 7 **AND COURT IMPROVEMENT PROGRAM**
 8 **PLANS.**

9 (a) IV-B STATE PLANS REQUIREMENT.—

10 (1) STATE PLANS FOR CHILD WELFARE SERV-
 11 ICES.—Section 422(b) of the Social Security Act (42
 12 U.S.C. 622(b)) is amended—

13 (A) in paragraph (13), by striking “and”
 14 at the end;

15 (B) in paragraph (14), by striking the pe-
 16 riod at the end and inserting “; and”; and

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

18 “(15) provide that, not later than 3 years after
 19 the date of enactment of the Working to Enhance
 20 Courts for At-Risk and Endangered Kids Act of
 21 2005, the State agency responsible for administering
 22 the State plan under this subpart shall demonstrate
 23 to the Secretary evidence of substantial, ongoing,
 24 and meaningful collaboration among the State agen-
 25 cy, State court leaders and abuse and neglect courts

1 located in the State, and Indian tribes and tribal or-
 2 ganizations located in the State, with respect to the
 3 State plan under this subpart, the State plan under
 4 subpart 2, the State plan under part E, child and
 5 family services reviews required under section 1123A
 6 (including the development and implementation of a
 7 statewide assessment as part of the conformity re-
 8 views and corrective action plans required under
 9 that section), and assessments and implementation
 10 of improvements required under section 438,
 11 through means such as—

12 “(A) meeting regularly to review policies
 13 and procedures;

14 “(B) sharing data and information;

15 “(C) providing joint training; and

16 “(D) engaging in other ongoing efforts for
 17 improved decisions and outcomes for children
 18 receiving assistance or services funded under
 19 the programs authorized under this part and
 20 part E of this title.”.

21 (2) FAMILY PRESERVATION AND SUPPORT
 22 SERVICES PLANS.—Section 432(a) of the Social Se-
 23 curity Act (42 U.S.C. 629b(a)) is amended—

24 (A) in paragraph (8), by striking “and” at
 25 the end;

1 (B) in paragraph (9), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (C) by adding at the end, the following:

4 “(10) provides that, not later than 3 years after
5 the date of enactment of the Working to Enhance
6 Courts for At-Risk and Endangered Kids Act of
7 2005, the State agency responsible for administering
8 the State plan under this subpart shall demonstrate
9 to the Secretary evidence of substantial, ongoing,
10 and meaningful collaboration among the State agen-
11 cy, State court leaders and abuse and neglect courts
12 located in the State, and Indian tribes and tribal or-
13 ganizations located in the State, with respect to the
14 State plan under this subpart, the State plan under
15 subpart 1, the State plan under part E, child and
16 family services reviews required under section 1123A
17 (including the development and implementation of a
18 statewide assessment as part of the conformity re-
19 views and corrective action plans required under
20 that section), and assessments and implementation
21 of improvements required under section 438,
22 through means such as—

23 “(A) meeting regularly to review policies
24 and procedures;

25 “(B) sharing data and information;

1 “(C) providing joint training; and

2 “(D) engaging in other ongoing efforts for
3 improved decisions and outcomes for children
4 receiving assistance or services funded under
5 the programs authorized under this part and
6 part E of this title.”.

7 (b) IV–E STATE PLAN REQUIREMENT.—Section
8 471(a) of the Social Security Act (42 U.S.C. 671(a)) is
9 amended—

10 (1) in paragraph (23)(B), by striking “and” at
11 the end;

12 (2) in paragraph (24), by striking the period at
13 the end and inserting “; and”; and

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

15 “(25) provides that, not later than 3 years after
16 the date of enactment of the Working to Enhance
17 Courts for At-Risk and Endangered Kids Act of
18 2005, the State agency responsible for administering
19 the State plan under this part shall demonstrate to
20 the Secretary evidence of substantial, ongoing, and
21 meaningful collaboration among the State agency,
22 State court leaders and abuse and neglect courts lo-
23 cated in the State, and Indian tribes and tribal orga-
24 nizations located in the State, with respect to the
25 State plan under this part, the State plan under

1 subpart 1 of part B, the State plan under subpart
 2 of part B, child and family services reviews re-
 3 quired under section 1123A (including the develop-
 4 ment and implementation of a statewide assessment
 5 as part of the conformity reviews and corrective ac-
 6 tion plans required under that section), and assess-
 7 ments and implementation of improvements required
 8 under section 438, through means such as—

9 “(A) meeting regularly to review policies
 10 and procedures;

11 “(B) sharing data and information;

12 “(C) providing joint training; and

13 “(D) engaging in other ongoing efforts for
 14 improved decisions and outcomes for children
 15 receiving assistance or services funded under
 16 the programs authorized under this part and
 17 part B of this title.”.

18 (c) CHILD AND FAMILY SERVICES PROGRAMS RE-
 19 VIEW REQUIREMENT.—Section 1123A of the Social Secu-
 20 rity Act (42 U.S.C. 1320a–2a) is amended by adding at
 21 the end the following:

22 “(d) DEMONSTRATION OF COLLABORATION.—

23 “(1) IN GENERAL.—Not later than 3 years
 24 after the date of enactment of the Working to En-
 25 hance Courts for At-Risk and Endangered Kids Act

1 of 2005, the regulations referred to in subsection (a)
2 shall require the State agency responsible for admin-
3 istering the programs authorized under subpart 1 of
4 part B of title IV, subpart 2 of part B of title IV,
5 and part E of title IV to demonstrate to the Sec-
6 retary evidence of substantial, ongoing, and mean-
7 ingful collaboration among the State agency, State
8 court leaders and abuse and neglect courts located
9 in the State, and Indian tribes and tribal organiza-
10 tions located in the State, with respect to the child
11 and family services reviews required under this sec-
12 tion (including the development and implementation
13 of a statewide assessment as part of the conformity
14 reviews and corrective action plans required under
15 this section), the State plan under subpart 1 of part
16 B of title IV, the State plan under subpart 2 of part
17 B of title IV, the State plan under part E of title
18 IV, and assessments and implementation of improve-
19 ments required under section 438, through means
20 such as—

21 “(A) meeting regularly to review policies
22 and procedures;

23 “(B) sharing data and information;

24 “(C) providing joint training; and

1 “(D) engaging in other ongoing efforts for
 2 improved decisions and outcomes for children
 3 receiving assistance or services funded under
 4 the programs authorized under parts B and E
 5 of title IV.

6 “(2) DEFINITIONS.—In this subsection:

7 “(A) ABUSE AND NEGLECT COURTS.—The
 8 term ‘abuse and neglect courts’ has the mean-
 9 ing given that term in section 475(8).

10 “(B) INDIAN TRIBE.—The term ‘Indian
 11 tribe’ has the meaning given that term in sec-
 12 tion 102(2) of the Federally Recognized Indian
 13 Tribe List Act of 1994 (25 U.S.C. 479a(2)).

14 “(C) TRIBAL ORGANIZATION.—The term
 15 ‘tribal organization’ has the meaning given that
 16 term in section 4(l) of the Indian Self-Deter-
 17 mination and Education Assistance Act (25
 18 U.S.C. 450b(l)).”.

19 (d) COURT IMPROVEMENT PROGRAM REQUIRE-
 20 MENT.—Section 438 of the Social Security Act (42 U.S.C.
 21 629h) is amended by adding at the end the following:

22 “(e) DEMONSTRATION OF COLLABORATION.—Begin-
 23 ning on the date that is 3 years after the date of enact-
 24 ment of the Working to Enhance Courts for At-Risk and
 25 Endangered Kids Act of 2005, the highest State court in

1 a State shall not be eligible for a grant under this section
2 with respect to any fiscal year beginning on or after such
3 date (or to continue to receive funding under a grant
4 awarded under this section prior to such date), unless the
5 court demonstrates to the Secretary evidence of substan-
6 tial, ongoing, and meaningful collaboration among the
7 State court leaders and abuse and neglect courts located
8 in the State, the State agency responsible for admin-
9 istering the State plans under this subpart, subpart 1, and
10 part E, and Indian tribes and tribal organizations located
11 in the State with respect to the development and conduct
12 of the assessments required under this section, the imple-
13 mentation of the improvements deemed necessary as a re-
14 sult of such assessments, the child and family services re-
15 views required under section 1123A (including the devel-
16 opment and implementation of a statewide assessment as
17 part of the conformity reviews and corrective action plans
18 required under that section), and the State plans under
19 subpart 1 of part B of title IV, subpart 2 of part B of
20 title IV, and part E of title IV. Demonstration of such
21 collaboration may be made through means such as—

22 “(1) meeting regularly to review policies and
23 procedures;

24 “(2) sharing data and information;

25 “(3) providing joint training; and

1 “(4) engaging in other ongoing efforts for im-
2 proved decisions and outcomes for children receiving
3 assistance or services funded under the programs
4 authorized under parts B and E of title IV.”.

5 (d) DEFINITIONS OF ABUSE AND NEGLECT COURT;
6 INDIAN TRIBE; TRIBAL ORGANIZATION.—

7 (1) IN GENERAL.—Section 475 of the Social
8 Security Act (42 U.S.C. 675) is amended by adding
9 at the end the following:

10 “(8) The term ‘abuse and neglect courts’ means
11 the State, local, and tribal courts that carry out
12 State, local, or tribal laws requiring proceedings
13 (conducted by or under the supervision of the
14 courts)—

15 “(A) that implement part B or part E of
16 this title (including preliminary disposition of
17 such proceedings);

18 “(B) that determine whether a child was
19 abused or neglected;

20 “(C) that determine the advisability or ap-
21 propriateness of foster care placement; or

22 “(D) that determine any other legal dis-
23 position of a child in the abuse and neglect
24 court system.

1 “(9) The term ‘Indian tribe’ has the meaning
2 given that term in section 102(2) of the Federally
3 Recognized Indian Tribe List Act of 1994 (25
4 U.S.C. 479a(2)).

5 “(10) The term ‘tribal organization’ has the
6 meaning given that term in section 4(*l*) of the In-
7 dian Self-Determination and Education Assistance
8 Act (25 U.S.C. 450b(*l*)).”.

9 (2) CONFORMING AMENDMENTS.—

10 (A) Section 428(c) of the Social Security
11 Act (42 U.S.C. 628) is amended by striking “by
12 subsections (e) and (l) of section 4 of the In-
13 dian Self-Determination and Education Assist-
14 ance Act (25 U.S.C. 450b), respectively” and
15 inserting “in paragraphs (9) and (10), respec-
16 tively, of section 475”.

17 (B) Section 431(a) of the Social Security
18 Act (42 U.S.C. 629a(a)(6)) is amended by
19 striking paragraphs (5) and (6) and inserting
20 the following:

21 “(5) TRIBAL ORGANIZATION.—The term ‘tribal
22 organization’ has the meaning given that term in
23 section 475(10).

24 “(6) INDIAN TRIBE.—The term ‘Indian tribe’
25 has the meaning given that term in section 475(9).”.

1 **SEC. 102. MULTIDISCIPLINARY, BROAD-BASED STATE**
 2 **CHILD WELFARE COMMISSIONS.**

3 (a) IN GENERAL.—Part A of title XI of the Social
 4 Security Act (42 U.S.C. 1301 et seq.) is amended by in-
 5 serting after section 1123A, the following:

6 “MULTIDISCIPLINARY, BROAD-BASED STATE CHILD
 7 WELFARE COMMISSIONS

8 “SEC. 1123B. (a) IN GENERAL.—Not later than 1
 9 year after the date of enactment of the Working to En-
 10 hance Courts for At-Risk and Endangered Kids Act of
 11 2005, each State administering a program established
 12 under part B or E of title IV, shall establish a permanent,
 13 multidisciplinary, broad-based commission on State child
 14 welfare programs for the purposes of—

15 “(1) ensuring ongoing collaboration among
 16 State, local, and tribal agencies and other commu-
 17 nity organizations that serve children who have been
 18 abused or neglected, are in foster care, or are receiv-
 19 ing child welfare services; and

20 “(2) furthering the goal of providing all chil-
 21 dren with safe, permanent families in which their
 22 physical, emotional, and social needs are met.

23 “(b) CO-CHAIRS.—The co-chairs of the Commission
 24 shall be the Chief Justice for the State or his or her des-
 25 ignee and the head of the State agency responsible for ad-

1 ministering the State child welfare programs or his or her
2 designee.

3 “(c) COMPOSITION.—The Commission shall include
4 representatives of—

5 “(1) State, local, and tribal agencies and other
6 community organizations that serve children who
7 have been abused or neglected, are in foster care, or
8 are receiving child welfare services;

9 “(2) schools;

10 “(3) health care agencies or providers;

11 “(4) mental health agencies or providers;

12 “(5) child care agencies or providers;

13 “(6) abuse and neglect courts;

14 “(7) the legal and law enforcement commu-
15 nities;

16 “(8) consumers of child welfare services, to in-
17 clude parents, current or former foster youth, and
18 child advocates; and

19 “(9) such other organizations, entities, or indi-
20 viduals as the co-chairs of the Commission deter-
21 mine to be appropriate.

22 “(d) DUTIES.—The Commission shall—

23 “(1) monitor and report to the Secretary and
24 the public on the extent to which the State child wel-

1 fare programs and abuse and neglect courts are re-
2 sponsive to the needs of children in their care;

3 “(2) develop and submit a report to the Sec-
4 retary and the public on plans to establish ongoing
5 collaboration among State, local, and tribal agencies
6 and other community organizations that serve chil-
7 dren who have been abused or neglected, are in fos-
8 ter care, or are receiving child welfare services,
9 which shall include recommendations for the appro-
10 priate use of aggregate data and information shar-
11 ing to improve outcomes for such children;

12 “(3) provide ongoing continuity for the collabo-
13 ration procedures established in accordance with
14 such plan;

15 “(4) broaden public awareness of, and support
16 for, meeting the needs of vulnerable children and
17 families, including the need for sufficient mental
18 health, health care, education, child care, and other
19 services; and

20 “(5) perform such other tasks as the co-chairs
21 of the Commission determines to be appropriate.

22 “(e) DEFINITIONS.—In this section:

23 “(1) ABUSE AND NEGLECT COURTS.—The term
24 ‘abuse and neglect courts’ has the meaning given
25 that term in section 475(8).

1 “(2) COMMISSION.—The term ‘Commission’
2 means the commission required to be established
3 under subsection (a).

4 “(3) STATE CHILD WELFARE PROGRAMS.—The
5 term ‘State child welfare programs’ means the pro-
6 grams authorized under parts B and E of title IV.

7 “(4) TRIBAL AGENCIES.—The term ‘tribal
8 agencies’ means an agency of an Indian tribe (as de-
9 fined in section 475(9)).”.

10 (b) STATE PLAN REQUIREMENT.—Section 471(a) of
11 the Social Security Act (42 U.S.C. 671(a)), as amended
12 by section 101(b), is amended—

13 (1) in paragraph (24), by striking “and” at the
14 end;

15 (2) in paragraph (25), by striking the period at
16 the end and inserting “; and”; and

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

18 “(26) provides that the State, not later than 1
19 year after the date of enactment of the Working to
20 Enhance Courts for At-Risk and Endangered Kids
21 Act of 2005, shall establish the multidisciplinary,
22 broad-based child welfare commission required under
23 section 1123B.”.

1 **SEC. 103. TRAINING FOR ABUSE AND NEGLECT COURT PER-**
2 **SONNEL.**

3 Section 438 of the Social Security Act (42 U.S.C.
4 629h), as amended by section 101(d), is amended—

5 (1) by redesignating subsection (f) as sub-
6 section (g); and

7 (2) by inserting after subsection (e) the fol-
8 lowing:

9 “(f) TRAINING FOR ABUSE AND NEGLECT COURT
10 PERSONNEL.—

11 “(1) AUTHORITY TO AWARD GRANTS.—In addi-
12 tion to any other funds paid to a highest State court
13 under this section for fiscal year 2006 or any fiscal
14 year thereafter, the Secretary shall award grants to
15 highest State courts for the purpose of training
16 judges, court personnel, attorneys, and other legal
17 personnel of abuse and neglect courts on issues rel-
18 evant to the proceedings conducted by such courts,
19 such as child development and other training needs
20 specific to that court in the State.

21 “(2) JOINT-TRAINING INITIATIVES.—A highest
22 State court awarded a grant under this subsection
23 for a fiscal year shall ensure that a significant por-
24 tion of the funds made available under the grant is
25 used for cross-training initiatives that are jointly
26 planned and executed with the State agency respon-

1 sible for administering the programs authorized
2 under this part and part E of this title, and Indian
3 tribes and tribal organizations located in the State.

4 “(3) APPROPRIATION.—Out of any money in
5 the Treasury of the United States not otherwise ap-
6 propriated, there are appropriated for fiscal year
7 2006, \$10,000,000 for making grants under this
8 subsection.”.

9 **SEC. 104. RESERVATION OF FUNDS FOR COLLABORATION**
10 **SUPPORT.**

11 Sections 436(b) and 437(b) of the Social Security Act
12 (42 U.S.C. 629f(b), 629g(b)) are each amended by adding
13 at the end the following:

14 “(4) COLLABORATION.—The Secretary shall re-
15 serve 2 percent for making grants to support the de-
16 velopment and implementation of ongoing and mean-
17 ingful collaboration among the State court leaders
18 and abuse and neglect courts located in the State,
19 the State agency responsible for administering the
20 State plans under this subpart, subpart 1, and part
21 E, and Indian tribes and tribal organizations located
22 in the State with respect to the State plans under
23 this subpart, subpart 1, and part E, the development
24 and conduct of the assessments required under sec-
25 tion 438 and the implementation of the improve-

1 ments deemed necessary as a result of such assess-
 2 ments, and the child and family services reviews re-
 3 quired under section 1123A (including the develop-
 4 ment and implementation of a statewide assessment
 5 as part of the conformity reviews and corrective ac-
 6 tion plans required under that section).”.

7 **TITLE II—OUTCOME PERFORM-**
 8 **ANCE STANDARDS FOR**
 9 **ABUSE AND NEGLECT**
 10 **COURTS**

11 **SEC. 201. OUTCOME PERFORMANCE STANDARDS FOR**
 12 **ABUSE AND NEGLECT COURTS.**

13 Section 438 of the Social Security Act (42 U.S.C.
 14 629h), as amended by section 103, is amended—

15 (1) by redesignating subsection (g) as sub-
 16 section (h); and

17 (2) by inserting after subsection (f) the fol-
 18 lowing:

19 “(g) **OUTCOME PERFORMANCE STANDARDS FOR**
 20 **ABUSE AND NEGLECT COURTS.—**

21 “(1) **AUTHORITY TO AWARD GRANTS.—**

22 “(A) **IN GENERAL.—**In addition to any
 23 other funds paid to a highest State court under
 24 this section for fiscal year 2006, the Secretary
 25 shall award grants to highest State courts for

1 the purpose of developing and implementing
2 outcome performance standards for State abuse
3 and neglect courts in order to achieve the goals
4 of the programs authorized under this part,
5 part E, and the Adoption and Safe Families
6 Act of 1997 (Public Law 105–89; 111 Stat.
7 2115).

8 “(B) REQUIREMENTS.—

9 “(i) IN GENERAL.—A highest State
10 court that receives a grant under this sub-
11 section shall use funds provided under the
12 grant to develop and implement outcome
13 performance standards and measurements
14 for State abuse and neglect courts with re-
15 spect to the following areas:

16 “(I) Safety.

17 “(II) Permanency.

18 “(III) Due Process.

19 “(IV) Timeliness.

20 “(ii) RECOMMENDED STANDARDS.—

21 Outcome performance standards and meas-
22 urements developed and implemented with
23 funds provided under a grant made under
24 this subsection shall be reasonably in ac-
25 cord with recommended standards and

1 measurements for the areas described in
2 subclauses (I) through (IV) of clause (ii)
3 issued by national organizations concerned
4 with such standards and measurements.

5 “(2) APPLICATIONS.—In order to be eligible for
6 a grant under this subsection, a highest State court
7 shall submit to the Secretary an application at such
8 time, in such form, and including such information
9 and assurances as the Secretary shall require.

10 “(3) ALLOTMENTS.—

11 “(A) IN GENERAL.—Each highest State
12 court which has an application approved under
13 paragraph (2) shall be entitled to payment for
14 a fiscal year specified in paragraph (1) from the
15 amount appropriated pursuant to paragraph (4)
16 for a fiscal year of an amount equal to the sum
17 of \$85,000 plus the amount described in sub-
18 paragraph (B) for the fiscal year.

19 “(B) FORMULA.—The amount described in
20 this subparagraph for any fiscal year is the
21 amount that bears the same ratio to the
22 amount appropriated pursuant to paragraph (4)
23 for a fiscal year (reduced by the dollar amount
24 specified in subparagraph (A) for the fiscal
25 year) as the number of individuals in the State

1 who have not attained 21 years of age bears to
 2 the total number of such individuals in all
 3 States with highest State courts that have ap-
 4 proved applications under paragraph (2).

5 “(4) APPROPRIATION.—Out of any money in
 6 the Treasury of the United States not otherwise ap-
 7 propriated, there are appropriated for fiscal year
 8 2006, \$10,000,000 for making grants under this
 9 subsection.”.

10 **TITLE III—COURT MODEL**
 11 **STANDARDS**

12 **SEC. 301. STANDARDS, TRAINING, AND TECHNICAL ASSIST-**
 13 **ANCE FOR ATTORNEYS.**

14 Section 471(a) of the Social Security Act (42 U.S.C.
 15 671(a)), as amended by section 102(b), is amended—

16 (1) in paragraph (25), by striking “and” at the
 17 end;

18 (2) in paragraph (26), by striking the period
 19 and inserting “; and”; and

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

21 “(27) provides that, not later than January 1,
 22 2009, the State shall develop and encourage the im-
 23 plementation of practice standards for all attorneys
 24 representing the State or local agency administering
 25 the program under this part, including standards re-

1 garding the interaction of such attorneys with other
2 attorneys who practice before an abuse and neglect
3 court.”.

4 **SEC. 302. LOAN FORGIVENESS FOR ATTORNEYS WHO REP-**
5 **RESENT LOW-INCOME FAMILIES OR INDIVID-**
6 **UALS INVOLVED IN THE FAMILY OR DOMES-**
7 **TIC RELATIONS COURT SYSTEM.**

8 (a) PURPOSES.—The purposes of this section are—

9 (1) to encourage attorneys to enter the field of
10 family law, juvenile law, or domestic relations law;

11 (2) to increase the number of attorneys who will
12 represent low-income families and individuals, and
13 who are trained and educated in such field; and

14 (3) to keep more highly trained family law, ju-
15 venile law, and domestic relations attorneys in those
16 fields of law for longer periods of time.

17 (b) LOAN FORGIVENESS FOR FAMILY OR DOMESTIC
18 RELATIONS ATTORNEYS.—Part B of title IV of the High-
19 er Education Act of 1965 (20 U.S.C. 1071 et seq.) is
20 amended by inserting after section 428K (20 U.S.C.
21 1078–11) the following:

1 **“SEC. 428L. LOAN FORGIVENESS FOR FAMILY LAW, JUVE-**
2 **NILE LAW, AND DOMESTIC RELATIONS AT-**
3 **TORNEYS WHO WORK IN THE DEFENSE OF**
4 **LOW-INCOME FAMILIES, INDIVIDUALS, OR**
5 **CHILDREN.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) ELIGIBLE LOAN.—The term ‘eligible loan’
8 means a loan made, insured, or guaranteed under
9 this part or part D (excluding loans made under sec-
10 tion 428B or 428C, or comparable loans made under
11 part D) for attendance at a law school.

12 “(2) FAMILY LAW OR DOMESTIC RELATIONS AT-
13 TORNEY.—The term ‘family law or domestic rela-
14 tions attorney’ means an attorney who works in the
15 field of family law or domestic relations, including
16 juvenile justice, truancy, child abuse or neglect,
17 adoption, domestic relations, child support, pater-
18 nity, and other areas which fall under the field of
19 family law or domestic relations law as determined
20 by State law.

21 “(3) HIGHLY QUALIFIED ATTORNEY.—The
22 term ‘highly qualified attorney’ means an attorney
23 who has at least 2 consecutive years of experience in
24 the field of family or domestic relations law serving
25 as a representative of low-income families or minors.

26 “(b) DEMONSTRATION PROGRAM.—

1 “(1) IN GENERAL.—The Secretary may carry
2 out a demonstration program of assuming the obli-
3 gation to repay eligible loans for any new borrower
4 after the date of enactment of this section who—

5 “(A) obtains a Juris Doctorate (JD) and
6 takes not less than 1 law school class in family
7 law, juvenile law, domestic relations law, or a
8 class that the Secretary finds equivalent to any
9 such class pursuant to regulations prescribed by
10 the Secretary; and

11 “(B) has worked fulltime for a State or
12 local government entity, or a nonprofit private
13 entity, as a family law or domestic relations at-
14 torney on behalf of low-income individuals in
15 the family or domestic relations court system
16 for 2 consecutive years immediately preceding
17 the year for which the determination was made.

18 “(2) AWARD BASIS.—Loan repayment under
19 this section shall be on a first-come, first-served
20 basis and subject to the availability of appropria-
21 tions.

22 “(3) PRIORITY.—The Secretary shall give pri-
23 ority in providing loan repayment under this section
24 for a fiscal year to student borrowers who received

1 loan repayment under this section for the preceding
2 fiscal year.

3 “(c) LOAN REPAYMENT.—

4 “(1) IN GENERAL.—For each eligible individual
5 selected for the demonstration program under sub-
6 section (b), the Secretary shall assume the obligation
7 to repay—

8 “(A) after the third consecutive year of
9 employment described in subparagraph (B) of
10 subsection (b)(1), 20 percent of the total
11 amount of all eligible loans;

12 “(B) after the fourth consecutive year of
13 such employment, 30 percent of the total
14 amount of all eligible loans; and

15 “(C) after the fifth consecutive year of
16 such employment, 50 percent of the total
17 amount of all eligible loans.

18 “(2) CONSTRUCTION.—Nothing in this section
19 shall be construed to authorize any refunding of any
20 repayment of a loan made under this part or part
21 D.

22 “(3) INTEREST.—If a portion of a loan is re-
23 paid by the Secretary under this section for any
24 year, the proportionate amount of interest on such

1 loan that accrues for such year shall be repaid by
2 the Secretary.

3 “(4) INELIGIBILITY OF NATIONAL SERVICE
4 AWARD RECIPIENTS.—No student borrower may, for
5 the same service, receive a benefit under both this
6 section and subtitle D of title I of the National and
7 Community Service Act of 1990 (42 U.S.C. 12601
8 et seq.).

9 “(d) REPAYMENT TO ELIGIBLE LENDERS.—The Sec-
10 retary shall pay to each eligible lender or holder for each
11 fiscal year an amount equal to the aggregate amount of
12 eligible loans which are subject to repayment pursuant to
13 this section for such year.

14 “(e) APPLICATION FOR REPAYMENT.—

15 “(1) IN GENERAL.—Each eligible individual de-
16 siring loan repayment under this section shall sub-
17 mit a complete and accurate application to the Sec-
18 retary at such time, in such manner, and containing
19 such information as the Secretary may require.

20 “(2) CONDITIONS.—An eligible individual may
21 apply for loan repayment under this section after
22 completing each year of qualifying employment. The
23 borrower shall receive forbearance while engaged in
24 qualifying employment unless the borrower is in
25 deferment while so engaged.

1 “(f) EVALUATION.—

2 “(1) IN GENERAL.—The Secretary shall con-
3 duct, by grant or contract, an independent national
4 evaluation of the impact of the demonstration pro-
5 gram assisted under this section on the field of fam-
6 ily and domestic relations law.

7 “(2) COMPETITIVE BASIS.—The grant or con-
8 tract described in this subsection shall be awarded
9 on a competitive basis.

10 “(3) CONTENTS.—The evaluation described in
11 this subsection shall determine whether the loan for-
12 giveness program assisted under this section—

13 “(A) has increased the number of highly
14 qualified attorneys;

15 “(B) has contributed to increased time on
16 the job for family law or domestic relations at-
17 torneys, as measured by—

18 “(i) the length of time family law or
19 domestic relations attorneys receiving loan
20 forgiveness under this section have worked
21 in the family law or domestic relations
22 field; and

23 “(ii) the length of time family law or
24 domestic relations attorneys continue to
25 work in such field after the attorneys meet

1 the requirements for loan forgiveness
2 under this section;

3 “(C) has increased the experience and the
4 quality of family law or domestic relations at-
5 torneys; and

6 “(D) has contributed to better family out-
7 comes, as determined after consultation with
8 the Secretary of Health and Human Services
9 and the Attorney General.

10 “(4) INTERIM AND FINAL EVALUATION RE-
11 PORTS.—The Secretary shall prepare and submit to
12 the President and Congress such interim reports re-
13 garding the evaluation described in this section as
14 the Secretary determines appropriate, and shall pre-
15 pare and submit a final report regarding the evalua-
16 tion by September 30, 2010.

17 “(g) REGULATIONS.—The Secretary is authorized to
18 prescribe such regulations as may be necessary to carry
19 out the provisions of this section.

20 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out this section
22 \$20,000,000 for fiscal year 2006, and such sums as are
23 necessary for each of the 4 succeeding fiscal years.”.

1 **SEC. 303. LOAN FORGIVENESS TO SOCIAL WORKERS WHO**
 2 **WORK FOR CHILD PROTECTIVE AGENCIES.**

3 Part B of title IV of the Higher Education Act of
 4 1965 (20 U.S.C. 1071 et seq.) is amended by inserting
 5 after section 428K (20 U.S.C. 1078–11) the following:

6 **“SEC. 428L. LOAN FORGIVENESS FOR CHILD WELFARE**
 7 **WORKERS.**

8 “(a) PURPOSES.—The purposes of this section are—

9 “(1) to bring more highly trained individuals
 10 into the child welfare profession; and

11 “(2) to keep more highly trained child welfare
 12 workers in the child welfare field for longer periods
 13 of time.

14 “(b) DEFINITIONS.—In this section:

15 “(1) CHILD WELFARE SERVICES.—The term
 16 ‘child welfare services’ has the meaning given the
 17 term in section 425 of the Social Security Act.

18 “(2) CHILD WELFARE AGENCY.—The term
 19 ‘child welfare agency’ means the State agency re-
 20 sponsible for administering subpart 1 of part B of
 21 title IV of the Social Security Act and any public or
 22 private agency under contract with the State agency
 23 to provide child welfare services.

24 “(3) INSTITUTION OF HIGHER EDUCATION.—
 25 The term ‘institution of higher education’ has the
 26 meaning given the term in section 101.

1 “(4) STATE.—The term ‘State’ has the mean-
2 ing given the term in section 1101(a)(1) of the So-
3 cial Security Act for purposes of title IV of such
4 Act, and includes an Indian tribe.

5 “(c) DEMONSTRATION PROGRAM.—

6 “(1) IN GENERAL.—The Secretary may carry
7 out a demonstration program of assuming the obli-
8 gation to repay, pursuant to subsection (d), a loan
9 made, insured, or guaranteed under this part or part
10 D (excluding loans made under sections 428B and
11 428C, or comparable loans made under part D) for
12 any new borrower after the date of enactment of this
13 section, who—

14 “(A) obtains a bachelor’s or master’s de-
15 gree in social work;

16 “(B) obtains employment in public or pri-
17 vate child welfare services; and

18 “(C) has worked full time as a social work-
19 er for 2 consecutive years preceding the year
20 for which the determination is made.

21 “(2) AWARD BASIS; PRIORITY.—

22 “(A) AWARD BASIS.—Subject to subpara-
23 graph (B), loan repayment under this section
24 shall be on a first-come, first-served basis and
25 subject to the availability of appropriations.

1 “(B) PRIORITY.—The Secretary shall give
2 priority in providing loan repayment under this
3 section for a fiscal year to student borrowers
4 who received loan repayment under this section
5 for the preceding fiscal year.

6 “(3) OUTREACH.—The Secretary shall post a
7 notice on a Department Internet Web site regarding
8 the availability of loan repayment under this section,
9 and shall notify institutions of higher education re-
10 garding the availability of loan repayment under this
11 section.

12 “(4) REGULATIONS.—The Secretary is author-
13 ized to prescribe such regulations as may be nec-
14 essary to carry out the provisions of this section.

15 “(d) LOAN REPAYMENT.—

16 “(1) IN GENERAL.—For each eligible individual
17 selected for the demonstration program under sub-
18 section (c), the Secretary shall assume the obligation
19 to repay—

20 “(A) after the third consecutive year of
21 employment described in subsection (c)(1)(C),
22 20 percent of the total amount of all loans
23 made under this part or part D (excluding
24 loans made under section 428B or 428C, or
25 comparable loans made under part D) for any

1 new borrower after the date of enactment of
2 this section;

3 “(B) after the fourth consecutive year of
4 such employment, 30 percent of the total
5 amount of such loans; and

6 “(C) after the fifth consecutive year of
7 such employment, 50 percent of the total
8 amount of such loans.

9 “(2) CONSTRUCTION.—Nothing in this section
10 shall be construed to authorize the refunding of any
11 repayment of a loan made under this part or part
12 D.

13 “(3) INTEREST.—If a portion of a loan is re-
14 paid by the Secretary under this section for any
15 year, the proportionate amount of interest on such
16 loan which accrues for such year shall be repaid by
17 the Secretary.

18 “(4) SPECIAL RULE.—In the case of a student
19 borrower not participating in loan repayment pursu-
20 ant to this section who returns to an institution of
21 higher education after graduation from an institu-
22 tion of higher education for the purpose of obtaining
23 a degree described in subsection (c)(1)(A), the Sec-
24 retary may assume the obligation to repay the total
25 amount of loans made under this part or part D in-

1 curred for returning to an institution of higher edu-
2 cation for the purpose of obtaining such a degree for
3 a maximum of 2 academic years. Such loans shall
4 only be repaid for borrowers who qualify for loan re-
5 payment pursuant to the provisions of this section,
6 and shall be repaid in accordance with the provisions
7 of paragraph (1).

8 “(5) INELIGIBILITY OF NATIONAL SERVICE
9 AWARD RECIPIENTS.—No student borrower may, for
10 the same service, receive a benefit under both this
11 section and subtitle D of title I of the National and
12 Community Service Act of 1990 (42 U.S.C. 12601
13 et seq.).

14 “(e) REPAYMENT TO ELIGIBLE LENDERS.—The Sec-
15 retary shall pay to each eligible lender or holder for each
16 fiscal year an amount equal to the aggregate amount of
17 loans that are subject to repayment pursuant to this sec-
18 tion for such year.

19 “(f) APPLICATION FOR REPAYMENT.—

20 “(1) IN GENERAL.—Each eligible individual de-
21 siring loan repayment under this section shall sub-
22 mit a complete and accurate application to the Sec-
23 retary at such time, in such manner, and containing
24 such information as the Secretary may require.

1 “(2) CONDITIONS.—An eligible individual may
2 apply for loan repayment under this section after
3 completing each year of qualifying employment. The
4 borrower shall receive forbearance while engaged in
5 qualifying employment unless the borrower is in
6 deferment while so engaged.

7 “(g) EVALUATION.—

8 “(1) IN GENERAL.—The Secretary shall con-
9 duct, by grant or contract, an independent national
10 evaluation of the impact of the demonstration pro-
11 gram assisted under this section on the field of child
12 welfare services.

13 “(2) COMPETITIVE BASIS.—The grant or con-
14 tract described in paragraph (1) shall be awarded on
15 a competitive basis.

16 “(3) CONTENTS.—The evaluation described in
17 this subsection shall determine—

18 “(A) whether the loan forgiveness program
19 has increased child welfare workers’ education
20 in the areas covered by loan forgiveness;

21 “(B) whether the loan forgiveness program
22 has contributed to increased time on the job for
23 child welfare workers as measured by—

1 “(i) the length of time child welfare
2 workers receiving loan forgiveness have
3 worked in the child welfare field; and

4 “(ii) the length of time such workers
5 continue to work in such field after the
6 workers meet the requirements for loan
7 forgiveness under this section; and

8 “(C) whether the loan forgiveness program
9 has increased the experience and quality of
10 child welfare workers and has contributed to in-
11 creased performance in the outcomes of child
12 welfare services in terms of child well-being,
13 permanency, and safety, as determined after
14 consultation with the Secretary of Health and
15 Human Services.

16 “(4) INTERIM AND FINAL EVALUATION RE-
17 PORTS.—The Secretary shall prepare and submit to
18 the President and Congress such interim reports re-
19 garding the evaluation described in this subsection
20 as the Secretary determines appropriate, and shall
21 prepare and so submit a final report regarding the
22 evaluation by September 30, 2010.

23 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this section

1 \$20,000,000 for fiscal year 2006, and such sums as may
2 be necessary for each of the 4 succeeding fiscal years.”.

3 **SEC. 304. REAUTHORIZATION OF COURT-APPOINTED SPE-**
4 **CIAL ADVOCATE (CASA) PROGRAMS AND IN-**
5 **CREASED FUNDING FOR EXPANSION IN**
6 **RURAL AND UNDERSERVED URBAN AREAS.**

7 (a) IN GENERAL.—Section 218(a) of the Victims of
8 Child Abuse Act of 1990 (42 U.S.C. 13014(a)) is amended
9 by striking “\$12,000,000 for each of fiscal years 2001
10 through 2005” and inserting “\$17,000,000 for each of fis-
11 cal years 2006 through 2010”.

12 (b) GRANTS FOR EXPANSION IN RURAL AND UNDER-
13 SERVED URBAN AREAS.—Section 217(c)(3) of the Victims
14 of Child Abuse Act of 1990 (42 U.S.C. 13013(c)(3)) is
15 amended—

16 (1) by inserting “(A)” after “(3)”; and

17 (2) by adding at the end the following:

18 “(B) Of the amount appropriated for each of fiscal
19 years 2006 through 2010 to carry out this subtitle, the
20 Administrator shall use not less than \$5,000,000 of such
21 amount to make grants for the purpose of developing or
22 expanding court-appointed special advocate programs in
23 rural and underserved urban areas.”.

1 **TITLE IV—CLARIFICATION ON**
 2 **STATE FLEXIBILITY FOR PUB-**
 3 **LIC ACCESS TO COURTS**

4 **SEC. 401. CLARIFICATION ON STATE FLEXIBILITY FOR PUB-**
 5 **LIC ACCESS TO COURTS.**

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

8 (1) in paragraph (8) of subsection (a), by in-
 9 serting “subject to subsection (c),” after “(8)”; and

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

11 “(c) Nothing in paragraph (8) of subsection (a) shall
 12 be construed to limit the flexibility of a State to determine
 13 State policies relating to the public access to court pro-
 14 ceedings to determine child abuse or neglect or other court
 15 hearings held pursuant to requirements under this part
 16 or part B, except that such policies shall, at a minimum,
 17 ensure the safety and well-being of the child, parents, and
 18 family.”.

19 **TITLE V—COURT LEADERSHIP**

20 **SEC. 501. SENSE OF THE SENATE REGARDING STATE**
 21 **COURT LEADERSHIP.**

22 (a) SENSE OF THE SENATE.—It is the sense of the
 23 Senate that the Chief Justice for each State and other
 24 State court leadership should take the lead in providing
 25 for the health, safety, and permanency of children before

1 State abuse and neglect courts through measures such as
2 the following:

3 (1) Establishing an office on children before
4 State abuse and neglect courts within the State ad-
5 ministrative office of the courts.

6 (2) Organizing State courts so that abuse and
7 neglect cases are heard in dedicated courts or de-
8 partments, rather than in departments with jurisdic-
9 tion over multiple issues, where feasible.

10 (3) Actively promoting—

11 (A) resource, workload, and training stand-
12 ards for abuse and neglect court judges, attor-
13 neys, and other court personnel;

14 (B) standards of practice for abuse and
15 neglect court judges; and

16 (C) codes of judicial conduct that support
17 the practices of problem-solving courts such as
18 abuse and neglect courts.

19 (4) Establishing State court procedures that en-
20 able and encourage judges who have demonstrated
21 competence in proceedings before State abuse and
22 neglect courts to build careers on serving on such
23 courts.

24 (b) DEFINITION OF ABUSE AND NEGLECT COURT.—

25 In this section, the term “abuse and neglect court” has

1 the meaning given that term in section 475(8) of the So-
2 cial Security Act (as added by section 101(d)).

3 **TITLE VI—SAFE AND TIMELY**
4 **INTERSTATE PLACEMENT OF**
5 **FOSTER CHILDREN**

6 **SEC. 601. SENSE OF CONGRESS.**

7 (a) FINDING.—Congress finds that the Interstate
8 Compact on the Placement of Children (ICPC) was draft-
9 ed more than 40 years ago, is outdated, and is a barrier
10 to the timely placement of children across State lines.

11 (b) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that the States should expeditiously revise the ICPC
13 to better serve the interests of children and reduce unnec-
14 essary work, and that the revision should include—

15 (1) limiting its applicability to children in foster
16 care under the responsibility of a State, except those
17 seeking placement in a licensed residential facility
18 primarily to access clinical mental health services;
19 and

20 (2) providing for deadlines for the completion
21 and approval of home studies as set forth in the
22 amendments made by section 603.

1 **SEC. 602. ORDERLY AND TIMELY PROCESS FOR INTER-**
2 **STATE PLACEMENT OF CHILDREN.**

3 Section 471(a) of the Social Security Act (42 U.S.C.
4 671(a)), as amended by section 301, is amended—

5 (1) by striking “and” at the end of paragraph
6 (24);

7 (2) by striking the period at the end of para-
8 graph (25) and inserting “; and”; and

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

10 “(26) provide that the State shall have in effect
11 procedures for the orderly and timely interstate
12 placement of children, and procedures implemented
13 in accordance with an interstate compact approved
14 by the Secretary, if incorporating with the proce-
15 dures prescribed by paragraph (27), shall be consid-
16 ered to satisfy the requirement of this paragraph.”.

17 **SEC. 603. HOME STUDIES.**

18 (a) ORDERLY PROCESS.—

19 (1) IN GENERAL.—Section 471(a) of the Social
20 Security Act (42 U.S.C. 671(a)), as amended by sec-
21 tion 602, is amended—

22 (A) by striking “and” at the end of para-
23 graph (25);

24 (B) by striking the period at the end of
25 paragraph (26) and inserting “; and”; and

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

1 “(27) provides that—

2 “(A)(i) within 60 days after the State re-
3 ceives from another State a request to conduct
4 a study of a home environment for purposes of
5 assessing the appropriateness of placing a child
6 in the home, the State shall, directly or by con-
7 tract—

8 “(I) conduct and complete the study;
9 and

10 “(II) return to the other State a re-
11 port on the results of the study, which
12 shall address the extent to which place-
13 ment in the home would meet the needs of
14 the child; and

15 “(ii) in the case of a home study begun on
16 or before September 30, 2007, if the State fails
17 to comply with clause (i) within the 60-day pe-
18 riod as a result of circumstances beyond the
19 control of the State (such as a failure by a Fed-
20 eral agency to provide the results of a back-
21 ground check, or the failure by any entity to
22 provide completed medical forms, requested by
23 the State at least 45 days before the end of the
24 60-day period), the State shall have 75 days to
25 comply with clause (i) if the State documents

1 the circumstances involved and certifies that
2 completing the home study is in the best inter-
3 ests of the child; except that

4 “(iii) this subparagraph shall not be con-
5 strued to require the State to have completed,
6 within the applicable period, the parts of the
7 home study involving the education and train-
8 ing of the prospective foster or adoptive par-
9 ents;

10 “(B) the State shall treat any report de-
11 scribed in subparagraph (A) that is received
12 from another State or an Indian tribe (or from
13 a private agency under contract with another
14 State) as meeting any requirements imposed by
15 the State for the completion of a home study
16 before placing a child in the home, unless, with-
17 in 14 days after receipt of the report, the State
18 determines, based on grounds that are specific
19 to the content of the report, that making a de-
20 cision in reliance on the report would be con-
21 trary to the welfare of the child; and

22 “(C) the State shall not impose any re-
23 striction on the ability of a State agency admin-
24 istering, or supervising the administration of, a
25 State program operated under a State plan ap-

1 proved under this part to contract with a pri-
2 vate agency for the conduct of a home study de-
3 scribed in subparagraph (A).”.

4 (2) SENSE OF CONGRESS.—It is the sense of
5 Congress that each State should—

6 (A) use private agencies to conduct home
7 studies when doing so is necessary to meet the
8 requirements of section 471(a)(27) of the Social
9 Security Act; and

10 (B) give full faith and credit to any home
11 study report completed by any other State or
12 an Indian tribe with respect to the placement of
13 a child in foster care or for adoption.

14 (b) TIMELY INTERSTATE HOME STUDY INCENTIVE
15 PAYMENTS.—Part E of title IV of the Social Security Act
16 (42 U.S.C. 670–679b) is amended by inserting after sec-
17 tion 473A the following:

18 **“SEC. 473B. TIMELY INTERSTATE HOME STUDY INCENTIVE**
19 **PAYMENTS.**

20 “(a) GRANT AUTHORITY.—The Secretary shall make
21 a grant to each State that is a home study incentive-eli-
22 gible State for a fiscal year in an amount equal to the timely
23 interstate home study incentive payment payable to the
24 State under this section for the fiscal year, which shall
25 be payable in the immediately succeeding fiscal year.

1 “(b) HOME STUDY INCENTIVE-ELIGIBLE STATE.—

2 A State is a home study incentive-eligible State for a fiscal
3 year if—

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

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

8 “(3) based on data submitted and verified pur-
9 suant to subsection (c), the State has completed a
10 timely interstate home study during the fiscal year.

11 “(c) DATA REQUIREMENTS.—

12 “(1) IN GENERAL.—A State is in compliance
13 with this subsection for a fiscal year if the State has
14 provided to the Secretary a written report, covering
15 the preceding fiscal year, that specifies—

16 “(A) the total number of interstate home
17 studies requested by the State with respect to
18 children in foster care under the responsibility
19 of the State and, with respect to each such
20 study, the identity of the other State involved;
21 and

22 “(B) the total number of timely interstate
23 home studies completed by the State with re-
24 spect to children in foster care under the re-
25 sponsibility of other States and, with respect to

1 each such study, the identity of the other State
2 involved.

3 “(2) VERIFICATION OF DATA.—In determining
4 the number of timely interstate home studies to be
5 attributed to a State under this section, the Sec-
6 retary shall check the data provided by the State
7 under paragraph (1) against complementary data so
8 provided by other States.

9 “(d) TIMELY INTERSTATE HOME STUDY INCENTIVE
10 PAYMENTS.—

11 “(1) IN GENERAL.—The timely interstate home
12 study incentive payment payable to a State for a fis-
13 cal year shall be \$1,500 multiplied by the number of
14 timely interstate home studies attributed to the
15 State under this section during the fiscal year, sub-
16 ject to paragraph (2).

17 “(2) PRO RATA ADJUSTMENT IF INSUFFICIENT
18 FUNDS AVAILABLE.—If the total amount of timely
19 interstate home study incentive payments otherwise
20 payable under this section for a fiscal year exceeds
21 the total of the amounts made available pursuant to
22 subsection (h) for the fiscal year (reduced (but not
23 below zero) by the total of the amounts (if any) pay-
24 able under paragraph (3) of this subsection with re-
25 spect to the preceding fiscal year), the amount of

1 each such otherwise payable incentive payment shall
2 be reduced by a percentage equal to—

3 “(A) the total of the amounts so made
4 available (as so reduced); divided by

5 “(B) the total of such otherwise payable
6 incentive payments.

7 “(3) APPROPRIATIONS AVAILABLE FOR UNPAID
8 INCENTIVE PAYMENTS FOR PRIOR FISCAL YEARS.—

9 “(A) IN GENERAL.—If payments under
10 this section are reduced under paragraph (2) or
11 subparagraph (B) of this paragraph for a fiscal
12 year, then, before making any other payment
13 under this section for the next fiscal year, the
14 Secretary shall pay each State whose payment
15 was so reduced an amount equal to the total
16 amount of the reductions which applied to the
17 State, subject to subparagraph (B) of this para-
18 graph.

19 “(B) PRO RATA ADJUSTMENT IF INSUFFI-
20 CIENT FUNDS AVAILABLE.—If the total amount
21 of payments otherwise payable under subpara-
22 graph (A) of this paragraph for a fiscal year ex-
23 ceeds the total of the amounts made available
24 pursuant to subsection (h) for the fiscal year,

1 the amount of each such payment shall be re-
2 duced by a percentage equal to—

3 “(i) the total of the amounts so made
4 available; divided by

5 “(ii) the total of such otherwise pay-
6 able payments.

7 “(e) TWO-YEAR AVAILABILITY OF INCENTIVE PAY-
8 MENTS.—Payments to a State under this section in a fis-
9 cal year shall remain available for use by the State
10 through the end of the next fiscal year.

11 “(f) LIMITATIONS ON USE OF INCENTIVE PAY-
12 MENTS.—A State shall not expend an amount paid to the
13 State under this section except to provide to children or
14 families any service (including post-adoption services) that
15 may be provided under part B or E. Amounts expended
16 by a State in accordance with the preceding sentence shall
17 be disregarded in determining State expenditures for pur-
18 poses of Federal matching payments under sections 423,
19 434, and 474.

20 “(g) DEFINITIONS.—In this section:

21 “(1) HOME STUDY.—The term ‘home study’
22 means a study of a home environment, conducted in
23 accordance with applicable requirements of the State
24 in which the home is located, for the purpose of as-

1 sessing whether placement of a child in the home
2 would be appropriate for the child.

3 “(2) INTERSTATE HOME STUDY.—The term
4 ‘interstate home study’ means a home study con-
5 ducted by a State at the request of another State,
6 to facilitate an adoptive or relative placement in the
7 State.

8 “(3) TIMELY INTERSTATE HOME STUDY.—The
9 term ‘timely interstate home study’ means an inter-
10 state home study completed by a State if the State
11 provides to the State that requested the study, with-
12 in 30 days after receipt of the request, a report on
13 the results of the study. The preceding sentence
14 shall not be construed to require the State to have
15 completed, within the 30-day period, the parts of the
16 home study involving the education and training of
17 the prospective foster or adoptive parents.

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

20 “(1) IN GENERAL.—For payments under this
21 section, there are authorized to be appropriated to
22 the Secretary, \$10,000,000 for each of fiscal years
23 2006 through 2009.—

1 “(2) AVAILABILITY.—Amounts appropriated
2 under paragraph (1) are authorized to remain avail-
3 able until expended.”.

4 (c) REPEALER.—Effective October 1, 2009, section
5 473B of the Social Security Act is repealed.

6 **SEC. 604. REQUIREMENT TO COMPLETE BACKGROUND**
7 **CHECKS BEFORE APPROVAL OF ANY FOSTER**
8 **OR ADOPTIVE PLACEMENT AND TO CHECK**
9 **CHILD ABUSE REGISTRIES; GRANDFATHER**
10 **OF OPT-OUT ELECTION; LIMITED NON-**
11 **APPLICATION.**

12 Section 471(a)(20) of the Social Security Act (42
13 U.S.C. 671(a)(20)) is amended—

14 (1) in subparagraph (A)—

15 (A) in the matter preceding clause (i)—

16 (i) by striking “unless an election pro-
17 vided for in subparagraph (B) is made
18 with respect to the State” and inserting
19 “except as provided in clause (iii)”;

20 (ii) by striking “on whose behalf fos-
21 ter care maintenance payments or adoption
22 assistance payments are to be made” and
23 inserting “regardless of whether foster care
24 maintenance payments or adoption assist-

1 ance payments are to be made on behalf of
2 the child”;

3 (B) in each of clauses (i) and (ii), by in-
4 serting “involving a child on whose behalf such
5 payments are to be so made” after “in any
6 case”; and

7 (C) by striking “and” at the end of clause
8 (ii); and

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

10 “(iii) clauses (i) and (ii) shall not apply to
11 the State if—

12 “(I) the State elected on or before
13 September 30, 2005, to make this sub-
14 paragraph (as in effect on or before such
15 date) inapplicable to the State; or

16 “(II) a record check conducted in ac-
17 cordance with clause (i) or (ii) which re-
18 veals a felony conviction or crime described
19 in such clause and is the basis for denying
20 a placement would conflict with a require-
21 ment of State’s constitution; and”;

22 (2) by striking subparagraph (B) and inserting
23 the following:

24 “(B) provides that the State shall—

1 “(i) check any child abuse and neglect reg-
2 istry maintained by the State for information
3 on any prospective foster or adoptive parent
4 and on any other adult living in the home of
5 such a prospective parent, and request any
6 other State in which any such prospective par-
7 ent or other adult has resided in the preceding
8 5 years, to enable the State to check any child
9 abuse and neglect registry maintained by such
10 other State for such information, before the
11 prospective foster or adoptive parent may be fi-
12 nally approved for placement of a child, regard-
13 less of whether foster care maintenance pay-
14 ments or adoption assistance payments are to
15 be made on behalf of the child under the State
16 plan under this part;

17 “(ii) comply with any request described in
18 clause (i) that is received from another State;

19 “(iii) have in place safeguards to prevent
20 the unauthorized disclosure of information in
21 any child abuse and neglect registry maintained
22 by the State, and to prevent any such informa-
23 tion obtained pursuant to this subparagraph
24 from being used for a purpose other than the

1 conducting of background checks in foster or
2 adoptive placement cases; and

3 “(iv) not deny a placement on the basis of
4 information determined as a result of a check
5 conducted in accordance with clause (i) or (ii)
6 if denying a placement on such basis would con-
7 flict with a requirement of a State’s constitu-
8 tion;”.

9 **SEC. 605. COURTS ALLOWED ACCESS TO THE FEDERAL**
10 **PARENT LOCATOR SERVICE TO LOCATE PAR-**
11 **ENTS IN FOSTER CARE OR ADOPTIVE PLACE-**
12 **MENT CASES.**

13 Section 453(c) of the Social Security Act (42 U.S.C.
14 653(c)) is amended—

15 (1) by striking “and” at the end of paragraph
16 (3);

17 (2) by striking the period and inserting “;
18 and”; and

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

20 “(5) any court which has authority with respect
21 to the placement of a child in foster care or for
22 adoption, but only for the purpose of locating a par-
23 ent of the child.”.

1 **SEC. 606. CASEWORKER VISITS.**

2 (a) PURCHASE OF SERVICES IN INTERSTATE PLACE-
3 MENT CASES.—Section 475(5)(A)(ii) of the Social Secu-
4 rity Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking
5 “or of the State in which the child has been placed” and
6 inserting “of the State in which the child has been placed,
7 or of a private agency under contract with either such
8 State”.

9 (b) INCREASED VISITS.—Section 475(5)(A)(ii) of
10 such Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking
11 “12” and inserting “6”.

12 **SEC. 607. HEALTH AND EDUCATION RECORDS.**

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

15 (1) in paragraph (1)(C)—

16 (A) by striking “To the extent available
17 and accessible, the” and inserting “The”; and

18 (B) by inserting “the most recent informa-
19 tion available regarding” after “including”; and

20 (2) in paragraph (5)(D)—

21 (A) by inserting “a copy of the record is”
22 before “supplied”; and

23 (B) by inserting “, and is supplied to the
24 child at no cost at the time the child leaves fos-
25 ter care if the child is leaving foster care by

1 reason of having attained the age of majority
2 under State law” before the semicolon.

3 **SEC. 608. RIGHT TO BE HEARD IN FOSTER CARE PRO-**
4 **CEEDINGS.**

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

7 (1) by striking “an opportunity” and inserting
8 “a right”;

9 (2) by striking “and opportunity” and inserting
10 “and right”; and

11 (3) by striking “review or hearing” each place
12 it appears and inserting “proceeding”.

13 (b) NOTICE OF PROCEEDING.—Section 438(b) of
14 such Act (42 U.S.C. 638(b)) is amended by inserting
15 “shall have in effect a rule requiring State courts to en-
16 sure that foster parents, preadoptive parents, and relative
17 caregivers of a child in foster care under the responsibility
18 of the State are notified of any proceeding to be held with
19 respect to the child, and” after “highest State court”.

20 **SEC. 609. COURT IMPROVEMENT.**

21 Section 438(a)(1) of the Social Security Act (42
22 U.S.C. 629h(a)(1)) is amended—

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

25 (2) by adding at the end the following:

1 “(E) that determine the best strategy to
2 use to expedite the interstate placement of chil-
3 dren, including—

4 “(i) requiring courts in different
5 States to cooperate in the sharing of infor-
6 mation;

7 “(ii) authorizing courts to obtain in-
8 formation and testimony from agencies
9 and parties in other States without requir-
10 ing interstate travel by the agencies and
11 parties; and

12 “(iii) permitting the participation of
13 parents, children, other necessary parties,
14 and attorneys in cases involving interstate
15 placement without requiring their inter-
16 state travel; and”.

17 **SEC. 610. REASONABLE EFFORTS.**

18 (a) **IN GENERAL.**—Section 471(a)(15)(C) of the So-
19 cial Security Act (42 U.S.C. 671(a)(15)(C)) is amended
20 by inserting “(including, if appropriate, through an inter-
21 state placement)” after “accordance with the permanency
22 plan”.

23 (b) **PERMANENCY HEARING.**—Section
24 471(a)(15)(E)(i) of such Act (42 U.S.C. 671(a)(15)(E)(i))
25 is amended by inserting “, which considers in-State and

1 out-of-State permanent placement options for the child,”
2 before “shall”.

3 (c) CONCURRENT PLANNING.—Section
4 471(a)(15)(F) of such Act (42 U.S.C. 671(a)(15)(F)) is
5 amended by inserting “, including identifying appropriate
6 out-of-State relatives and placements” before “may”.

7 **SEC. 611. CASE PLANS.**

8 Section 475(1)(E) of the Social Security Act (42
9 U.S.C. 675(1)(E)) is amended by inserting “to facilitate
10 orderly and timely in-State and interstate placements” be-
11 fore the period.

12 **SEC. 612. CASE REVIEW SYSTEM.**

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

15 (1) by inserting “, in the case of a child who
16 will not be returned to the parent, the hearing shall
17 consider in-State and out-of-State placement op-
18 tions,” after “living arrangement”; and

19 (2) by inserting “the hearing shall determine”
20 before “whether the”.

21 **SEC. 613. USE OF INTERJURISDICTIONAL RESOURCES.**

22 Section 422(b)(12) of the Social Security Act (42
23 U.S.C. 622(b)(12)) is amended—

24 (1) by striking “develop plans for the” and in-
25 serting “make”;

1 (2) by inserting “(including through contracts
2 for the purchase of services)” after “resources”; and

3 (3) by inserting “, and shall eliminate legal bar-
4 riers,” before “to facilitate”.

5 **TITLE VII—EFFECTIVE DATE**

6 **SEC. 701. EFFECTIVE DATE.**

7 (a) IN GENERAL.—Except as otherwise provided in
8 this section, the amendments made by this Act shall take
9 effect on October 1, 2005, and shall apply to payments
10 under parts B and E of title IV of the Social Security
11 Act for calendar quarters beginning on or after such date,
12 without regard to whether regulations to implement the
13 amendments are promulgated by such date.

14 (b) DELAY PERMITTED IF STATE LEGISLATION RE-
15 QUIRED.—If the Secretary of Health and Human Services
16 determines that State legislation (other than legislation
17 appropriating funds) is required in order for a State plan
18 under part B or E of title IV of the Social Security Act
19 to meet the additional requirements imposed by the
20 amendments made by a provision of this Act, the plan
21 shall not be regarded as failing to meet any of the addi-
22 tional requirements before the 1st day of the 1st calendar
23 quarter beginning after the 1st regular session of the
24 State legislature that begins after the date of enactment
25 of this Act. If the State has a 2-year legislative session,

- 1 each year of the session is deemed to be a separate regular
- 2 session of the State legislature.

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