

112TH CONGRESS
1ST SESSION

H. R. 2883

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2011

Received

AN ACT

To amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Child and Family Serv-
3 ices Improvement and Innovation Act”.

4 **TITLE I—EXTENSION OF CHILD**
5 **AND FAMILY SERVICES PRO-**
6 **GRAMS**

7 **SEC. 101. STEPHANIE TUBBS JONES CHILD WELFARE SERV-**
8 **ICES PROGRAM.**

9 (a) EXTENSION OF PROGRAM.—Section 425 of the
10 Social Security Act (42 U.S.C. 625) is amended by strik-
11 ing “2007 through 2011” and inserting “2012 through
12 2016”.

13 (b) MODIFICATION OF CERTAIN STATE PLAN RE-
14 QUIREMENTS.—

15 (1) RESPONSE TO EMOTIONAL TRAUMA.—Sec-
16 tion 422(b)(15)(A)(ii) of such Act (42 U.S.C.
17 622(b)(15)(A)(ii)) is amended by inserting “, includ-
18 ing emotional trauma associated with a child’s mal-
19 treatment and removal from home” before the semi-
20 colon.

21 (2) PROCEDURES ON THE USE OF PSYCHO-
22 TROPIC MEDICATIONS.—Section 422(b)(15)(A)(v) of
23 such Act (42 U.S.C. 622(b)(15)(A)(v)) is amended
24 by inserting “, including protocols for the appro-
25 priate use and monitoring of psychotropic medica-
26 tions” before the semicolon.

1 (3) DESCRIPTION OF ACTIVITIES TO ADDRESS
2 DEVELOPMENTAL NEEDS OF VERY YOUNG CHIL-
3 DREN.—Section 422(b) of such Act (42 U.S.C.
4 622(b)) is amended—

5 (A) by striking “and” at the end of para-
6 graph (16);

7 (B) by striking the period at the end of
8 paragraph (17) and inserting “; and”; and

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

10 “(18) include a description of the activities that
11 the State has undertaken to reduce the length of
12 time children who have not attained 5 years of age
13 are without a permanent family, and the activities
14 the State undertakes to address the developmental
15 needs of such children who receive benefits or serv-
16 ices under this part or part E.”.

17 (4) DATA SOURCES FOR CHILD DEATH REPORT-
18 ING.—Section 422(b) of such Act (42 U.S.C.
19 622(b)), as amended by paragraph (3) of this sub-
20 section, is amended—

21 (A) by striking “and” at the end of para-
22 graph (17);

23 (B) by striking the period at the end of
24 paragraph (18) and inserting “; and”; and

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

1 “(19) contain a description of the sources used
2 to compile information on child maltreatment deaths
3 required by Federal law to be reported by the State
4 agency referred to in paragraph (1), and to the ex-
5 tent that the compilation does not include informa-
6 tion on such deaths from the State vital statistics
7 department, child death review teams, law enforce-
8 ment agencies, or offices of medical examiners or
9 coroners, the State shall describe why the informa-
10 tion is not so included and how the State will in-
11 clude the information.”.

12 (c) CHILD VISITATION BY CASEWORKERS.—Section
13 424 of such Act (42 U.S.C. 624) is amended by striking
14 the 2nd subsection (e), as added by section 7(b) of the
15 Child and Family Services Improvement Act of 2006, and
16 inserting the following:

17 “(f)(1)(A) Each State shall take such steps as are
18 necessary to ensure that the total number of visits made
19 by caseworkers on a monthly basis to children in foster
20 care under the responsibility of the State during a fiscal
21 year is not less than 90 percent (or, in the case of fiscal
22 year 2015 or thereafter, 95 percent) of the total number
23 of such visits that would occur during the fiscal year if
24 each such child were so visited once every month while
25 in such care.

1 “(B) If the Secretary determines that a State has
2 failed to comply with subparagraph (A) for a fiscal year,
3 then the percentage that would otherwise apply for pur-
4 poses of subsection (a) for the fiscal year shall be reduced
5 by—

6 “(i) 1, if the number of full percentage points
7 by which the State fell short of the percentage speci-
8 fied in subparagraph (A) is less than 10;

9 “(ii) 3, if the number of full percentage points
10 by which the State fell short, as described in clause
11 (i), is not less than 10 and less than 20; or

12 “(iii) 5, if the number of full percentage points
13 by which the State fell short, as described in clause
14 (i), is not less than 20.

15 “(2)(A) Each State shall take such steps as are nec-
16 essary to ensure that not less than 50 percent of the total
17 number of visits made by caseworkers to children in foster
18 care under the responsibility of the State during a fiscal
19 year occur in the residence of the child involved.

20 “(B) If the Secretary determines that a State has
21 failed to comply with subparagraph (A) for a fiscal year,
22 then the percentage that would otherwise apply for pur-
23 poses of subsection (a) for the fiscal year shall be reduced
24 by—

1 “(i) 1, if the number of full percentage points
2 by which the State fell short of the percentage speci-
3 fied in subparagraph (A) is less than 10;

4 “(ii) 3, if the number of full percentage points
5 by which the State fell short, as described in clause
6 (i), is not less than 10 and less than 20; or

7 “(iii) 5, if the number of full percentage points
8 by which the State fell short, as described in clause
9 (i), is not less than 20.”.

10 (d) TECHNICAL CORRECTION.—Section 423(b) of
11 such Act (42 U.S.C. 623(b)) is amended by striking “per
12 centum” each place it appears and inserting “percent”.

13 **SEC. 102. PROMOTING SAFE AND STABLE FAMILIES PRO-**
14 **GRAM.**

15 (a) EXTENSION OF FUNDING AUTHORIZATIONS.—

16 (1) IN GENERAL.—Section 436(a) of the Social
17 Security Act (42 U.S.C. 629f(a)) is amended by
18 striking all that follows “\$345,000,000” and insert-
19 ing “for each of fiscal years 2012 through 2016.”.

20 (2) DISCRETIONARY GRANTS.—Section 437(a)
21 of such Act (42 U.S.C. 629g(a)) is amended by
22 striking “2007 through 2011” and inserting “2012
23 through 2016”.

1 (b) TARGETING OF SERVICES TO POPULATIONS AT
2 GREATEST RISK OF MALTREATMENT.—Section 432(a) of
3 such Act (42 U.S.C. 629b(a)) is amended—

4 (1) by striking “and” at the end of paragraph
5 (8);

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

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

9 “(10) describes how the State identifies which
10 populations are at the greatest risk of maltreatment
11 and how services are targeted to the populations.”.

12 (c) REVISED PURPOSES OF FAMILY SUPPORT SERV-
13 ICES AND TIME-LIMITED FAMILY REUNIFICATION SERV-
14 ICES.—

15 (1) FAMILY SUPPORT SERVICES.—Section
16 431(a)(2) of such Act (42 U.S.C. 629a(a)(2)) is
17 amended to read as follows:

18 “(2) FAMILY SUPPORT SERVICES.—

19 “(A) IN GENERAL.—The term ‘family sup-
20 port services’ means community-based services
21 designed to carry out the purposes described in
22 subparagraph (B).

23 “(B) PURPOSES DESCRIBED.—The pur-
24 poses described in this subparagraph are the
25 following:

1 “(i) To promote the safety and well-
2 being of children and families.

3 “(ii) To increase the strength and sta-
4 bility of families (including adoptive, fos-
5 ter, and extended families).

6 “(iii) To increase parents’ confidence
7 and competence in their parenting abilities.

8 “(iv) To afford children a safe, stable,
9 and supportive family environment.

10 “(v) To strengthen parental relation-
11 ships and promote healthy marriages.

12 “(vi) To enhance child development,
13 including through mentoring (as defined in
14 section 439(b)(2)).”.

15 (2) TIME-LIMITED FAMILY REUNIFICATION
16 SERVICES.—Section 431(a)(7)(B) of such Act (42
17 U.S.C. 629a(a)(7)(B)) is amended by redesignating
18 clause (vi) as clause (viii) and inserting after clause
19 (v) the following:

20 “(vi) Peer-to-peer mentoring and sup-
21 port groups for parents and primary care-
22 givers.

23 “(vii) Services and activities designed
24 to facilitate access to and visitation of chil-
25 dren by parents and siblings.”.

1 (d) UNIFORM DEFINITIONS OF INDIAN TRIBE AND
 2 TRIBAL ORGANIZATION.—Section 431(a) of such Act (42
 3 U.S.C. 629a(a)(5) and (6)) is amended by striking para-
 4 graphs (5) and (6) and inserting the following:

5 “(5) INDIAN TRIBE.—The term ‘Indian tribe’
 6 has the meaning given the term in section 428(c).

7 “(6) TRIBAL ORGANIZATION.—The term ‘tribal
 8 organization’ has the meaning given the term in sec-
 9 tion 428(c).”.

10 (e) SUBMISSION TO CONGRESS OF STATE SUM-
 11 MARIES OF FINANCIAL DATA; PUBLICATION ON HHS
 12 WEBSITE.—Section 432(c) of such Act (42 U.S.C.
 13 629b(c)) is amended—

14 (1) by striking all that precedes “shall” and in-
 15 serting the following:

16 “(c) ANNUAL SUBMISSION OF STATE REPORTS TO
 17 CONGRESS.—

18 “(1) IN GENERAL.—The Secretary”; and

19 (2) by adding after and below the end the fol-
 20 lowing:

21 “(2) INFORMATION TO BE INCLUDED.—The
 22 compilation shall include the individual State reports
 23 and tables that synthesize State information into na-
 24 tional totals for each element required to be included
 25 in the reports, including planned and actual spend-

1 ing by service category for the program authorized
2 under this subpart and planned spending by service
3 category for the program authorized under subpart
4 1.

5 “(3) PUBLIC ACCESSIBILITY.—Not later than
6 September 30 of each year, the Secretary shall pub-
7 lish the compilation on the website of the Depart-
8 ment of Health and Human Services in a location
9 easily accessible by the public.”.

10 (f) GAO REPORT ON MULTIPLE SOURCES OF FED-
11 ERAL SPENDING AND FAMILY ACCESS TO SERVICES.—
12 Not later than 12 months after the date of enactment of
13 this Act, the Comptroller General of the United States
14 shall submit to Congress a report that—

15 (1) identifies alternative sources of Federal
16 funding that are being employed by States or other
17 entities for the same purposes for which funding is
18 provided under subpart 1 or 2 of part B of title IV
19 of the Social Security Act; and

20 (2) assesses the needs of families eligible for
21 services under such program, including identification
22 of underserved communities and information regard-
23 ing—

1 (A) the supports available for caseworkers
2 to appropriately investigate and safely manage
3 their caseloads;

4 (B) the length of the wait time for families
5 to receive substance abuse and other preventive
6 services; and

7 (C) the number of families on waiting lists
8 for such services and the effect of the delay on
9 healthy, successful reunification outcomes for
10 such families.

11 (g) TECHNICAL CORRECTIONS.—

12 (1) Section 432(a)(8)(B) of the Social Security
13 Act (42 U.S.C. 629b(a)(8)(B)) is amended in each
14 of clauses (i) and (ii) by striking “forms CFS 101–
15 Part I and CFS 101–Part II (or any successor
16 forms)” and inserting “form CFS–101 (including all
17 parts and any successor forms)”.

18 (2) Section 433(c)(2) of the Social Security Act
19 (42 U.S.C. 629c(c)(2)) is amended—

20 (A) in the paragraph heading, by striking
21 “FOOD STAMP” and inserting “SUPPLEMENTAL
22 NUTRITION ASSISTANCE PROGRAM BENEFITS”;
23 and

24 (B) by striking “benefits benefits” each
25 place it appears and inserting “benefits”.

1 **SEC. 103. GRANTS FOR TARGETED PURPOSES.**

2 (a) EXTENSION OF FUNDING RESERVATIONS FOR
3 MONTHLY CASEWORKER VISITS AND REGIONAL PART-
4 NERSHIP GRANTS.—Section 436(b) of the Social Security
5 Act (42 U.S.C. 629f(b)) is amended—

6 (1) in paragraph (4)(A), by striking “433(e)”
7 and all that follows and inserting “433(e)
8 \$20,000,000 for each of fiscal years 2012 through
9 2016.”; and

10 (2) in paragraph (5), by striking “437(f)” and
11 all that follows and inserting “437(f) \$20,000,000
12 for each of fiscal years 2012 through 2016.”.

13 (b) REVISION IN USE OF MONTHLY CASEWORKER
14 VISITS GRANTS.—Section 436(b)(4)(B)(i) of such Act (42
15 U.S.C. 629f(b)(4)(B)) is amended—

16 (1) by striking “support” and insert “improve
17 the quality of”; and

18 (2) by striking “a primary emphasis” and all
19 that follows and inserting “an emphasis on improv-
20 ing caseworker decision making on the safety, per-
21 manency, and well-being of foster children and on
22 activities designed to increase retention, recruitment,
23 and training of caseworkers.”; and

24 (c) REAUTHORIZATION OF REGIONAL PARTNERSHIP
25 GRANTS TO ASSIST CHILDREN AFFECTED BY PARENTAL
26 SUBSTANCE ABUSE.—

1 (1) EXTENSION OF PROGRAM.—Section
2 437(f)(3)(A) of such Act (42 U.S.C. 629g(f)(3)(A))
3 is amended by striking “2007 through 2011” and
4 inserting “2012 through 2016”.

5 (2) REVISIONS TO PROGRAM.—Section 437(f) of
6 such Act (42 U.S.C. 629g(f)) is amended—

7 (A) in the subsection heading, by striking
8 “METHAMPHETAMINE OR OTHER”;

9 (B) in each of paragraphs (1), (4)(A),
10 (7)(A)(i), and (9)(B)(iii), by striking “meth-
11 amphetamine or other”;

12 (C) in paragraph (3), by striking subpara-
13 graph (B) and inserting the following:

14 “(B) REQUIRED MINIMUM PERIOD OF AP-
15 PROVAL.—

16 “(i) IN GENERAL.—A grant shall be
17 awarded under this subsection for a period
18 of not less than 2, and not more than 5,
19 fiscal years, subject to clause (ii).

20 “(ii) EXTENSION OF GRANT.—On ap-
21 plication of the grantee, the Secretary may
22 extend for not more than 2 fiscal years the
23 period for which a grant is awarded under
24 this subsection.

1 “(C) MULTIPLE GRANTS ALLOWED.—This
2 subsection shall not be interpreted to prevent a
3 grantee from applying for, or being awarded,
4 separate grants under this subsection.”;

5 (D) in paragraph (6)(A)—

6 (i) by striking “and” at the end of
7 clause (ii);

8 (ii) by striking the period at the end
9 of clause (iii) and inserting a semicolon;
10 and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(iv) 70 percent for the sixth such fis-
14 cal year; and

15 “(v) 65 percent for the seventh such
16 fiscal year.”;

17 (E) in paragraph (7)—

18 (i) by striking “shall—” and all that
19 follows through “(A) take” and inserting
20 “shall take”;

21 (ii) in subparagraph (A)(iv), by strik-
22 ing “; and” and inserting a period;

23 (iii) by striking subparagraph (B);
24 and

1 (iv) by redesignating clauses (i)
2 through (iv) of subparagraph (A) as sub-
3 paragraphs (A) through (D), respectively,
4 and moving each of such provisions 2 ems
5 to the left; and

6 (F) by adding at the end the following:

7 “(10) LIMITATION ON USE OF FUNDS FOR AD-
8 MINISTRATIVE EXPENSES OF THE SECRETARY.—Not
9 more than 5 percent of the amounts appropriated or
10 reserved for awarding grants under this subsection
11 for each of fiscal years 2012 through 2016 may be
12 used by the Secretary for salaries and Department
13 of Health and Human Services administrative ex-
14 penses in administering this subsection.”.

15 (3) EVALUATIONS.—Not later than December
16 31, 2012, and not later than December 31, 2017,
17 the Secretary of Health and Human Services shall
18 evaluate the effectiveness of the grants awarded to
19 regional partnerships under section 437(f) of the So-
20 cial Security Act (42 U.S.C. 629g(f)) and shall pub-
21 lish a report regarding the results of each evaluation
22 on the website of the Department of Health and
23 Human Services. Each report required to be pub-
24 lished under this subsection shall include—

1 (A) an evaluation of the programs and ac-
2 tivities conducted, and the services provided,
3 with the grant funds awarded under such sec-
4 tion for fiscal years 2007 through 2011, in the
5 case of the evaluation required by December 31,
6 2012, and for fiscal years 2012 through 2016,
7 in the case of the evaluation required by De-
8 cember 31, 2017;

9 (B) an analysis of the regional partner-
10 ships awarded such grants that have, and have
11 not, been successful in achieving the goals and
12 outcomes specified in their grant applications
13 and with respect to the performance indicators
14 established by the Secretary under paragraph
15 (8) of such section that are applicable to their
16 grant awards; and

17 (C) an analysis of the extent to which such
18 grants have been successful in addressing the
19 needs of families with methamphetamine or
20 other substance abuse problems who come to
21 the attention of the child welfare system and in
22 achieving the goals of child safety, permanence,
23 and family stability.

1 **SEC. 104. COURT IMPROVEMENT PROGRAM.**

2 (a) GRANT PURPOSES.—Section 438(a) of the Social
3 Security Act (42 U.S.C. 629h(a)) is amended—

4 (1) in paragraph (2)—

5 (A) in subparagraph (A), by striking “;
6 and” and inserting “, including the require-
7 ments in the Act related to concurrent plan-
8 ning;”;

9 (B) in subparagraph (B), by adding “and”
10 at the end; and

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

12 “(C) to increase and improve engagement
13 of the entire family in court processes relating
14 to child welfare, family preservation, family re-
15 unification, and adoption;” and

16 (2) in paragraph (4)—

17 (A) by inserting “(A)” after “(4)”;

18 (B) by striking the period and inserting “;
19 and”; and

20 (C) by adding after and below the end the
21 following:

22 “(B) to increase and improve engagement of
23 the entire family in court processes relating to child
24 welfare, family preservation, family reunification,
25 and adoption.”.

1 (b) SINGLE GRANT APPLICATION.—Section
 2 438(b)(2) of such Act (42 U.S.C. 629h(b)(2)) is amended
 3 to read as follows:

4 “(2) SINGLE GRANT APPLICATION.—Pursuant
 5 to the requirements under paragraph (1) of this sub-
 6 section, a highest State court desiring a grant under
 7 this section shall submit a single application to the
 8 Secretary that specifies whether the application is
 9 for a grant for—

10 “(A) the purposes described in paragraphs
 11 (1) and (2) of subsection (a);

12 “(B) the purpose described in subsection
 13 (a)(3);

14 “(C) the purpose described in subsection
 15 (a)(4); or

16 “(D) the purposes referred to in 2 or more
 17 (specifically identified) of subparagraphs (A),
 18 (B), and (C) of this paragraph.”.

19 (c) AMOUNT OF GRANT.—Section 438(c) of such Act
 20 (42 U.S.C. 629h(c)) is amended to read as follows:

21 “(c) AMOUNT OF GRANT.—

22 “(1) IN GENERAL.—With respect to each of
 23 subparagraphs (A), (B), and (C) of subsection (b)(2)
 24 that refers to 1 or more grant purposes for which
 25 an application of a highest State court is approved

1 under this section, the court shall be entitled to pay-
2 ment, for each of fiscal years 2012 through 2016,
3 from the amount allocated under paragraph (3) of
4 this subsection for grants for the purpose or pur-
5 poses, of an amount equal to \$85,000 plus the
6 amount described in paragraph (2) of this subsection
7 with respect to the purpose or purposes.

8 “(2) AMOUNT DESCRIBED.—The amount de-
9 scribed in this paragraph for any fiscal year with re-
10 spect to the purpose or purposes referred to in a
11 subparagraph of subsection (b)(2) is the amount
12 that bears the same ratio to the total of the amounts
13 allocated under paragraph (3) of this subsection for
14 grants for the purpose or purposes as the number of
15 individuals in the State who have not attained 21
16 years of age bears to the total number of such indi-
17 viduals in all States the highest State courts of
18 which have approved applications under this section
19 for grants for the purpose or purposes.

20 “(3) ALLOCATION OF FUNDS.—

21 “(A) MANDATORY FUNDS.—Of the
22 amounts reserved under section 436(b)(2) for
23 any fiscal year, the Secretary shall allocate—

1 “(i) \$9,000,000 for grants for the
2 purposes described in paragraphs (1) and
3 (2) of subsection (a);

4 “(ii) \$10,000,000 for grants for the
5 purpose described in subsection (a)(3);

6 “(iii) \$10,000,000 for grants for the
7 purpose described in subsection (a)(4); and

8 “(iv) \$1,000,000 for grants to be
9 awarded on a competitive basis among the
10 highest courts of Indian tribes or tribal
11 consortia that—

12 “(I) are operating a program
13 under part E, in accordance with sec-
14 tion 479B;

15 “(II) are seeking to operate a
16 program under part E and have re-
17 ceived an implementation grant under
18 section 476; or

19 “(III) has a court responsible for
20 proceedings related to foster care or
21 adoption.

22 “(B) DISCRETIONARY FUNDS.—The Sec-
23 retary shall allocate all of the amounts reserved
24 under section 437(b)(2) for grants for the pur-

1 poses described in paragraphs (1) and (2) of
2 subsection (a).”.

3 (d) EXTENSION OF FEDERAL SHARE.—Section
4 438(d) of such Act (42 U.S.C. 629h(d)) is amended by
5 striking “2002 through 2011” and inserting “2012
6 through 2016”.

7 (e) TECHNICAL CORRECTION.—Effective as if in-
8 cluded in the enactment of the Safe and Timely Interstate
9 Placement of Foster Children Act of 2006, section 8(b)
10 of such Act (120 Stat. 513) is amended by striking
11 “438(b) of such Act (42 U.S.C. 638(b))” inserting
12 “438(b)(1) of such Act (42 U.S.C. 629h(b)(1))”.

13 **SEC. 105. DATA STANDARDIZATION FOR IMPROVED DATA**
14 **MATCHING.**

15 (a) IN GENERAL.—Part B of title IV of the Social
16 Security Act (42 U.S.C. 621–629i) is amended by adding
17 at the end the following:

18 **“Subpart 3—Common Provisions**

19 **“SEC. 440. DATA STANDARDIZATION FOR IMPROVED DATA**
20 **MATCHING.**

21 **“(a) STANDARD DATA ELEMENTS.—**

22 **“(1) DESIGNATION.—**The Secretary, in con-
23 sultation with an interagency work group established
24 by the Office of Management and Budget, and con-
25 sidering State perspectives, shall, by rule, designate

1 standard data elements for any category of informa-
2 tion required to be reported under this part.

3 “(2) DATA ELEMENTS MUST BE NONPROPRI-
4 ETARY AND INTEROPERABLE.—The standard data
5 elements designated under paragraph (1) shall, to
6 the extent practicable, be nonproprietary and inter-
7 operable.

8 “(3) OTHER REQUIREMENTS.—In designating
9 standard data elements under this subsection, the
10 Secretary shall, to the extent practicable, incor-
11 porate—

12 “(A) interoperable standards developed
13 and maintained by an international voluntary
14 consensus standards body, as defined by the Of-
15 fice of Management and Budget, such as the
16 International Organization for Standardization;

17 “(B) interoperable standards developed
18 and maintained by intergovernmental partner-
19 ships, such as the National Information Ex-
20 change Model; and

21 “(C) interoperable standards developed
22 and maintained by Federal entities with author-
23 ity over contracting and financial assistance,
24 such as the Federal Acquisition Regulatory
25 Council.

1 “(b) DATA STANDARDS FOR REPORTING.—

2 “(1) DESIGNATION.—The Secretary, in con-
3 sultation with an interagency work group established
4 by the Office of Management and Budget, and con-
5 sidering State government perspectives, shall, by
6 rule, designate data reporting standards to govern
7 the reporting required under this part.

8 “(2) REQUIREMENTS.—The data reporting
9 standards required by paragraph (1) shall, to the ex-
10 tent practicable—

11 “(A) incorporate a widely-accepted, non-
12 proprietary, searchable, computer-readable for-
13 mat;

14 “(B) be consistent with and implement ap-
15 plicable accounting principles; and

16 “(C) be capable of being continually up-
17 graded as necessary.

18 “(3) INCORPORATION OF NONPROPRIETARY
19 STANDARDS.—In designating reporting standards
20 under this subsection, the Secretary shall, to the ex-
21 tent practicable, incorporate existing nonproprietary
22 standards, such as the eXtensible Business Report-
23 ing Language.”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 subsection (a) shall take effect on October 1, 2012, and

1 shall apply with respect to information required to be re-
2 ported on or after such date.

3 **SEC. 106. PROVISIONS RELATING TO FOSTER CARE OR**
4 **ADOPTION.**

5 (a) EDUCATIONAL STABILITY FOR EACH FOSTER
6 PLACEMENT.—Section 475(1)(G) of the Social Security
7 Act (42 U.S.C. 675(1)(G)) is amended—

8 (1) in clause (i), by striking “the placement”
9 and inserting “each placement”; and

10 (2) in clause (ii)(I), by inserting “each” before
11 “placement”.

12 (b) FOSTER YOUTH ID THEFT.—Section 475(5) of
13 such Act (42 U.S.C. 675(5)) is amended—

14 (1) by striking “and” at the end of subpara-
15 graph (G);

16 (2) by striking the period at the end of sub-
17 paragraph (H) and inserting “; and”; and

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

19 “(I) each child in foster care under the re-
20 sponsibility of the State who has attained 16
21 years of age receives without cost a copy of any
22 consumer report (as defined in section 603(d)
23 of the Fair Credit Reporting Act) pertaining to
24 the child each year until the child is discharged
25 from care, and receives assistance (including,

1 when feasible, from any court-appointed advo-
2 cate for the child) in interpreting and resolving
3 any inaccuracies in the report.”.

4 (c) DESCRIPTION OF ADOPTION SPENDING.—Section
5 473(a)(8) of such Act (42 U.S.C. 673(a)(8)) is amended
6 by inserting “, and shall document how such amounts are
7 spent, including on post-adoption services” before the pe-
8 riod.

9 (d) INCLUSION IN ANNUAL REPORT OF ADDITIONAL
10 INFORMATION ON CHILD VISITATION BY CASE-
11 WORKERS.—Section 479A(6) of such Act (42 U.S.C.
12 679b(6)) is amended—

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

15 (2) by redesignating subparagraph (B) as sub-
16 paragraph (C) and inserting after subparagraph (A)
17 the following:

18 “(B) the total number of visits made by
19 caseworkers on a monthly basis to children in
20 foster care under the responsibility of the State
21 during a fiscal year as a percentage of the total
22 number of the visits that would occur during
23 the fiscal year if each child were so visited once
24 every month while in such care; and”.

1 **SEC. 107. EFFECTIVE DATE.**

2 (a) IN GENERAL.—Except as otherwise provided in
3 this title, this title and the amendments made by this title
4 shall take effect on October 1, 2011, and shall apply to
5 payments under parts B and E of title IV of the Social
6 Security Act for calendar quarters beginning on or after
7 such date, without regard to whether regulations to imple-
8 ment the amendments are promulgated by such date.

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

TITLE II—CHILD WELFARE DEMONSTRATION PROJECTS

SEC. 201. RENEWAL OF AUTHORITY TO APPROVE DEMONSTRATION PROJECTS DESIGNED TO TEST INNOVATIVE STRATEGIES IN STATE CHILD WELFARE PROGRAMS.

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

(1) in subsection (a)—

(A) by amending paragraph (2) to read as follows:

“(2) LIMITATION.—During fiscal years 2012 through 2014, the Secretary may authorize demonstration projects described in paragraph (1), with not more than 10 demonstration projects to be authorized in each fiscal year.”.

(B) by striking paragraph (3) and inserting the following:

“(3) CONDITIONS FOR STATE ELIGIBILITY.—For purposes of a new demonstration project under this section that is initially approved in any of fiscal years 2012 through 2014, a State shall be authorized to conduct such demonstration project only if the State satisfies the following conditions:

“(A) IDENTIFY 1 OR MORE GOALS.—

1 “(i) IN GENERAL.—The State shall
2 demonstrate that the demonstration
3 project is designed to accomplish 1 or more
4 of the following goals:

5 “(I) Increase permanency for all
6 infants, children, and youth by reduc-
7 ing the time in foster placements
8 when possible and promoting a suc-
9 cessful transition to adulthood for
10 older youth.

11 “(II) Increase positive outcomes
12 for infants, children, youth, and fami-
13 lies in their homes and communities,
14 including tribal communities, and im-
15 prove the safety and well-being of in-
16 fants, children, and youth.

17 “(III) Prevent child abuse and
18 neglect and the re-entry of infants,
19 children, and youth into foster care.

20 “(ii) LONG-TERM THERAPEUTIC FAM-
21 ILY TREATMENT CENTERS; ADDRESSING
22 DOMESTIC VIOLENCE.—With respect to a
23 demonstration project that is designed to
24 accomplish 1 or more of the goals de-

1 scribed in clause (i), the State may elect to
2 establish a program—

3 “(I) to permit foster care mainte-
4 nance payments to be made under
5 part E of title IV to a long-term
6 therapeutic family treatment center
7 (as described in paragraph (8)(B)) on
8 behalf of a child residing in the cen-
9 ter; or

10 “(II) to identify and address do-
11 mestic violence that endangers chil-
12 dren and results in the placement of
13 children in foster care.

14 “(B) DEMONSTRATE READINESS.—The
15 State shall demonstrate through a narrative de-
16 scription the State’s capacity to effectively use
17 the authority to conduct a demonstration
18 project under this section by identifying
19 changes the State has made or plans to make
20 in policies, procedures, or other elements of the
21 State’s child welfare program that will enable
22 the State to successfully achieve the goal or
23 goals of the project.

1 “(C) DEMONSTRATE IMPLEMENTED OR
2 PLANNED CHILD WELFARE PROGRAM IMPROVE-
3 MENT POLICIES.—

4 “(i) IN GENERAL.—The State shall
5 demonstrate that the State has imple-
6 mented, or plans to implement within 3
7 years of the date on which the State sub-
8 mits its application to conduct the dem-
9 onstration project or 2 years after the date
10 on which the Secretary approves such dem-
11 onstration project (whichever is later), at
12 least 2 of the child welfare program im-
13 provement policies described in paragraph
14 (7).

15 “(ii) PREVIOUS IMPLEMENTATION.—
16 For purposes of the requirement described
17 in clause (i), at least 1 of the child welfare
18 program improvement policies to be imple-
19 mented by the State shall be a policy that
20 the State has not previously implemented
21 as of the date on which the State submits
22 an application to conduct the demonstra-
23 tion project.

24 “(iii) IMPLEMENTATION REVIEW.—
25 The Secretary may terminate the authority

1 of a State to conduct a demonstration
2 project under this section if, after the 3-
3 year period following approval of the dem-
4 onstration project, the State has not made
5 significant progress in implementing the
6 child welfare program improvement policies
7 proposed by the State under clause (i).”;

8 (C) in paragraph (5), by inserting “and
9 the ability of the State to implement a correc-
10 tive action plan approved under section 1123A”
11 before the period; and

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

13 “(6) INAPPLICABILITY OF RANDOM ASSIGN-
14 MENT FOR CONTROL GROUPS AS A FACTOR FOR AP-
15 PROVAL OF DEMONSTRATION PROJECTS.—For pur-
16 poses of evaluating an application to conduct a dem-
17 onstration project under this section, the Secretary
18 shall not take into consideration whether such
19 project requires random assignment of children and
20 families to groups served under the project and to
21 control groups.

22 “(7) CHILD WELFARE PROGRAM IMPROVEMENT
23 POLICIES.—For purposes of paragraph (3)(C), the
24 child welfare program improvement policies de-
25 scribed in this paragraph are the following:

1 “(A) The establishment of a bill of rights
2 for infants, children, and youth in foster care
3 that is widely shared and clearly outlines pro-
4 tections for infants, children, and youth, such
5 as assuring frequent visits with parents, sib-
6 lings, and caseworkers, access to attorneys, and
7 participation in age-appropriate extracurricular
8 activities, and procedures for ensuring the pro-
9 tections are provided.

10 “(B) The development and implementation
11 of a plan for meeting the health and mental
12 health needs of infants, children, and youth in
13 foster care that includes ensuring that the pro-
14 vision of health and mental health care is child-
15 specific, comprehensive, appropriate, and con-
16 sistent (through means such as ensuring the in-
17 fant, child, or youth has a medical home, reg-
18 ular wellness medical visits, and addressing the
19 issue of trauma, when appropriate).

20 “(C) The inclusion in the State plan under
21 section 471 of an amendment implementing the
22 option under subsection (a)(28) of that section
23 to enter into kinship guardianship assistance
24 agreements.

1 “(D) The election under the State plan
2 under section 471 to define a ‘child’ for pur-
3 poses of the provision of foster care mainte-
4 nance payments, adoption assistance payments,
5 and kinship guardianship assistance payments,
6 so as to include individuals described in each of
7 subclauses (I), (II), and (III) of section
8 475(8)(B)(i) who have not attained age 21.

9 “(E) The development and implementation
10 of a plan that ensures congregate care is used
11 appropriately and reduces the placement of chil-
12 dren and youth in such care.

13 “(F) Of those infants, children, and youth
14 in out-of-home placements, substantially in-
15 creasing the number of cases of siblings who
16 are in the same foster care, kinship guardian-
17 ship, or adoptive placement, above the number
18 of such cases in fiscal year 2008.

19 “(G) The development and implementation
20 of a plan to improve the recruitment and reten-
21 tion of high quality foster family homes trained
22 to help assist infants, children, and youth swift-
23 ly secure permanent families. Supports for fos-
24 ter families under such a plan may include in-
25 creasing maintenance payments to more ade-

1 quately meet the needs of infants, children, and
2 youth in foster care and expanding training,
3 respite care, and other support services for fos-
4 ter parents.

5 “(H) The establishment of procedures de-
6 signed to assist youth as they prepare for their
7 transition out of foster care, such as arranging
8 for participation in age-appropriate extra-cur-
9 ricular activities, providing appropriate access
10 to cell phones, computers, and opportunities to
11 obtain a driver’s license, providing notification
12 of all sibling placements if siblings are in care
13 and sibling location if siblings are out of care,
14 and providing counseling and financial support
15 for post-secondary education.

16 “(I) The inclusion in the State plan under
17 section 471 of a description of State procedures
18 for—

19 “(i) ensuring that youth in foster care
20 who have attained age 16 are engaged in
21 discussions, including during the develop-
22 ment of the transition plans required
23 under paragraphs (1)(D) and (5)(H) of
24 section 475, that explore whether the
25 youth wishes to reconnect with the youth’s

1 biological family, including parents, grand-
2 parents, and siblings, and, if so, what skills
3 and strategies the youth will need to suc-
4 cessfully and safely reconnect with those
5 family members;

6 “(ii) providing appropriate guidance
7 and services to youth whom affirm an in-
8 tent to reconnect with biological family
9 members on how to successfully and safely
10 manage such reconnections; and

11 “(iii) making, when appropriate, ef-
12 forts to include biological family members
13 in such reconnection efforts.

14 “(J) The establishment of one or more of
15 the following programs designed to prevent in-
16 fants, children, and youth from entering foster
17 care or to provide permanency for infants, chil-
18 dren, and youth in foster care:

19 “(i) An intensive family finding pro-
20 gram.

21 “(ii) A kinship navigator program.

22 “(iii) A family counseling program,
23 such as a family group decision-making
24 program, and which may include in-home
25 peer support for families.

1 “(iv) A comprehensive family-based
2 substance abuse treatment program.

3 “(v) A program under which special
4 efforts are made to identify and address
5 domestic violence that endangers infants,
6 children, and youth and puts them at risk
7 of entering foster care.

8 “(vi) A mentoring program.

9 “(8) DEFINITIONS.—In this subsection—

10 “(A) the term ‘youth’ means, with respect
11 to a State, an individual who has attained age
12 12 but has not attained the age at which an in-
13 dividual is no longer considered to be a child
14 under the State plans under parts B and E of
15 title IV, and

16 “(B) the term ‘long-term therapeutic fam-
17 ily treatment center’ means a State licensed or
18 certified program that enables parents and their
19 children to live together in a safe environment
20 for a period of not less than 6 months and pro-
21 vides, on-site or by referral, substance abuse
22 treatment services, children’s early intervention
23 services, family counseling, legal services, med-
24 ical care, mental health services, nursery and
25 preschool, parenting skills training, pediatric

1 care, prenatal care, sexual abuse therapy, re-
2 lapse prevention, transportation, and job or vo-
3 cational training or classes leading to a sec-
4 ondary school diploma or a certificate of general
5 equivalence.”;

6 (2) by striking subsection (d) and inserting the
7 following:

8 “(d) DURATION OF DEMONSTRATION.—

9 “(1) IN GENERAL.—Subject to paragraph (2), a
10 demonstration project under this section may be
11 conducted for not more than 5 years, unless in the
12 judgment of the Secretary, the demonstration
13 project should be allowed to continue.

14 “(2) TERMINATION OF AUTHORITY.—In no
15 event shall a demonstration project under this sec-
16 tion be conducted after September 30, 2019.”;

17 (3) in subsection (e)—

18 (A) in paragraph (1), by striking “(which
19 shall provide,” and all that follows before the
20 semicolon;

21 (B) by striking “and” at the end of para-
22 graph (6);

23 (C) by redesignating paragraph (7) as
24 paragraph (8); and

1 (D) by inserting after paragraph (6) the
2 following:

3 “(7) an accounting of any additional Federal,
4 State, and local investments made, as well as any
5 private investments made in coordination with the
6 State, during the 2 fiscal years preceding the appli-
7 cation to provide the services described in paragraph
8 (1), and an assurance that the State will provide an
9 accounting of that same spending for each year of
10 an approved demonstration project; and”;

11 (4) by redesignating subsection (g) as sub-
12 section (h);

13 (5) by striking subsection (f) and inserting the
14 following:

15 “(f) EVALUATIONS.—Each State authorized to con-
16 duct a demonstration project under this section shall ob-
17 tain an evaluation by an independent contractor of the ef-
18 fectiveness of the project, using an evaluation design ap-
19 proved by the Secretary which provides for—

20 “(1) comparison of methods of service delivery
21 under the project, and such methods under a State
22 plan or plans, with respect to efficiency, economy,
23 and any other appropriate measures of program
24 management;

1 “(2) comparison of outcomes for children and
2 families (and groups of children and families) under
3 the project, and such outcomes under a State plan
4 or plans, for purposes of assessing the effectiveness
5 of the project in achieving program goals; and

6 “(3) any other information that the Secretary
7 may require.

8 “(g) REPORTS.—

9 “(1) STATE REPORTS; PUBLIC AVAILABILITY.—
10 Each State authorized to conduct a demonstration
11 project under this section shall—

12 “(A) submit periodic reports to the Sec-
13 retary on the specific programs, activities, and
14 strategies used to improve outcomes for infants,
15 children, youth, and families and the results
16 achieved for infants, children, and youth during
17 the conduct of the demonstration project, in-
18 cluding with respect to those infants, children,
19 and youth who are prevented from entering fos-
20 ter care, infants, children, and youth in foster
21 care, and infants, children, and youth who move
22 from foster care to permanent families; and

23 “(B) post a copy of each such report on
24 the website for the State child welfare program

1 concurrent with the submission of the report to
2 the Secretary.

3 “(2) REPORTS TO CONGRESS.—The Secretary
4 shall submit to the Committee on Ways and Means
5 of the House of Representatives and the Committee
6 on Finance of the Senate—

7 “(A) periodic reports based on the State
8 reports submitted under paragraph (1); and

9 “(B) a report based on the results of the
10 State evaluations required under subsection (f)
11 that includes an analysis of the results of such
12 evaluations and such recommendations for ad-
13 ministrative or legislative changes as the Sec-
14 retary determines appropriate.”; and

15 (6) by adding at the end the following:

16 “(i) INDIAN TRIBES OPERATING IV–E PROGRAMS
17 CONSIDERED STATES.—An Indian tribe, tribal organiza-
18 tion, or tribal consortium that has elected to operate a
19 program under part E of title IV in accordance with sec-
20 tion 479B shall be considered a State for purposes of this
21 section.”.

22 **TITLE III—BUDGET PROVISIONS**

23 **SEC. 301. BUDGETARY EFFECTS.**

24 The budgetary effects of this Act, for the purpose of
25 complying with the Statutory Pay-As-You-Go Act of 2010,

1 shall be determined by reference to the latest statement
2 titled “Budgetary Effects of PAYGO Legislation” for this
3 Act, submitted for printing in the Congressional Record
4 by the Chairman of the Senate Budget Committee, pro-
5 vided that such statement has been submitted prior to the
6 vote on passage.

Passed the House of Representatives September 21,
2011.

Attest:

KAREN L. HAAS,
Clerk.