

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

# S. 2837

To amend part E of title IV of the Social Security Act to examine and improve the child welfare workforce, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 4, 2009

Mrs. LINCOLN introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend part E of title IV of the Social Security Act to examine and improve the child welfare workforce, 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 “Child Welfare Work-  
5       force Improvement Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1)(A) Research indicates that child welfare  
9       staff face a variety of obstacles that hinder their ef-  
10       fective work with children and families in the child

1 welfare system. These obstacles include barriers de-  
2 scribed in subparagraphs (B) through (D).

3 (B) High caseload and high workload levels pre-  
4 vent child welfare staff from working intensively  
5 with children and families and monitoring their  
6 progress carefully.

7 (C) Child welfare staff report an absence of suf-  
8 ficient access to supervision, mentoring, and profes-  
9 sional advancement. A lack of access to supervision,  
10 mentoring, and professional advancement contrib-  
11 utes to staff burnout and turnover.

12 (D) States report difficulty hiring and retaining  
13 quality child welfare staff. The average tenure of  
14 such a staff member is less than 2 years. In addition  
15 to the increased cost of hiring and training new  
16 child welfare staff, high turnover rates among such  
17 staff are associated with multiple placements of chil-  
18 dren in foster care, longer lengths of stays in foster  
19 care, lower rates of permanency, and failed efforts at  
20 family reunification. Lengthy periods of foster care  
21 increase costs for child welfare agencies, as main-  
22 taining children in foster care is more expensive  
23 than adoption, reunification, or other permanency  
24 options.

1           (2) Supervision, staff preparation and training,  
2 caseloads, workloads, data and accountability, work-  
3 ing conditions, cultural competence, and leadership  
4 are key components of an effective child welfare  
5 workforce. There are few incentives in Federal law  
6 that encourage improvements in these key areas.

7           (3) Current restrictions on Federal funding  
8 under part E of title IV of the Social Security Act  
9 for training of child welfare staff create barriers to  
10 staff and children fully benefitting from this impor-  
11 tant program. The related Federal funding proce-  
12 dures are linked to an outdated income eligibility re-  
13 quirement and administered in a way that fails to  
14 recognize the scope of work and types of staff who  
15 are working with children in the child welfare sys-  
16 tem.

17 **SEC. 3. DEFINITIONS.**

18           Section 475 of the Social Security Act (42 U.S.C.  
19 675) is amended by adding at the end the following:

20           “(9) The term ‘child welfare staff’ means—

21                   “(A) employees of State, tribal, or local  
22 child welfare agencies, who are working with  
23 children and families that have contact with  
24 such a child welfare agency, in order to promote

1 safety, permanence, and well-being for children  
2 and families; and

3 “(B) employees of State-licensed or State-  
4 approved nonprofit private agencies, who are  
5 working with children and families that have  
6 contact with a State, tribal, or local child wel-  
7 fare agency in order to promote safety, perma-  
8 nence, and well-being for children and families.

9 “(10) The term ‘related professionals’, used  
10 with respect to child welfare staff, means individuals  
11 employed by public or nonprofit private agencies in  
12 child- and family-serving fields including education,  
13 health, mental health, substance abuse prevention  
14 and treatment, juvenile justice, law enforcement, and  
15 domestic violence, who work with children and fami-  
16 lies that have contact with a State, tribal, or local  
17 child welfare agency.”.

18 **SEC. 4. DATA COLLECTION AND RESEARCH TO INCREASE**  
19 **ACCOUNTABILITY FOR OUTCOMES FOR CHIL-**  
20 **DREN.**

21 Part E of title IV of the Social Security Act (42  
22 U.S.C. 670 et seq.) is amended by inserting after section  
23 479B the following:

1 **“SEC. 479C. DATA COLLECTION AND RESEARCH TO IN-**  
2 **CREASE ACCOUNTABILITY FOR OUTCOMES**  
3 **FOR CHILDREN.**

4 “(a) NATIONAL CHILD WELFARE STAFF STUDY.—

5 “(1) STUDY AND REPORT.—The Secretary shall  
6 enter into an agreement with the National Academy  
7 of Sciences, under which the National Academy of  
8 Sciences shall—

9 “(A) conduct a national study of child wel-  
10 fare staff, highlighting promising approaches,  
11 to—

12 “(i) examine and provide findings re-  
13 lated to the demographic and other charac-  
14 teristics of child welfare staff, including  
15 compensation, academic degrees held, edu-  
16 cation and training received, and turnover;

17 “(ii) examine and provide findings re-  
18 garding factors contributing to child wel-  
19 fare staff turnover and strategies that have  
20 been effective in reducing the turnover by  
21 type of child welfare services, including  
22 preventive, protective, foster care, inde-  
23 pendent living, adoption, and kinship care  
24 services;

25 “(iii)(I) examine and provide findings  
26 regarding strengths and challenges present

1 in the working relationship between child  
2 welfare staff, legal and court staff, and  
3 other related professionals; and

4 “(II) make recommendations regard-  
5 ing how this working relationship may be  
6 improved;

7 “(iv) examine and provide findings,  
8 and make recommendations, regarding ap-  
9 propriate overall workloads and caseloads  
10 for all child welfare staff, including appro-  
11 priate workloads and caseloads for super-  
12 visors, analyzed by type of child welfare  
13 staff member supervised, including those  
14 providing child welfare services, including  
15 preventive, protective, foster care, inde-  
16 pendent living, adoption, and kinship care  
17 services, and appropriate measurement of  
18 such overall workloads and caseloads;

19 “(v)(I) examine and provide findings  
20 related to policy and practice regarding  
21 education level and training requirements  
22 for child welfare staff by type of work, in-  
23 cluding providing preventive, protective,  
24 foster care, adoption, and kinship care  
25 services; and

1           “(II) make recommendations regard-  
2           ing appropriate education levels and train-  
3           ing to ensure competent child welfare staff;  
4           and

5           “(vi)(I) examine and provide findings  
6           related to the kinds of data available to or  
7           collected by State or local child welfare  
8           agencies with regard to child welfare staff;

9           “(II) examine the methods and kinds  
10          of data on child welfare staff that States  
11          report to the Secretary through the data  
12          collection systems authorized under section  
13          103(c)(1)(C) of the Child Abuse Preven-  
14          tion and Treatment Act, section 477(f) of  
15          the Social Security Act (42 U.S.C. 677(f)),  
16          and section 479 of that Act (42 U.S.C.  
17          679);

18          “(III) make recommendations on how  
19          States might collect data on child welfare  
20          staff, including data on the type of work  
21          staff are performing, and report the data  
22          to the Secretary, regularly and in a man-  
23          ner that enables the data to be linked to  
24          the outcomes achieved for individual chil-

1           dren served by the State or local child wel-  
2           fare agency involved, which shall include—

3                   “(aa) a means of incorporating  
4                   the data into the data collection sys-  
5                   tem authorized under section 479 of  
6                   the Social Security Act (42 U.S.C.  
7                   679); and

8                   “(bb) as appropriate, a means of  
9                   linking the data to the information  
10                  collected through the data collection  
11                  systems authorized under section  
12                  103(c)(1)(C) of the Child Abuse Pre-  
13                  vention and Treatment Act and under  
14                  section 477(f) of the Social Security  
15                  Act (42 U.S.C. 677(f)); and

16                  “(IV) examine and provide findings  
17                  regarding the impact of data collection  
18                  procedures and requirements on child wel-  
19                  fare staff, and make recommendations for  
20                  collecting data on child welfare staff in  
21                  such a way that the attention and time of  
22                  child welfare staff are not diverted from  
23                  providing services to children and families  
24                  in order to meet data collection require-  
25                  ments; and

1           “(B) not later than 18 months after the  
2           date on which the Secretary and the National  
3           Academy of Sciences enter into the agreement,  
4           submit a report containing the results of the  
5           study, including the findings and recommenda-  
6           tions described in subparagraph (A), to the Sec-  
7           retary.

8           “(2) CONSULTATION WITH INDIAN TRIBES AND  
9           TRIBAL ORGANIZATIONS.—The agreement entered  
10          into by the Secretary and the National Academy of  
11          Sciences under paragraph (1) shall require that, in  
12          conducting the study described in that paragraph,  
13          the National Academy of Sciences shall consult with  
14          Indian tribes and tribal organizations (as defined in  
15          section 4 of the Indian Self-Determination and Edu-  
16          cation Assistance Act (25 U.S.C. 450b)) regarding  
17          any aspects of the study that will address tribal-spe-  
18          cific or unique issues, concerns, or special cir-  
19          cumstances with respect to Indian children and their  
20          families.

21          “(3) REPORT TO CONGRESS.—Not later than 3  
22          months after receiving the report submitted under  
23          paragraph (1)(B), the Secretary shall transmit the  
24          report to the appropriate committees of Congress,  
25          along with a description of how the Secretary plans

1 to consult with State administrators, Indian tribes  
2 and tribal organizations, child welfare staff, and  
3 other appropriate stakeholders to issue the proposed  
4 regulations described in subsection (b)(1).

5 “(4) AUTHORIZATION OF APPROPRIATIONS.—  
6 There is authorized to be appropriated to carry out  
7 paragraph (1), \$5,000,000 for fiscal years 2010  
8 through 2014.

9 “(b) COLLECTION AND REPORTING OF DATA ON  
10 CHILD WELFARE STAFF.—

11 “(1) PROPOSED REGULATIONS.—The Secretary  
12 shall consult with State administrators, child welfare  
13 staff, and other appropriate stakeholders and, not  
14 later than 12 months after receiving the report de-  
15 scribed in subsection (a)(1)(B), shall issue proposed  
16 regulations, which shall—

17 “(A) be based on the recommendations in  
18 the report; and

19 “(B) require States to collect data on child  
20 welfare staff, and report the data to the Sec-  
21 retary, regularly and in a manner that enables  
22 the data to be linked to the outcomes achieved  
23 for individual children served by the State or  
24 local child welfare agency involved, which shall  
25 include—

1 “(i) a means of incorporating the data  
2 into the data collection system authorized  
3 under section 479 of the Social Security  
4 Act (42 U.S.C. 679); and

5 “(ii) as appropriate, a means of link-  
6 ing the data to the information collected  
7 through the data collection systems author-  
8 ized under section 103(c)(1)(C) of the  
9 Child Abuse Prevention and Treatment  
10 Act and under section 477(f) of the Social  
11 Security Act (42 U.S.C. 677(f)).

12 “(2) FINAL REGULATIONS.—Not later than 2  
13 years after receiving the report described in sub-  
14 section (a)(1)(B), the Secretary shall issue final reg-  
15 ulations that meet the requirements of subpara-  
16 graphs (A) and (B) of paragraph (1).”.

17 **SEC. 5. REMOVAL OF BARRIERS TO PROVIDING TRAINING**  
18 **FOR CHILD WELFARE STAFF AND RELATED**  
19 **PROFESSIONALS UNDER PARTS B AND E OF**  
20 **TITLE IV OF THE SOCIAL SECURITY ACT.**

21 (a) REMOVAL OF CERTAIN FUNDING RESTRIC-  
22 TIONS.—

23 (1) IN GENERAL.—Section 474 of the Social  
24 Security Act (42 U.S.C. 672) is amended by adding  
25 at the end the following new subsection:

1       “(h) TRAINING EXPENDITURES TO DEVELOP AND  
2 IMPROVE THE CHILD WELFARE WORKFORCE.—

3               “(1) DE-LINKING OF AFDC ELIGIBILITY CRI-  
4       TERIA.—The Secretary shall treat as necessary for  
5       the proper and efficient administration of the State  
6       plan all expenditures by a State for training activi-  
7       ties described in subparagraph (A) or (B) of sub-  
8       section (a)(3) without regard to whether individuals  
9       participating in such activities include individuals  
10      providing services or treatment to foster or adoptive  
11      children other than those on behalf of whom foster  
12      care maintenance payments, kinship guardianship  
13      assistance payments, or adoption assistance pay-  
14      ments may be made under this part.

15              “(2) REMOVAL OF PROHIBITION ON FUNDING  
16      STATE SHARE FROM PRIVATE SOURCES FOR EX-  
17      PENDITURES FOR TRAINING PARTNERSHIPS WITH  
18      PRIVATE NONPROFIT EDUCATIONAL INSTITU-  
19      TIONS.—With respect to expenditures by a State for  
20      short- and long-term training at educational institu-  
21      tions through grants to such institutions or by direct  
22      financial assistance to students enrolled in such in-  
23      stitutions for which Federal payments are provided  
24      under subparagraph (A) or (B) of subsection (a)(3)  
25      funds from private nonprofit educational institutions

1 may be considered as the State's share in claiming  
2 Federal reimbursement for such expenditures with-  
3 out regard to any requirement that the funds—

4 “(A) be transferred to the State or local  
5 agency and under its administrative control;

6 “(B) be donated without any restriction  
7 which would require their use for the training  
8 of a particular individual or at particular facili-  
9 ties or institutions; or

10 “(C) do not revert to the private source's  
11 facility or use.

12 “(3) REQUIREMENT.—A State shall spend an  
13 amount equal to the amount of savings (if any) in  
14 State expenditures under this part resulting from  
15 the application of paragraphs (1) and (2) to all ap-  
16 plicable children for a fiscal year to provide for  
17 workforce improvements to benefit children in the  
18 child welfare system.”.

19 (2) CONFORMING AMENDMENTS.—Section  
20 474(a)(3) of the Social Security Act (42 U.S.C.  
21 674(a)(3)) is amended—

22 (A) in the matter preceding subparagraph  
23 (A), by inserting “subsection (h) and” before  
24 “section 472(i)”;

1 (B) in subparagraph (A), by striking “per  
2 centum” and inserting “percent”; and

3 (C) in subparagraph (B), by striking “re-  
4 ceiving assistance under this part”.

5 (b) DEFINITION OF CHILD WELFARE STAFF AND  
6 RELATED PROFESSIONALS.—Section 474(a)(3) of the So-  
7 cial Security Act (42 U.S.C. 674(a)(3)) is amended—

8 (1) in the matter preceding subparagraph (A),  
9 by striking “for the provision of child placement  
10 services” and inserting “to ensure safety, perma-  
11 nency, and well-being for children”;

12 (2) in subparagraph (A)—

13 (A) by striking “personnel” and inserting  
14 “child welfare staff”; and

15 (B) by inserting “or by State-licensed or  
16 State-approved nonprofit private agencies,”  
17 after “political subdivision,”; and

18 (3) in subparagraph (B) (as amended by sub-  
19 section (a)(2)(C))—

20 (A) by inserting “(i)” after “(B)”;

21 (B) by adding “and” after “contract,”;

22 and

23 (C) by adding at the end the following new  
24 subelause:

1           “(ii) 75 percent of so much of such ex-  
2           penditures as are for the short-term training of  
3           related professionals to the extent that such  
4           training pertains to the way in which those re-  
5           lated professionals work with children and fami-  
6           lies that have contact with the State agency or  
7           the local agency administering the plan in the  
8           political subdivision,”.

9           (c) STATE PLAN REQUIREMENT FOR ANNUAL EVAL-  
10          UATION AND ASSESSMENT OF TRAINING AND STAFF DE-  
11          VELOPMENT ACTIVITIES UNDER PARTS B AND E.—Sec-  
12          tion 471(a)(7) of the Social Security Act (42 U.S.C.  
13          671(a)(7)) is amended—

14           (1) by striking “will monitor” and inserting  
15          “will—

16                   “(A) monitor”;

17           (2) by adding “and” after the semicolon; and

18           (3) by adding the following new subparagraph:

19                   “(B) with respect to training activities for  
20           which Federal payments are provided under  
21           subparagraph (A) or (B) of 474(a)(3), establish  
22           and maintain a plan for evaluation of such ac-  
23           tivities, and of the child welfare services staff  
24           development and training conducted by the  
25           State in accordance with section 422(b)(4)(B),

1           that includes at least an annual assessment of  
2           the nature of the such activities and such staff  
3           development and training, the types of staff  
4           trained and developed, and the intended and ac-  
5           tual impact of the training and staff develop-  
6           ment activities on participating staff, and on  
7           children and families;”.

8           (d) EFFECTIVE DATE.—

9           (1) IN GENERAL.—The amendments made by  
10          this section shall take effect on the 1st day of the  
11          1st calendar quarter that begins on or after the date  
12          of the enactment of this Act, without regard to  
13          whether regulations to implement the amendment  
14          are promulgated by such date.

15          (2) DELAY PERMITTED IF STATE LEGISLATION  
16          REQUIRED.—In the case of a State plan approved  
17          under section 471 of the Social Security Act which  
18          requires State legislation (other than legislation ap-  
19          propriating funds) in order for the plan to meet the  
20          additional requirements imposed by the amendment  
21          made by subsection (a) of this section, the State  
22          plan shall not be regarded as failing to comply with  
23          the additional requirements solely on the basis of the  
24          failure of the plan to meet the additional require-  
25          ments before the first day of the first calendar quar-

1 ter beginning after the close of the first regular ses-  
 2 sion of the State legislature that begins after the  
 3 date of the enactment of this Act. For purposes of  
 4 the previous sentence, in the case of a State that has  
 5 a 2-year legislative session, each year of such session  
 6 shall be deemed to be a separate regular session of  
 7 the State legislature.

8 **SEC. 6. COMPREHENSIVE CHILD WELFARE WORKFORCE IM-**  
 9 **PROVEMENT DEMONSTRATION PROGRAM.**

10 Part E of title IV of the Social Security Act (42  
 11 U.S.C. 670 et seq.), as amended by section 4, is amended  
 12 by inserting after section 479C the following:

13 **“SEC. 479D. COMPREHENSIVE CHILD WELFARE WORK-**  
 14 **FORCE IMPROVEMENT DEMONSTRATION**  
 15 **PROGRAM.**

16 “(a) PURPOSE.—The purpose of this section is to es-  
 17 tablish a competitive child welfare workforce improvement  
 18 demonstration program to assist eligible entities in devel-  
 19 oping and implementing child welfare workforce improve-  
 20 ment plans to help facilitate implementation of the essen-  
 21 tial components of an effective child welfare workforce,  
 22 throughout the child welfare continuum, from preventing  
 23 child abuse and neglect through ensuring and supporting  
 24 permanent families for children, in order to meet the needs  
 25 of the children and families served by that workforce. Such

1 plans shall be designed to ensure that the child welfare  
2 workforce—

3 “(1) is able to accurately assess and provide  
4 what children and families need;

5 “(2) has the resources needed to support its  
6 work; and

7 “(3) is connected to the communities and fami-  
8 lies it serves.

9 “(b) APPLICATION.—An eligible entity that desires to  
10 receive a demonstration grant under this section shall sub-  
11 mit to the Secretary, at such time and in such manner  
12 as the Secretary may require, an application that includes  
13 information regarding how the entity shall implement each  
14 of the components required under the planning and imple-  
15 mentation phases described in subsection (c).

16 “(c) PLANNING AND IMPLEMENTATION PHASES.—

17 “(1) PHASE 1: REQUIRED PLANNING COMPO-  
18 NENTS.—

19 “(A) ESTABLISHMENT OF THE CHILD  
20 WELFARE WORKFORCE QUALITY IMPROVEMENT  
21 TASK FORCE.—

22 “(i) IN GENERAL.—The eligible entity  
23 shall ensure that the State agency respon-  
24 sible for administering programs under  
25 part B and this part establishes a Child

1 Welfare Workforce Quality Improvement  
2 Task Force (in this section referred to as  
3 the ‘Task Force’), with broad representa-  
4 tion from those groups that have a stake  
5 in child welfare workforce improvements,  
6 including representatives of public and pri-  
7 vate child welfare agencies, schools of so-  
8 cial work and other educational institutions  
9 that prepare child welfare workers for em-  
10 ployment, labor unions representing the  
11 child welfare workforce, court personnel,  
12 advocates for children and families, youth  
13 and parents who have been involved in the  
14 child welfare system, and, where possible,  
15 researchers who have studied the child wel-  
16 fare workforce.

17 “(ii) APPLICATION DESCRIPTION.—  
18 The application submitted under sub-  
19 section (b) shall include a description of  
20 the members of the Task Force, the role of  
21 the Task Force in guiding the assessment  
22 of the child welfare workforce, and the de-  
23 velopment, implementation, and ongoing  
24 monitoring of a plan for improving the  
25 quality of the child welfare workforce, and

1           whether the Task Force is a new stand-  
2           alone entity, an already constituted entity,  
3           or a newly established entity that has been  
4           added to an overarching quality improve-  
5           ment workforce group in the State.

6           “(B) ASSESSMENT OF THE CHILD WEL-  
7           FARE WORKFORCE.—

8                   “(i) IN GENERAL.—The eligible entity,  
9           in collaboration with the Task Force, shall  
10          conduct an assessment of the adequacy of  
11          support for the child welfare workforce in  
12          each of the areas described in clause (iii)  
13          and shall propose improvements, with spe-  
14          cific reference to the goals to be achieved.

15                   “(ii) APPLICATION DESCRIPTION.—  
16          The application submitted under sub-  
17          section (b) shall include a description of  
18          how the assessment required under clause  
19          (i) is to be conducted and by whom, the ex-  
20          tent to which staff and management will  
21          be involved in the assessment, and the  
22          amount of effort underway to support the  
23          workforce in each of the areas described in  
24          clause (iii).

1                   “(iii) AREAS DESCRIBED.—The areas  
2 described in this clause are the following:

3                   “(I) AREA 1.—The ability of the  
4 child welfare workforce to accurately  
5 assess and provide what children and  
6 families need including provisions  
7 for—

8                   “(aa) education and training  
9 of child welfare staff prior to em-  
10 ployment;

11                   “(bb) ongoing training and  
12 professional development activi-  
13 ties;

14                   “(cc) supervision and men-  
15 toring of staff;

16                   “(dd) compensation, includ-  
17 ing salary and benefits; and

18                   “(ee) promotion of positive  
19 leadership and leadership skills to  
20 help workers carry out their re-  
21 sponsibilities.

22                   “(II) AREA 2.—The adequacy of  
23 the resources necessary to support the  
24 child welfare workforce’s work with  
25 children and families including—

1           “(aa) the manageability of  
2 caseload and workloads carried  
3 by workers, supervisors and man-  
4 agers;

5           “(bb) the appropriateness of  
6 the organizational environment to  
7 the agency’s mission;

8           “(cc) efforts being taken to  
9 promote recruitment, selection,  
10 and retention;

11           “(dd) the effectiveness of  
12 oversight and accountability  
13 mechanisms in regularly assess-  
14 ing performance;

15           “(ee) the timeliness and ac-  
16 curacy of data available to the  
17 child welfare staff for use in case  
18 management;

19           “(ff) the quality of practice  
20 enhancing research and evalua-  
21 tions available to the child wel-  
22 fare staff;

23           “(gg) access to services and  
24 resources available to children  
25 and families at the Federal,

1 State, and local levels and within  
2 and across child serving systems;  
3 “(hh) appropriate supports  
4 to address the physical and emo-  
5 tional challenges facing staff, in-  
6 cluding secondary trauma, and  
7 technological resources to assist  
8 the staff and enhance their safe-  
9 ty;  
10 “(ii) safety and suitability of  
11 the working conditions encoun-  
12 tered by staff;  
13 “(jj) funding for workforce  
14 improvements; and  
15 “(kk) the ability to monitor  
16 and evaluate workforce improve-  
17 ments and their impact on the  
18 workforce.  
19 “(III) AREA 3.—The supports to  
20 help connect the child welfare work-  
21 force to the children and families it  
22 serves including—  
23 “(aa) strategies to improve  
24 workers’ cultural competence and  
25 sensitivity;

1           “(bb) the knowledge and  
2 skills necessary to engage and  
3 build on the strengths of children  
4 and families and the community  
5 to promote effective work with  
6 them; and

7           “(cc) the capacity to work  
8 with and educate staff and others  
9 from community agencies and or-  
10 ganizations (such as education,  
11 health, mental health, substance  
12 abuse prevention and treatment,  
13 juvenile justice, law enforcement,  
14 and domestic violence agencies  
15 and organizations, and courts)  
16 about the work of child welfare  
17 agencies with children and fami-  
18 lies.

19           “(C) REPORT ON THE NEEDS ASSESS-  
20 MENT.—The application submitted under sub-  
21 section (b) shall include an assurance that, if a  
22 grant is received, the eligible entity shall pro-  
23 vide at the end of the planning year, a report  
24 on the assessment conducted under subpara-  
25 graph (B), that includes the findings from the

1 assessment, the areas identified as needing im-  
2 provement, the goals for making those improve-  
3 ments, and the rationale for targeting those  
4 goals.

5 “(D) PERMISSION TO BY-PASS THE PLAN-  
6 NING PHASE.—An eligible entity that has al-  
7 ready conducted a child welfare workforce needs  
8 assessment may submit a report that includes  
9 the information required under subparagraph  
10 (C) in lieu of receiving grant funds for con-  
11 ducting the assessment required under subpara-  
12 graph (B).

13 “(2) PHASE 2: REQUIRED IMPLEMENTATION  
14 COMPONENTS FOR CHILD WELFARE WORKFORCE IM-  
15 PROVEMENTS.—An eligible entity that has completed  
16 the phase 1 required components described in para-  
17 graph (1), or has bypassed the planning phase pur-  
18 suant to subparagraph (D) of such paragraph, and  
19 that intends to continue to participate in the dem-  
20 onstration program, shall submit a phase 2 applica-  
21 tion that contains the following:

22 “(A) REPORT ON NEEDS ASSESSMENT.—A  
23 copy of the report required under paragraph  
24 (1)(C).

1           “(B) STATEMENT OF GOALS.—A descrip-  
2           tion of the annual and interim goals for improv-  
3           ing the child welfare workforce that the eligible  
4           entity plans to achieve with funds awarded  
5           under the demonstration program, which shall  
6           include at least 1 goal for each of the areas  
7           identified in the report on needs assessment as  
8           needing improvement, unless the eligible entity  
9           can justify why a goal for the area is not nec-  
10          essary.

11           “(C) PROPOSED USE OF FUNDS.—A de-  
12          scription of how the eligible entity proposes to  
13          use such funds to achieve the goals described in  
14          subparagraph (B) and how such activities are  
15          expected to improve the child welfare workforce  
16          and child outcomes, and which may include  
17          training and technical assistance, data and  
18          technological resources, recruitment and reten-  
19          tion strategies, oversight and accountability  
20          mechanisms, monitoring and evaluation mecha-  
21          nisms, community outreach activities, and other  
22          activities intended to improve the quality of the  
23          child welfare workforce in particular areas, im-  
24          prove child outcomes and assist eligible entities  
25          with implementation of program improvement

1 plans and performance in the program reviews  
2 conducted under section 1123A.

3 “(D) PROGRESS INDICATORS.—A descrip-  
4 tion of what indicators will be used to measure  
5 progress in achieving the annual and interim  
6 goals specified in subparagraph (B) and how  
7 the Child Welfare Workforce Quality Improve-  
8 ment Task Force established under paragraph  
9 (1)(A) shall be involved in monitoring such  
10 progress.

11 “(d) NUMBER OF GRANTS; DURATION; AMOUNT AND  
12 MATCHING REQUIREMENTS; PREFERENCES.—

13 “(1) IN GENERAL.—The Secretary may award  
14 not more than 15 grants to carry out phase 1 under  
15 this subsection and not more than 15 grants to  
16 carry out phase 2.

17 “(2) DURATION.—A phase 1 planning grant  
18 shall be awarded for a 1-year period. A phase 2  
19 grant shall be awarded for a period that is not less  
20 than 4 years but not more than 5 years. A phase 2  
21 grant may be terminated before the end of the pe-  
22 riod for which the grant is awarded if the eligible en-  
23 tity receiving the grant requests that it be termi-  
24 nated or the Secretary determines that the entity  
25 has not made sufficient progress toward achieving

1 the annual and interim goals identified in the appli-  
2 cation for the grant.

3 “(3) AMOUNT AND MATCHING REQUIRE-  
4 MENTS.—

5 “(A) PHASE 1 PLANNING GRANTS.—A  
6 phase 1 planning grant awarded to an eligible  
7 entity shall not exceed \$100,000 and the eligi-  
8 ble entity shall be required to provide 25 per-  
9 cent of the costs attributable to carrying out  
10 the activities specified in the grant application.

11 “(B) PHASE 2 IMPLEMENTATION  
12 GRANTS.—

13 “(i) IN GENERAL.—A phase 2 imple-  
14 mentation grant awarded to an eligible en-  
15 tity shall be not less than \$250,000 for  
16 each year for which the grant is awarded  
17 and the eligible entity shall be required to  
18 provide the applicable percentage of the  
19 costs attributable to carrying out the ac-  
20 tivities specified in the grant application.

21 “(ii) APPLICABLE PERCENTAGE.—For  
22 purposes of clause (i), the applicable per-  
23 centage specified in this clause is—

24 “(I) in the first year for which  
25 the grant is awarded, 10 percent; and

1                   “(II) in the second and third  
2                   such years, 15 and 20 percent, respec-  
3                   tively; and

4                   “(III) in the fourth, and if appli-  
5                   cable, fifth such years, 25 percent.

6                   “(C) DETERMINATION OF AMOUNT OF  
7                   NON-FEDERAL CONTRIBUTION; LIMITATION ON  
8                   IN-KIND CONTRIBUTIONS.—

9                   “(i) IN GENERAL.—Subject to clause  
10                   (ii), non-Federal funds required to be pro-  
11                   vided under subparagraphs (A) and (B)  
12                   may be in cash or in kind, fairly evaluated,  
13                   including plant, equipment, or service.  
14                   Amounts provided by the Federal Govern-  
15                   ment, and any portion of any service sub-  
16                   sidized by the Federal Government, may  
17                   not be included in determining the amount  
18                   of such non-Federal funds.

19                   “(ii) LIMITATION ON IN-KIND CON-  
20                   TRIBUTIONS.—At least 50 percent of the  
21                   non-Federal funds required to be provided  
22                   under subparagraphs (A) and (B) shall be  
23                   in cash.

24                   “(iii) SOURCES.—An entity that an el-  
25                   igible entity has established a partnership

1 or collaboration with for purposes of car-  
2 rying out activities under a grant awarded  
3 under this section may be a source of con-  
4 tributions for the non-Federal funds the el-  
5 ible entity is required to provide under  
6 subparagraphs (A) and (B).

7 “(4) PREFERENCES.—In awarding grants  
8 under the demonstration program, the Secretary  
9 shall give preference to awarding grants to eligible  
10 entities that demonstrate in the grant application  
11 that the entity has established partnerships or col-  
12 laborations with other entities, such as private non-  
13 profit agencies, universities or colleges, and other en-  
14 tities that advocate for improvements in the child  
15 welfare workforce to improve outcomes for children  
16 and families.

17 “(e) TECHNICAL ASSISTANCE AND EVALUATION.—

18 “(1) TECHNICAL ASSISTANCE.—

19 “(A) IN GENERAL.—The Secretary shall  
20 request the National Child Welfare Workforce  
21 Institute to provide technical assistance to eligi-  
22 ble entities awarded grants under the dem-  
23 onstration program through the period for  
24 which such grants are awarded and, in pro-  
25 viding such assistance, to collaborate with the

1 National Resource Center for Tribes established  
2 under the Administration for Children and  
3 Families of the Department of Health and  
4 Human Services with respect to activities car-  
5 ried out under such grants that affect tribal  
6 welfare programs or Indian children and their  
7 families.

8 “(B) SPECIFIC REQUIREMENTS.—The  
9 technical assistance provided in accordance with  
10 subparagraph (A) shall be designed to assist eli-  
11 gible entities in assessing their child welfare  
12 workforce, identifying the improvements that  
13 have been made with respect to such workforce  
14 and those still needed, and developing and im-  
15 plementing a work plan for implementing the  
16 components of an effective child welfare work-  
17 force described in subsection (a).

18 “(2) EVALUATION.—The Secretary shall, by  
19 grant, contract, or interagency agreement, conduct  
20 an evaluation of the demonstration program estab-  
21 lished under this section. Such evaluation shall in-  
22 clude an assessment of the gains made by eligible  
23 entities in achieving an effective child welfare work-  
24 force, the activities and methods used in making

1 such achievements, and the impact on outcomes for  
2 children and families.

3 “(f) REWARD FOR SUCCESSFUL ACHIEVEMENT OF  
4 IMPLEMENTATION GOALS.—If, upon the conclusion of the  
5 last year for which a phase 2 implementation grant is  
6 awarded to an eligible entity, the Secretary determines  
7 that the entity has successfully achieved the goals identi-  
8 fied in subsection (c)(2)(B):

9 “(1) INCREASE IN FEDERAL MATCHING  
10 RATE.—If the entity is a State or Indian tribal orga-  
11 nization or consortium, section 474(a)(3)(E) shall be  
12 applied to the State or Indian tribal organization or  
13 consortium, by substituting ‘53 percent’ for ‘one-  
14 half’ with respect to amounts expended for fiscal  
15 year quarters during the 5-year period that begins  
16 with the first fiscal year quarter that begins after  
17 the end of the last fiscal year quarter for which a  
18 grant is awarded under this section.

19 “(2) PAYMENTS TO COUNTIES.—If the entity is  
20 a county or a consortium of counties, the Secretary  
21 shall—

22 “(A) require the State in which the county  
23 or consortium is located, as a condition for re-  
24 ceiving payments under section 474(a)(3)(E)  
25 for the first fiscal year quarter of the 5-year pe-

1           riod described in paragraph (1), to include in  
2           the cost report submitted by the State for the  
3           quarter the aggregate administrative costs in-  
4           curred by the county or consortium in carrying  
5           out the grant (for all years for which the grant  
6           was conducted by the county or consortium);

7           “(B) increase the amount paid to the State  
8           under section 474(a)(3)(E) for such quarter by  
9           an amount equal to 53 percent of such aggre-  
10          gate administrative costs; and

11          “(C) require the State, as a condition for  
12          receiving payments under such section for such  
13          quarter, to pass-through the additional amount  
14          paid to the State under subparagraph (B) to  
15          the county or consortium.

16          “(g) DEFINITION OF ELIGIBLE ENTITY.—In this sec-  
17          tion, the term ‘eligible entity’ means—

18                 “(1) for purposes of phase 1 of the demonstra-  
19                 tion program established under this section, the  
20                 State agency responsible for administering part B  
21                 and this part, or an Indian tribal organization or a  
22                 consortium of such organizations with an approved  
23                 plan under section 479B. Such term may include a  
24                 county, or a consortium of counties, with more than  
25                 1,000,000 residents, but only if the State agency re-

1 responsible for administering part B and this part for  
2 the State in which the county is located does not  
3 submit an application to participate in such phase;  
4 and

5 “(2) for purposes of phase 2 of such dem-  
6 onstration program, an eligible entity awarded a  
7 grant for phase 1 that successfully completed the re-  
8 quired components of that phase or bypassed that  
9 phase pursuant to subsection (c)(1)(D).

10 “(h) APPROPRIATION.—

11 “(1) IN GENERAL.—Subject to paragraphs (2)  
12 and (3), out of any money in the Treasury of the  
13 United States not otherwise appropriated, there are  
14 appropriated to the Secretary for the purposes of  
15 awarding—

16 “(A) phase 1 planning grants under the  
17 demonstration program established under this  
18 section. \$1,500,000 for fiscal year 2010; and

19 “(B) phase 2 implementation grants for  
20 child welfare workforce improvements,  
21 \$5,000,000 for each of fiscal years 2011  
22 through 2014.

23 “(2) LIMITATION.—Not more than \$1,000,000  
24 of the amount appropriated for fiscal year 2010 may  
25 be awarded to up to 4 eligible entities that pursuant

1 to subsection (c)(1)(D) submit a report in lieu of re-  
2 ceiving grant funds for conducting the assessment  
3 required under subsection (c)(1)(B).

4 “(3) RESERVATION.—The Secretary shall re-  
5 serve an amount equal to 5 percent of the amount  
6 appropriated under paragraph (1)(B) for each fiscal  
7 year for purposes of conducting the technical assist-  
8 ance, including technical assistance requested to be  
9 provided by the National Child Welfare Workforce  
10 Institute, and the evaluation required under sub-  
11 section (e).”.

12 **SEC. 7. APPLICATION TO INDIAN TRIBES AND TRIBAL OR-**  
13 **GANIZATIONS.**

14 For purposes of applying this Act or any amendment  
15 made by this Act to an Indian tribe or tribal organization  
16 (as defined in section 4 of the Indian Self-Determination  
17 and Education Assistance Act (25 U.S.C. 450b)), the Sec-  
18 retary of Health and Human Services may waive or mod-  
19 ify any provision of this Act or such an amendment if the  
20 Secretary determines that the waiver or modification  
21 would alleviate or prevent an undue burden on the Indian  
22 tribe or tribal organization, promote the health and safety  
23 of children, or otherwise advance the purposes of this Act.

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