

113TH CONGRESS
1ST SESSION

S. 1511

To amend part E of title IV of the Social Security Act to remove barriers to the adoption of children in foster care through reauthorization and improvement of the adoption incentives program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2013

Mr. ROCKEFELLER (for himself and Mr. CASEY) 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 remove barriers to the adoption of children in foster care through reauthorization and improvement of the adoption incentives program, 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 “Removing Barriers to
5 Adoption and Supporting Families Act of 2013”.

1 **SEC. 2. REAUTHORIZATION OF ADOPTION INCENTIVE PAY-**
2 **MENTS.**

3 (a) IN GENERAL.—Section 473A of the Social Secu-
4 rity Act (42 U.S.C. 673b) is amended—

5 (1) in subsection (b)(5), by striking “2008
6 through 2012” and inserting “2013 through 2017”;
7 and

8 (2) in subsection (h)—

9 (A) in paragraph (1)(D), by striking
10 “2013” and inserting “2018”; and

11 (B) in paragraph (2), by striking “2013”
12 and inserting “2018”.

13 **SEC. 3. ENCOURAGEMENT OF INTERSTATE ADOPTIONS.**

14 (a) ADDITIONAL INCENTIVE PAYMENT FOR SENDING
15 AND RECEIVING STATES OF AN INTERSTATE ADOP-
16 TION.—

17 (1) IN GENERAL.—Section 473A(d) of the So-
18 cial Security Act (42 U.S.C. 673b(d)) is amended—

19 (A) in paragraph (1)—

20 (i) in the matter preceding subpara-
21 graph (A), by striking “and (3)” and in-
22 serting “(3), and (4)”;

23 (ii) in subparagraph (B), by striking
24 “and” after the semicolon;

25 (iii) in subparagraph (C), by inserting
26 “or” after the semicolon; and

1 (iv) by adding at the end the fol-
2 lowing:

3 “(D) subject to paragraph (4), \$8,000
4 multiplied by the amount (if any) by which the
5 number of interstate adoptions in the State
6 during the fiscal year exceeds the base number
7 of interstate adoptions for the State for the fis-
8 cal year.”; and

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

10 “(4) SENDING AND RECEIVING STATES SHAR-
11 ING OF INTERSTATE ADOPTION INCENTIVE PAY-
12 MENT.—The Secretary shall pay each State that was
13 a receiving State for an interstate adoptive place-
14 ment for a fiscal year, a pro rata share of the por-
15 tion of the adoption incentive payment paid to the
16 sending State for the fiscal year under this section
17 that is attributable to the amount determined under
18 paragraph (1)(D).”.

19 (2) CONFORMING AMENDMENTS.—Section
20 473A of such Act (42 U.S.C. 673b) is amended—

21 (A) in subsection (b)(2)—

22 (i) in subparagraph (B), by striking
23 “or” after the semicolon;

24 (ii) in subparagraph (C), by inserting
25 “or” after the semicolon; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(D) the number of interstate adoptions in
4 the State during the fiscal year exceeds the
5 base number of interstate adoptions for the
6 State in the fiscal year;” and

7 (B) in subsection (g), by adding at the end
8 the following:

9 “(9) BASE NUMBER OF INTERSTATE ADOPT-
10 TIONS.—The term ‘base number of interstate adop-
11 tions for a State’ means, with respect to any fiscal
12 year, the number of interstate child adoptions in the
13 State in fiscal year 2012.

14 “(10) INTERSTATE ADOPTIONS.—The term
15 ‘interstate adoptions’ means the final adoption of a
16 child who, at the time of adoptive placement out-of-
17 State, was in foster care under the supervision of
18 the State or for whom an adoption assistance agree-
19 ment was in effect under section 473 with respect to
20 the child.

21 “(11) RECEIVING STATE.—The term ‘receiving
22 State’ means the State in which the adoptive parents
23 reside at the time of final adoption of a child from
24 another State.

1 “(12) SENDING STATE.—The term ‘sending
2 State’ means the State in which the child resided be-
3 fore being placed for an adoption in another State.”.

4 (b) REQUIREMENT TO REPORT DATA ON INTER-
5 STATE ADOPTIONS.—Section 473A(c) of such Act (42
6 U.S.C. 673b(c)) is amended by adding at the end the fol-
7 lowing:

8 “(4) DETERMINATION OF NUMBERS OF INTER-
9 STATE ADOPTIONS BASED ON STATE REPORTING OF
10 DATA.—

11 “(A) IN GENERAL.—A State is in compli-
12 ance with this subsection for a fiscal year if the
13 State has provided to the Secretary the fol-
14 lowing data with respect to the preceding fiscal
15 year:

16 “(i) The total number of interstate
17 adoptions completed by the State with re-
18 spect to children in foster care under the
19 responsibility of the State, and with re-
20 spect to each such adoption the identity of
21 the other State involved.

22 “(ii) The total number of adoptions
23 completed by the State with respect to chil-
24 dren who were in foster care under the re-
25 sponsibility of other States, and with re-

1 spect to each such adoption, the identity of
2 the other State involved.

3 “(iii) Such other information as the
4 Secretary may require in order to deter-
5 mine whether the State is eligible for an
6 adoption incentive payment under sub-
7 section (d)(1)(D) for the fiscal year.

8 “(B) VERIFICATION OF DATA.—The Sec-
9 retary shall verify the data submitted by a
10 State under subparagraph (A).”.

11 **SEC. 4. NATIONAL STANDARDS FOR STATE HOME STUDIES.**

12 (a) NATIONAL STANDARDS FOR STATE HOME STUD-
13 IES.—Section 476 of the Social Security Act (42 U.S.C.
14 676) is amended by adding at the end the following:

15 “(d) NATIONAL STANDARDS FOR STATE HOME
16 STUDIES.—

17 “(1) IN GENERAL.—Not later than 12 months
18 after the date of enactment of this subsection, the
19 Secretary shall develop national standards for home
20 studies for use in evaluating potential foster and
21 adoptive parents. In developing these standards, the
22 Secretary shall consult with a working group com-
23 posed of representatives of the adoption and foster
24 care community, experts in the field of social work,

1 State child welfare leaders and other qualified indi-
2 viduals.

3 “(2) PERIODIC REVIEW AND UPDATING.—The
4 Secretary shall periodically review and update, as
5 appropriate, the standards developed under this sub-
6 section.”.

7 (b) ENHANCED MATCHING RATE FOR STATES
8 ADOPTING HOME STUDY IN COMPLIANCE WITH NA-
9 TIONAL STANDARDS.—Section 474 of the Social Security
10 Act (42 U.S.C. 674) is amended—

11 (1) in each of paragraphs (1) and (2) of sub-
12 section (a), by inserting “subject to subsection (h),”
13 before “an amount equal to the Federal”; and

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

15 “(h) The percentage applicable under paragraphs (1)
16 and (2) of subsection (a) for amounts expended during
17 a quarter by a State or the District of Columbia, or, in
18 the case of an Indian tribe, tribal organization, or tribal
19 consortium that has elected to operate a program under
20 this part in accordance with section 479B, the tribal
21 FMAP, referred to in such paragraphs, shall be increased
22 by 5 percentage points for each quarter that begins on
23 or after the effective date of an election by the State, Dis-
24 trict of Columbia, or Indian tribe, tribal organization, or
25 tribal consortium operating a program under this part in

1 accordance with section 479B, to use the home study
2 standards developed under section 476(d).”.

3 **SEC. 5. LIMITING ANOTHER PLANNED PERMANENT LIVING**
4 **ARRANGEMENT AS A PERMANENCY OPTION.**

5 (a) **ELIMINATION OF OPTION FOR CHILDREN UNDER**
6 **AGE 17.**—Section 475(5)(C) of the Social Security Act
7 (42 U.S.C. 675(5)(C)) is amended by inserting “only if
8 the child has attained age 17” before “(in cases where
9 the State agency has documented”.

10 (b) **GAO REPORT ON USE OF ANOTHER PLANNED**
11 **PERMANENT LIVING ARRANGEMENT PLACEMENTS.**—The
12 Comptroller General of the United States shall conduct
13 a study and submit a report to Congress regarding—

14 (1) the number of children in each State (as de-
15 fined for purposes of parts B and E of title IV of
16 the Social Security Act (42 U.S.C. 621 et seq., 670
17 et seq.)) that are assigned a permanency goal of an-
18 other planned permanent living arrangement for the
19 most recent fiscal year for which data are available;

20 (2) with respect to such fiscal years and on a
21 State-by-State basis, the ages, gender, race, and spe-
22 cial needs of children whose permanency goal is an-
23 other planned permanent living arrangement;

24 (3) a review and analysis of court practices for
25 determining that another planned permanent living

1 arrangement is the appropriate placement for a
2 child;

3 (4) information with respect to foster youths'
4 involvement in deciding to enter into a permanency
5 goal of another planned permanent living arrange-
6 ment, including, but not limited to, how another
7 planned permanent living arrangement is presented
8 as an option to foster youth, how involved foster
9 youth are in selecting the option, and what alter-
10 native options are offered instead of another planned
11 permanent living arrangement; and

12 (5) a summary of the reasons that reunifica-
13 tion, adoption, kinship care, or guardianship were
14 not found to be in the best interests of the child.

15 **SEC. 6. INCREASED FUNDING SUPPORT FOR POST-ADOP-**
16 **TION AND POST-PERMANENCY SERVICES.**

17 (a) DEDICATED USE OF PORTION OF SAVINGS FROM
18 ADOPTION ASSISTANCE DE-LINKAGE FOR POST-ADOP-
19 TION AND POST-PERMANENCY SERVICES.—Section
20 473(a)(8) of the Social Security Act (42 U.S.C. 673(a)(8))
21 is amended—

22 (1) by inserting “(A)” after “(8)”;

23 (2) by striking “(including post-adoption serv-
24 ices)”;

1 (3) by striking “, including on post-adoption
2 services.” and inserting “. A State shall spend an
3 amount equal to 20 percent of the amount of such
4 savings to provide post-adoption and post-perma-
5 nency services to children or families and shall docu-
6 ment how such amounts are spent.”; and

7 (4) by adding at the end the following:

8 “(B) The Secretary shall establish a formula
9 for States to use to calculate the amount of savings
10 in State expenditures under this part resulting from
11 the application of paragraph (2)(A)(ii) to all applica-
12 ble children for a fiscal year based on the State and
13 Federal shares of expenditures for adoption assist-
14 ance payments under this section as of fiscal year
15 2009.”.

16 (b) DEDICATED USES OF PROMOTING SAFE AND
17 STABLE FAMILIES FUNDS INCLUDING FOR POST-ADOP-
18 TION AND POST-PERMANENCY SERVICES.—Section
19 432(a)(4) of the Social Security Act (42 U.S.C.
20 629b(a)(4)) is amended to read as follows:

21 “(4) contains assurances that not more than 10
22 percent of the expenditures under the plan for any
23 fiscal year with respect to which the State is eligible
24 for payment under section 434 for the fiscal year
25 shall be for administrative costs, and 20 percent of

1 remaining expenditures shall be for programs of
2 family preservation services, 20 percent for commu-
3 nity based family support services, 20 percent for
4 time-limited family reunification services, 10 percent
5 for adoption promotion, and 10 percent for post-
6 adoption and post-permanency services;”.

7 (c) POST-ADOPTION AND POST-PERMANENCY SERV-
8 ICES DEFINED.—Section 431(a) of the Social Security Act
9 (42 U.S.C. 629a(a)) is amended by adding at the end the
10 following:

11 “(10) POST-ADOPTION AND POST-PERMANENCY
12 SERVICES.—The term ‘post-adoption and post-per-
13 manency services’ means services for children placed
14 in adoptive, kinship, or guardianship placements and
15 their families, and may include any or all of the fol-
16 lowing:

17 “(A) Individual counseling.

18 “(B) Group counseling.

19 “(C) Family counseling.

20 “(D) Case management.

21 “(E) Respite care.

22 “(F) Training of public adoption per-
23 sonnel, personnel of private child welfare and
24 adoption agencies licensed by the State to pro-
25 vide adoption services, mental health services

1 professionals, and other support personnel to
2 provide services under this part and part E.

3 “(G) Assistance to adoptive parent organi-
4 zations.

5 “(H) Assistance to support groups for
6 adoptive parents, adopted children, and siblings
7 of adopted children.

8 “(I) Rigorous evaluations of post-adoption
9 and post-permanency services.”.

10 **SEC. 7. ENCOURAGING DEVELOPMENT OF ROBUST, COM-**
11 **PREHENSIVE PRACTICE MODELS OF ADOPT-**
12 **TIONS FROM FOSTER CARE.**

13 (a) STATE PLAN AMENDMENT.—Section 471(a) of
14 the Social Security Act (42 U.S.C. 671(a)) is amended—

15 (1) in paragraph (32), by striking “and” after
16 the semicolon;

17 (2) in paragraph (33), by striking the period at
18 the end and inserting “; and”; and

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

20 “(34) provides that the State will engage in
21 public-private partnerships to promote evidence-
22 based child-focused recruitment practices that focus
23 measurable attention on the adoption of children out
24 of foster care with an emphasis on those children
25 most at risk of aging out of care .”.

1 (b) TECHNICAL ASSISTANCE.—The Secretary of
 2 Health and Human Services shall provide guidance and
 3 technical assistance to State child welfare agencies on the
 4 use of Federal funds available under section 474 (a)(3)(B)
 5 of the Social Security Act (42 U.S.C. 674(a)(3)(B)) for
 6 training for the implementation of intensive recruitment
 7 and child-focused strategies that have been shown to in-
 8 crease permanent placements for older youth in foster
 9 care.

10 **SEC. 8. ENCOURAGING PLACEMENT OF CHILDREN WITH**
 11 **SIBLINGS.**

12 (a) STATE PLAN AMENDMENT.—Section 471(a)(29)
 13 of the Social Security Act (42 U.S.C. 671(a)(29)) is
 14 amended by striking “all adult grandparents” and insert-
 15 ing “notice to the following relatives: all adult grand-
 16 parents, all parents of the child’s siblings, where such par-
 17 ent has legal custody of such sibling,”.

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

21 “(9) The term ‘siblings’ means individuals who
 22 satisfy at least one of the following conditions:

23 “(A) The individuals are considered by
 24 State law to be siblings.

1 “(B) The individuals would have been con-
2 sidered siblings under State law but for termi-
3 nation of parental rights or other disruption of
4 parental rights, such as the death of a parent.”.

5 **SEC. 9. EFFECTIVE DATE.**

6 (a) **IN GENERAL.**—Except as provided in subsection
7 (b), the amendments made this Act shall take effect on
8 October 1, 2013.

9 (b) **DELAY PERMITTED IF STATE LEGISLATION RE-**
10 **QUIRED.**—In the case of a State plan approved under part
11 B or E of title IV of the Social Security Act which the
12 Secretary of Health and Human Services determines re-
13 quires State legislation (other than legislation appro-
14 priating funds) in order for the plan to meet the additional
15 requirements imposed by this Act, the State plan shall not
16 be regarded as failing to comply with the requirements of
17 such part solely on the basis of the failure of the plan
18 to meet such additional requirements before the 1st day
19 of the 1st calendar quarter beginning after the close of
20 the 1st regular session of the State legislature that ends
21 after the 1-year period beginning with the date of the en-
22 actment of this Act. For purposes of the preceding sen-
23 tence, in the case of a State that has a 2-year legislative
24 session, each year of the session is deemed to be a separate
25 regular session of the State legislature.

1 **SEC. 10. DETERMINATION OF BUDGETARY EFFECTS.**

2 The budgetary effects of this Act, for the purpose of
3 complying with the Statutory Pay-As-You-Go Act of 2010,
4 shall be determined by reference to the latest statement
5 titled “Budgetary Effects of PAYGO Legislation” for this
6 Act, submitted for printing in the Congressional Record
7 by the Chairman of the Senate Budget Committee, pro-
8 vided that such statement has been submitted prior to the
9 vote on passage.

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