

114TH CONGRESS
2D SESSION

H. R. 5473

To amend part B of title IV of the Social Security Act to create a grant program to promote Federal, State, and local coordination to address substance use needs of families in the child welfare system, in order to improve child well-being and permanency.

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2016

Mr. DANNY K. DAVIS of Illinois (for himself and Mr. RANGEL) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend part B of title IV of the Social Security Act to create a grant program to promote Federal, State, and local coordination to address substance use needs of families in the child welfare system, in order to improve child well-being and permanency.

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 “Partnership Grants
5 to Strengthen Families Affected by Parental Substance
6 Abuse Act of 2016”.

1 **SEC. 2. REGIONAL AND STATE PARTNERSHIP GRANTS.**

2 (a) ELIGIBLE PARTNERSHIP DEFINED; OTHER
3 DEFINITIONS.—Section 437(f)(2) of the Social Security
4 Act (42 U.S.C. 629g(f)(2)) is amended to read as follows:

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

6 “(A) ELIGIBLE PARTNERSHIP.—

7 “(i) IN GENERAL.—The term ‘eligible
8 partnership’ means a collaborative agree-
9 ment (which may be established on an
10 interstate or intrastate basis) entered into
11 by, at a minimum, each of the following:

12 “(I) The State child welfare
13 agency that is responsible for the ad-
14 ministration of the State plan under
15 this part and part E.

16 “(II) The State agency respon-
17 sible for administering the substance
18 abuse prevention and treatment block
19 grant provided under subpart II of
20 part B of title XIX of the Public
21 Health Service Act.

22 “(III) The Juvenile Court or Ad-
23 ministrative Office of the Court that
24 is most appropriate to oversee the ad-
25 ministration of court programs in the
26 region to address the population of

1 families who come to the attention of
2 the court due to child abuse or ne-
3 glect.

4 “(ii) ADDITIONAL PARTNERS.—In ad-
5 dition to the required members of an eligi-
6 ble partnership described under clause (i),
7 such partnership may also include any of
8 the following:

9 “(I) The State agency respon-
10 sible for administering the State plan
11 under title XIX.

12 “(II) The State agency respon-
13 sible for administering the Maternal
14 and Child Health Block Grant under
15 title V of this Act.

16 “(III) The unit of State govern-
17 ment responsible for administering the
18 Community Mental Health Services
19 Block Grant provided under subpart I
20 of part B of title XIX of the Public
21 Health Service Act.

22 “(IV) Any other State agency re-
23 sponsible for administering programs
24 that promote child and family well-
25 being, including programs that serve

1 victims of domestic violence, early
2 childhood education programs, ele-
3 mentary school and secondary school
4 programs (as such terms are defined
5 in section 8101 of the Elementary and
6 Secondary Education Act of 1965 (20
7 U.S.C. 7801)), programs under the
8 Individuals with Disabilities Edu-
9 cation Act (20 U.S.C. 1400 et seq.),
10 hospital programs, early childhood
11 home visitation programs using funds
12 received under section 511(e) of this
13 Act, and the program for block grants
14 to States for temporary assistance for
15 needy families under title IV of this
16 Act.

17 “(V) An Indian tribe or tribal
18 consortium.

19 “(VI) Community child welfare
20 service providers.

21 “(VII) Community health service
22 providers.

23 “(VIII) Community mental
24 health service providers.

1 “(IX) Community domestic vio-
2 lence service providers.

3 “(X) Community housing au-
4 thorities or providers.

5 “(XI) Local law enforcement
6 agencies.

7 “(XII) Tribal child welfare agen-
8 cies (or a consortia of such agencies).

9 “(XIII) Any other providers,
10 agencies, personnel, officials, or enti-
11 ties that are related to the provision
12 of child and family services under this
13 subpart.

14 “(iii) PARTNERSHIPS ENTERED INTO
15 BY INDIAN TRIBES OR TRIBAL CON-
16 SORTIA.—Notwithstanding clause (i), if an
17 Indian tribe or tribal consortium enters
18 into a partnership for purposes of this sub-
19 section, such partnership shall be consid-
20 ered an eligible partnership regardless of
21 whether such partnership includes any of
22 the entities described in subclause (I), (II),
23 or (III) of clause (i), except that no such
24 partnership shall consist solely of tribal

1 child welfare agencies (or a consortium of
2 such agencies).

3 “(B) STATE.—Notwithstanding section
4 431(a)(4), the term ‘State’ means the 50
5 States, the District of Columbia, and each of
6 the territories.

7 “(C) TERRITORY.—The term ‘territory’
8 means Puerto Rico, American Samoa, Guam,
9 the Northern Mariana Islands, and the U.S.
10 Virgin Islands.

11 “(D) INDIAN TRIBE; TRIBAL ORGANIZA-
12 TION.—The terms ‘Indian tribe’ and ‘tribal or-
13 ganization’ have the meanings given such terms
14 in section 431(a).”.

15 (b) AUTHORITY TO AWARD GRANTS.—Section
16 437(f)(3) of such Act (42 U.S.C. 629g(f)(3)) is amend-
17 ed—

18 (1) by striking subparagraph (A) and inserting
19 the following:

20 “(A) IN GENERAL.—In addition to
21 amounts authorized to be appropriated to carry
22 out this section, the Secretary shall award, from
23 the amounts reserved for each of fiscal years
24 2017 through 2021 under section 436(b)(5)—

1 “(i) regional partnership grants to eli-
2 gible partnerships that satisfy the require-
3 ments of this subsection; and

4 “(ii) State partnership grants to eligi-
5 ble partnerships that satisfy the require-
6 ments of this subsection and demonstrate
7 an ability to operate statewide, including
8 jurisdictions that are urban, suburban, or
9 rural.”;

10 (2) by redesignating subparagraphs (B) and
11 (C) as subparagraphs (E) and (F), respectively;

12 (3) by inserting after subparagraph (A) the fol-
13 lowing:

14 “(B) REGIONAL PARTNERSHIP GRANTS.—
15 The Secretary shall provide to each eligible
16 partnership awarded a regional partnership
17 grant under this subsection—

18 “(i) not less than \$250,000 per grant
19 for each fiscal year during a planning
20 phase not to exceed 1 year; and

21 “(ii) not less than \$500,000 per grant
22 for each fiscal year during the grant’s im-
23 plementation phase.

24 “(C) STATE PARTNERSHIP GRANTS.—The
25 Secretary shall provide to each eligible partner-

1 ship awarded a State partnership grant under
2 this subsection—

3 “(i) not less than \$250,000 per grant
4 for each fiscal year during a planning
5 phase not to exceed 2 years; and

6 “(ii) not less than \$750,000 per grant
7 for each fiscal year during the grant’s im-
8 plementation phase.

9 “(D) LIMITATION ON PAYMENT FOR A FIS-
10 CAL YEAR.—No payment shall be made under
11 subparagraph (B) or (C) for a fiscal year until
12 the Secretary determines that the eligible part-
13 nership has made sufficient progress in meeting
14 the goals of the grant and that the members of
15 the eligible partnership are coordinating to a
16 reasonable degree with the other members of
17 the eligible partnership.”; and

18 (4) in subparagraph (F), as so redesignated by
19 paragraph (2) of this subsection, by inserting “of a
20 regional partnership grant” after “grantee”.

21 (c) APPLICATION REQUIREMENTS.—Section
22 437(f)(4) of such Act (42 U.S.C. 629g(f)(4)) is amended
23 to read as follows:

24 “(4) APPLICATION REQUIREMENTS.—To be eli-
25 gible for a regional partnership grant or a State

1 partnership grant under this subsection, an eligible
2 partnership shall submit to the Secretary a written
3 application containing the following:

4 “(A) With respect to the planning phase of
5 the grant, each of the following:

6 “(i) A description of the nature and
7 extent of the problem of substance use dis-
8 orders among families who come to the at-
9 tention of the State child welfare agency,
10 including any recent evidence dem-
11 onstrating that substance abuse has had a
12 substantial impact on the number of out-
13 of-home placements for children, or the
14 number of children who are at risk of
15 being placed in an out-of-home placement,
16 in the partnership region or State.

17 “(ii) A description of any joint activi-
18 ties being undertaken among the entities
19 described in subclause (I), (II), or (III) of
20 paragraph (2)(A)(i) and other State agen-
21 cies or regional partners on behalf of fami-
22 lies with substance use disorder problems
23 who come to the attention of the State
24 child welfare agency, including any data on

1 the effects of the joint activities, such as
2 activities relating to—

3 “(I) establishing standardized
4 screening protocols, or other methods
5 to identify families in need of sub-
6 stance abuse prevention and treat-
7 ment services;

8 “(II) ensuring early access to as-
9 sessment and treatment services such
10 as securing expert consultation on
11 cases involving substance use dis-
12 orders, conducting outreach and
13 methods to engage and retain parents
14 in treatment, and providing priority
15 access to assessment and treatment of
16 families in the child welfare system;

17 “(III) increasing management
18 and treatment of recovery services
19 and monitoring compliance such as
20 co-location of services, specialized re-
21 covery case management services, and
22 ensuring comprehensive treatment
23 programs tailored to individual parent
24 and child needs;

1 “(IV) ensuring access to family-
2 centered services, including effective
3 parenting programs focused on en-
4 hancing the parent and child relation-
5 ship and the prevention needs of chil-
6 dren;

7 “(V) ensuring appropriate judi-
8 cial oversight including providing
9 more frequent judicial or administra-
10 tive reviews of treatment access and
11 compliance with case plans regarding
12 participation in substance use disorder
13 treatment;

14 “(VI) having a system for appro-
15 priate response to behavior of partici-
16 pants, such as evidence-based contin-
17 gency management approaches using
18 appropriate incentives and sanctions;
19 and

20 “(VII) improving collaboration
21 between courts and child welfare and
22 substance abuse treatment agencies
23 providing services to families with
24 substance abuse issues, including—

25 “(aa) cross training of staff;

1 “(bb) data collection and in-
2 formation sharing that is capable
3 of monitoring outcomes of chil-
4 dren and families receiving serv-
5 ices from the agencies;

6 “(cc) arrangements for ad-
7 dressing confidentiality and shar-
8 ing of information;

9 “(dd) identification by the
10 State agencies or Indian tribal
11 agencies, as the case may be, of
12 funding barriers and how Fed-
13 eral, State, and local resources
14 are being used to sustain pro-
15 grams of the agencies; and

16 “(ee) consultation to ensure
17 that programmatic approaches
18 reflect the advice of community
19 members and persons in recov-
20 ery.

21 “(iii) With respect to infants with pre-
22 natal substance exposure, a description of
23 any special efforts to identify and assess
24 the extent of the problem and any joint ac-
25 tivities between 2 or more members of the

1 eligible partnership that focus specifically
2 on the needs of the infants, such as efforts
3 to monitor and reduce infant fatalities
4 among families affected by parental sub-
5 stance use disorders.

6 “(iv) A description of the goals and
7 outcomes to be achieved during the fund-
8 ing period for the grant that will—

9 “(I) enhance the well-being of
10 children, parents, and families receiv-
11 ing services or taking part in activities
12 conducted with funds provided under
13 the grant;

14 “(II) lead to safety, permanent
15 caregiving relationships for such chil-
16 dren, and the well-being of the chil-
17 dren and their families;

18 “(III) improve the substance
19 abuse treatment outcomes for parents
20 including retention in treatment and
21 successful completion of treatment;
22 and

23 “(IV) decrease the number of
24 out-of-home placements for children,
25 or the number of children who are at

1 risk of being placed in an out-of-home
2 placement, in the partnership region
3 or State.

4 “(v) A description of a plan for sus-
5 taining the services provided by or activi-
6 ties funded under the grant after the con-
7 clusion of the grant period, including
8 through the use of other funds provided to
9 the State for child welfare and substance
10 abuse prevention and treatment services.

11 “(vi) Assurances that—

12 “(I) substance use disorder treat-
13 ment services provided using funds
14 provided during the implementation
15 phase of a grant made under this sub-
16 section shall be licensed, certified, or
17 otherwise approved by the appropriate
18 State substance use disorder preven-
19 tion and treatment agencies, the State
20 agency responsible for administering
21 the State plan approved under title
22 XIX, or other designated licensing
23 agency;

24 “(II) the activities funded during
25 the implementation phase of a grant

1 made under this subsection will be co-
2 ordinated, to the extent feasible and
3 appropriate, with the services or bene-
4 fits provided under other Federal or
5 federally assisted programs that serve
6 families with substance use disorders
7 who come to the attention of the State
8 child welfare agency, including health,
9 Medicaid, mental health, domestic vio-
10 lence, housing, and employment pro-
11 grams, the State program funded
12 under part A, other child welfare and
13 substance use disorder prevention and
14 treatment programs, and the courts;

15 “(III) not more than 10 percent
16 of funds provided under the grant for
17 any fiscal year shall be used for ad-
18 ministrative costs;

19 “(IV) Federal funds provided to
20 the State during the implementation
21 phase of a grant made under this sub-
22 section will not be used to supplant
23 Federal or non-Federal funds for
24 services and activities that, as of Sep-
25 tember 30, 2015, are provided to as-

1 sist families with substance use dis-
2 order services who come to the atten-
3 tion of the State child welfare agency;
4 and

5 “(V) in the case of a State part-
6 nership grant, the Governor of the
7 State endorses the plan.

8 “(vii) Such other information as the
9 Secretary may require.

10 “(B) With respect to the implementation
11 phase of the grant, each of the following:

12 “(i) A description of how the State or
13 regional partnership will use any funds
14 provided during the implementation phase
15 of a grant to address comprehensively and
16 in a timely manner the needs of families
17 with substance use disorders to improve
18 child safety, family stability, parent-child
19 relationships, permanence in children’s liv-
20 ing arrangements, and family well-being,
21 including—

22 “(I) by improving services and
23 procedures in the areas detailed in
24 subparagraph (A)(ii);

1 “(II) by improving services with
2 respect to infants with prenatal sub-
3 stance exposure as described in sub-
4 paragraph (A)(iii);

5 “(III) by satisfying the goals and
6 outcomes described in subparagraph
7 (A)(iv);

8 “(IV) by providing sustainability
9 of services and activities after the con-
10 clusion of the grant period as de-
11 scribed in subparagraph (A)(v);

12 “(V) by affirming each of the as-
13 surances described in subparagraph
14 (A)(vi);

15 “(VI) in the case of a State part-
16 nership grant, expanding the number
17 of jurisdictions in the State (including
18 urban, suburban, and rural jurisdic-
19 tions) where the activities under the
20 plan will be implemented, the plans
21 for expanding the activities to other
22 parts of the State during the imple-
23 mentation phase of the grant, and the
24 methods to measure programs toward
25 these goals; and

1 “(VII) measuring the perform-
2 ance of the State agencies in imple-
3 menting the plan in accordance with
4 performance and evaluation require-
5 ments established by the Secretary in
6 paragraph (8) and section 435, and
7 assessing remaining barriers to meet-
8 ing the needs of families with sub-
9 stance use disorders who come to the
10 attention of the State child welfare
11 agency.

12 “(ii) Such other information as the
13 Secretary may require.”.

14 (d) USE OF FUNDS.—Section 437(f)(5) of such Act
15 (42 U.S.C. 629g(f)(5)) is amended—

16 (1) in the matter preceding subparagraph (A),
17 by inserting “and in accordance with the approved
18 application for the grant” after “the purpose of this
19 subsection”;

20 (2) by redesignating subparagraphs (B)
21 through (E) as subparagraphs (C) through (F), re-
22 spectively, and by redesignating subparagraph (F)
23 as subparagraph (H);

24 (3) by inserting after subparagraph (A) the fol-
25 lowing:

1 “(B) Medication-assisted treatment.”; and
2 (4) by inserting after subparagraph (F), as so
3 redesignated by paragraph (2) of this subsection, the
4 following:

5 “(G) Domestic violence advocacy and serv-
6 ices.”.

7 (e) MATCHING REQUIREMENT.—Section 437(f)(6) of
8 such Act (42 U.S.C. 629g(f)(6)) is amended by adding
9 at the end the following:

10 “(C) INDIAN TRIBES.—In the case of a
11 grant awarded to a partnership that includes an
12 Indian tribe, tribal consortium, or a tribal child
13 welfare agency or a consortium of such agen-
14 cies, the payment required by subparagraph (A)
15 may be made directly, through donated funds,
16 through nonpublic third-party in-kind contribu-
17 tions, or from Federal funds received under any
18 of the following provisions of law:

19 “(i) The Indian Child Welfare Act of
20 1978 (25 U.S.C. 1901 et seq.).

21 “(ii) The Indian Self-Determination
22 and Education Assistance Act (25 U.S.C.
23 450b et seq.).

1 “(iii) Title I of the Housing and Com-
2 munity Development Act of 1974 (42
3 U.S.C. 5301 et seq.).”.

4 (f) WAIVER OF CERTAIN REQUIREMENTS.—Section
5 437(f)(7) of such Act (42 U.S.C. 629g(f)(7)) is amended
6 to read as follows:

7 “(7) WAIVER OF CERTAIN REQUIREMENTS.—To
8 the extent the Secretary determines that any re-
9 quirement under this paragraph would be inappro-
10 prium to apply to an eligible partnership that in-
11 cludes a territory, an Indian tribe, tribal consortium,
12 or a tribal child welfare agency or a consortium of
13 such agencies, the Secretary may exempt the eligible
14 partnership from the requirement.”.

15 (g) EVALUATION.—Section 437(f)(8) of such Act (42
16 U.S.C. 629g(f)(8)) is amended by adding at the end the
17 following:

18 “(C) REVIEW OF PERFORMANCE INDICA-
19 TORS.—

20 “(i) IN GENERAL.—Not later than 9
21 months after the date of enactment of this
22 subparagraph, the Secretary shall review
23 the performance indicators established
24 under subparagraph (A) and knowledge

1 gained from other grant programs to es-
2 tablish a set of core indicators.

3 “(ii) CORE INDICATORS.—The set of
4 core indicators established under clause (i)
5 shall include the following:

6 “(I) Safety, including whether
7 children remain at home and any oc-
8 currence of child maltreatment.

9 “(II) Permanency, including the
10 average length of stay in foster care,
11 re-entries to foster care placement,
12 timeliness of reunification, and timeli-
13 ness of permanency.

14 “(III) Recovery, including access
15 to treatment, retention in substance
16 abuse treatment, substance use.

17 “(IV) Child, adult, and family
18 well-being, including parenting capac-
19 ity, family relationships and func-
20 tioning.

21 “(iii) CONSULTATION REQUIRED.—In
22 establishing the set of core indicators re-
23 quired by clause (i), the Secretary shall
24 consult with the following:

1 “(I) The Assistant Secretary for
2 the Administration for Children and
3 Families.

4 “(II) The Administrator of the
5 Substance Abuse and Mental Health
6 Services Administration.

7 “(D) EVALUATIONS.—In assessing the per-
8 formance of grant recipients as described in
9 subparagraph (A), the Secretary shall—

10 “(i) use each of the core indicators es-
11 tablished under subparagraph (C) and any
12 other performance indicators the Secretary
13 considers appropriate;

14 “(ii) whenever possible, use existing
15 data systems and appropriate comparison
16 groups to monitor outcomes; and

17 “(iii) assist grantees in establishing
18 and analyzing performance indicators to
19 ensure local capacity to examine out-
20 comes.”.

21 (h) TECHNICAL ASSISTANCE.—Section 435(c)(2) of
22 such Act (42 U.S.C. 629e(c)(2)) is amended by inserting
23 after “section 437(f)” the following: “, including by con-
24 ducting an annual technical assistance and training meet-

1 ing and an annual grantee meeting so that grantees can
2 learn from the experiences of other grantees”.

3 (i) FUNDING.—

4 (1) IN GENERAL.—Section 436(a) of such Act
5 (42 U.S.C. 629f(a)) is amended by striking “2012
6 through 2016” and inserting “2017 through 2021”.

7 (2) RESERVATION FOR PARTNERSHIP
8 GRANTS.—Section 436(b)(5) of such Act (42 U.S.C.
9 629f(b)(5)) is amended by striking “\$20,000,000 for
10 each of fiscal years 2012 through 2016” and insert-
11 ing “\$60,000,000 for each of fiscal years 2017
12 through 2021—

13 “(A) of which \$30,000,000 shall be used
14 for regional partnership grants under such sec-
15 tion; and

16 “(B) of which \$30,000,000 shall be used
17 for State partnership grants under such sec-
18 tion.”.

19 (3) TECHNICAL ASSISTANCE.—Section
20 435(c)(2) of such Act (42 U.S.C. 629e(c)(2)), as
21 amended by subsection (h) of this section, is further
22 amended by striking “\$1,000,000” and inserting
23 “\$3,000,000”.

24 (4) CONFORMING AMENDMENT.—Section
25 437(f)(10) of such Act (42 U.S.C. 629g(f)(10)) is

1 amended by striking “each of fiscal years 2012
2 through 2016” and inserting “each fiscal year”.

3 (j) CONFORMING AMENDMENTS.—Section 437(f) of
4 such Act (42 U.S.C. 629g(f)) is amended—

5 (1) in the section heading—

6 (A) by striking “**TO INCREASE**” and inserting
7 “**TO SUPPORT PARTNERSHIPS THAT IN-**
8 **CREASE**”; and

9 (B) by striking “**TO**” before “**IMPROVE**”; and

10 (2) in paragraph (1), by striking “regional” before
11 “partnerships”.

12 (k) EFFECTIVE DATE.—The amendments made by
13 this section shall apply with respect to partnership grants
14 awarded after the date of the enactment of this Act.

15 **SEC. 3. REPORT TO CONGRESS.**

16 The Secretary of Health and Human Services shall
17 prepare and submit to the Congress a report that—

18 (1) addresses progress on the national goals re-
19 lating to substance abuse and child protection that
20 were established in the report, entitled “Blending
21 Perspectives and Building Common Ground. A Re-
22 port to Congress on Substance Abuse and Child Pro-
23 tection”, published by the Department of Health
24 and Human Services in 1999;

1 (2) addresses the financing mechanisms avail-
2 able to States; and

3 (3) has input from the Administrative Office of
4 the United States Courts, each agency with principal
5 responsibility for carrying out activities funded
6 through the block grants for prevention and treat-
7 ment of substance abuse under subpart II of part B
8 of title XIX of the Public Health Service Act, and
9 State child welfare agency directors on how to better
10 meet the needs of families affected by substance
11 abuse disorders.

12 **SEC. 4. REQUIREMENT THAT STATES COORDINATE SUB-**
13 **STANCE ABUSE PREVENTION AND TREAT-**
14 **MENT SERVICES AND CHILD WELFARE SERV-**
15 **ICES.**

16 (a) STATE PLAN REQUIREMENT.—Section 432(a) of
17 the Social Security Act (42 U.S.C. 629b(a)) is amended—

18 (1) by striking “and” at the end of paragraph
19 (9);

20 (2) by striking the period at the end of para-
21 graph (10) and inserting “; and”; and

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

23 “(11) provides that the child welfare agencies of
24 the State shall have in effect a protocol for coordi-
25 nating substance abuse prevention and treatment

1 services with child welfare services, which shall, at a
2 minimum, provide for—

3 “(A) meeting the need for timely access to
4 services;

5 “(B) reporting on the effects of parental
6 substance use disorders on the child welfare
7 agencies; and

8 “(C) how the child welfare agencies will
9 address parental substance abuse treatment
10 needs.”.

11 (b) EFFECTIVE DATE.—

12 (1) IN GENERAL.—The amendments made by
13 this section shall take effect on the 1st day of the
14 1st calendar quarter that begins 1 year or more
15 after the date of the enactment of this Act, and shall
16 apply to payments under part B of title IV of the
17 Social Security Act for calendar quarters beginning
18 on or after such date.

19 (2) DELAY PERMITTED IF STATE LEGISLATION
20 REQUIRED.—If the Secretary of Health and Human
21 Services determines that State legislation (other
22 than legislation appropriating funds) is required in
23 order for a State plan developed pursuant to part B
24 of title IV of the Social Security Act to meet the ad-
25 ditional requirements imposed by the amendments

1 made by this section, the plan shall not be regarded
2 as failing to meet any of the additional requirements
3 before the 1st day of the 1st calendar quarter begin-
4 ning after the first regular session of the State legis-
5 lature that begins after the date of the enactment of
6 this Act. For purposes of the preceding sentence, if
7 the State has a 2-year legislative session, each year
8 of the session is deemed to be a separate regular
9 session of the State legislature.

○