

115TH CONGRESS
1ST SESSION

S. 1257

To amend title IV of the Social Security Act to require States to adopt an electronic system to help expedite the placement of children in foster care or guardianship, or for adoption, across State lines, and to provide funding to aid States in developing such a system, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2017

Mr. YOUNG (for himself, Mr. GRASSLEY, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. PETERS, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title IV of the Social Security Act to require States to adopt an electronic system to help expedite the placement of children in foster care or guardianship, or for adoption, across State lines, and to provide funding to aid States in developing such a system, 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 “Modernizing the Inter-
5 state Placement of Children in Foster Care Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds that—

3 (1) when a child in foster care cannot return
4 safely home, the child deserves to be placed in a set-
5 ting that is best for that child, regardless of whether
6 it is in the child’s State or another State;

7 (2) the Interstate Compact on the Placement of
8 Children (ICPC) was established in 1960 to provide
9 a uniform legal framework for the placement of chil-
10 dren across State lines in foster and adoptive homes;

11 (3) frequently, children waiting to be placed
12 with an adoptive family, relative, or foster parent in
13 another State spend more time waiting for this to
14 occur than children who are placed with an adoptive,
15 family, relative, or foster parent in the same State,
16 because of the outdated, administratively burden-
17 some ICPC process;

18 (4) no child should have to wait longer to be
19 placed in a loving home simply because the child
20 must cross a State line;

21 (5) the National Electronic Interstate Compact
22 Enterprise (NEICE) was launched in August 2014
23 in Indiana, Nevada, Florida, South Carolina, Wis-
24 consin, and the District of Columbia, has since ex-
25 panded into Illinois, Virginia, Rhode Island, Cali-
26 fornia, Alaska, Nebraska, and Georgia, and is ex-

1 pected to be expanded into additional States to im-
 2 prove the administrative process by which children
 3 are placed with families across State lines;

4 (6) States using this electronic interstate case-
 5 processing system have reduced administrative costs
 6 and the amount of staff time required to process
 7 these cases, and caseworkers can spend more time
 8 helping children instead of copying and mailing pa-
 9 perwork between States;

10 (7) since NEICE was launched, placement time
 11 has decreased by 30 percent for interstate foster
 12 care placements; and

13 (8) on average, States using this electronic
 14 interstate case-processing system have been able to
 15 reduce from 24 business days to 13 business days
 16 the time it takes to identify a family for a child and
 17 prepare the paperwork required to start the ICPC
 18 process.

19 **SEC. 3. STATE PLAN REQUIREMENT.**

20 (a) IN GENERAL.—Section 471(a)(25) of the Social
 21 Security Act (42 U.S.C. 671(a)(25)) is amended—

22 (1) by striking “provide” and insert “provides”;
 23 and

24 (2) by inserting “, which in the case of a State
 25 other than the Commonwealth of Puerto Rico, the

1 United States Virgin Islands, Guam, and American
 2 Samoa, not later than October 1, 2027, shall include
 3 the use of an electronic interstate case-processing
 4 system” before the 1st semicolon.

5 (b) EXEMPTION OF INDIAN TRIBES.—Section
 6 479B(c) of such Act (42 U.S.C. 679c(c)) is amended by
 7 adding at the end the following:

8 “(4) INAPPLICABILITY OF STATE PLAN RE-
 9 QUIREMENT TO HAVE IN EFFECT PROCEDURES PRO-
 10 VIDING FOR THE USE AN ELECTRONIC INTERSTATE
 11 CASE-PROCESSING SYSTEM.—The requirement in
 12 section 471(a)(25) that a State plan provide that the
 13 State shall have in effect procedures providing for
 14 the use of an electronic interstate case-processing
 15 system shall not apply to an Indian tribe, tribal or-
 16 ganization, or tribal consortium that elects to oper-
 17 ate a program under this part.”.

18 (c) EFFECTIVE DATE.—

19 (1) IN GENERAL.—The amendments made by
 20 subsection (a) shall take effect on the 1st day of the
 21 1st calendar quarter beginning on or after the date
 22 of the enactment of this Act, and shall apply to pay-
 23 ments under part E of title IV of the Social Security
 24 Act for calendar quarters beginning on or after such
 25 date.

1 (2) DELAY PERMITTED IF STATE LEGISLATION
 2 REQUIRED.—If the Secretary of Health and Human
 3 Services determines that State legislation (other
 4 than legislation appropriating funds) is required in
 5 order for a State plan developed pursuant to part E
 6 of title IV of the Social Security Act to meet the ad-
 7 ditional requirement imposed by the amendments
 8 made by subsection (a), the plan shall not be re-
 9 garded as failing to meet any of the additional re-
 10 quirements before the 1st day of the 1st calendar
 11 quarter beginning after the first regular session of
 12 the State legislature that begins after the date of the
 13 enactment of this Act. For purposes of the preceding
 14 sentence, if the State has a 2-year legislative session,
 15 each year of the session is deemed to be a separate
 16 regular session of the State legislature.

17 **SEC. 4. FUNDING FOR THE DEVELOPMENT OF AN ELEC-**
 18 **TRONIC INTERSTATE CASE-PROCESSING SYS-**
 19 **TEM TO EXPEDITE THE INTERSTATE PLACE-**
 20 **MENT OF CHILDREN IN FOSTER CARE OR**
 21 **GUARDIANSHIP, OR FOR ADOPTION.**

22 Section 437 of the Social Security Act (42 U.S.C.
 23 629g) is amended by adding at the end the following:

24 “(g) FUNDING FOR THE DEVELOPMENT OF AN
 25 ELECTRONIC INTERSTATE CASE-PROCESSING SYSTEM TO

1 EXPEDITE THE INTERSTATE PLACEMENT OF CHILDREN
2 IN FOSTER CARE OR GUARDIANSHIP, OR FOR ADOP-
3 TION.—

4 “(1) PURPOSE.—The purpose of this subsection
5 is to facilitate the development of an electronic inter-
6 state case-processing system for the exchange of
7 data and documents to expedite the placements of
8 children in foster, guardianship, or adoptive homes
9 across State lines.

10 “(2) REQUIREMENTS.—A State that seeks
11 funding under this subsection shall submit to the
12 Secretary the following information:

13 “(A) A description of the goals and out-
14 comes to be achieved, which goals and outcomes
15 must result in—

16 “(i) reducing the time it takes for a
17 child to be provided with a safe and appro-
18 priate permanent living arrangement
19 across State lines;

20 “(ii) improving administrative proc-
21 esses and reducing costs in the foster care
22 system; and

23 “(iii) the secure exchange of relevant
24 case files and other necessary materials in
25 real time, and timely communications and

1 placement decisions regarding interstate
2 placements of children.

3 “(B) A description of the activities to be
4 funded in whole or in part with the funds, in-
5 cluding the sequencing of the activities.

6 “(C) A description of the strategies for in-
7 tegrating programs and services for children
8 who are placed across State lines.

9 “(D) Such other information as the Sec-
10 retary may require.

11 “(3) FUNDING AUTHORITY.—The Secretary
12 may provide funds to a State that complies with
13 paragraph (2). In providing funds under this sec-
14 tion, the Secretary shall prioritize States that are
15 not yet connected with the electronic interstate case-
16 processing system referred to in paragraph (1).

17 “(4) USE OF FUNDS.—A State to which fund-
18 ing is provided under this subsection shall use the
19 funding to support the State in connecting with, or
20 enhancing or expediting services provided under, the
21 electronic interstate case-processing system referred
22 to in paragraph (1).

23 “(5) EVALUATIONS.—Not later than 1 year
24 after the final year in which funds are awarded
25 under this subsection, the Secretary shall submit to

1 the Congress, and make available to the general
2 public by posting on a website, a report that con-
3 tains the following information:

4 “(A) How using the electronic interstate
5 case-processing system developed pursuant to
6 paragraph (4) has changed the time it takes for
7 children to be placed across State lines.

8 “(B) The number of cases subject to the
9 Interstate Compact on the Placement of Chil-
10 dren that were processed through the electronic
11 interstate case-processing system, and the num-
12 ber of interstate child placement cases that
13 were processed outside the electronic interstate
14 case-processing system, by each State in each
15 year.

16 “(C) The progress made by States in im-
17 plementing the electronic interstate case-proc-
18 essing system.

19 “(D) How using the electronic interstate
20 case-processing system has affected various
21 metrics related to child safety and well-being,
22 including the time it takes for children to be
23 placed across State lines.

24 “(E) How using the electronic interstate
25 case-processing system has affected administra-

1 tive costs and caseworker time spent on placing
2 children across State lines.

3 “(6) DATA INTEGRATION.—The Secretary, in
4 consultation with the Secretariat for the Interstate
5 Compact on the Placement of Children and the
6 States, shall assess how the electronic interstate
7 case-processing system developed pursuant to para-
8 graph (4) could be used to better serve and protect
9 children that come to the attention of the child wel-
10 fare system, by—

11 “(A) connecting the system with other
12 data systems (such as systems operated by
13 State law enforcement and judicial agencies,
14 systems operated by the Federal Bureau of In-
15 vestigation for the purposes of the Innocence
16 Lost National Initiative, and other systems);

17 “(B) simplifying and improving reporting
18 related to paragraphs (34) and (35) of section
19 471(a) regarding children or youth who have
20 been identified as being a sex trafficking victim
21 or children missing from foster care; and

22 “(C) improving the ability of States to
23 quickly comply with background check require-
24 ments of section 471(a)(20), including checks of

1 child abuse and neglect registries as required by
 2 section 471(a)(20)(B).”.

3 **SEC. 5. CONTINUATION OF DISCRETIONARY FUNDING TO**
 4 **PROMOTE SAFE AND STABLE FAMILIES.**

5 Section 437(a) of the Social Security Act (42 U.S.C.
 6 629g(a)) is amended by striking “2016” and inserting
 7 “2018”.

8 **SEC. 6. RESERVATION OF FUNDS TO IMPROVE THE INTER-**
 9 **STATE PLACEMENT OF CHILDREN.**

10 Section 437(b) of the Social Security Act (42 U.S.C.
 11 629g(b)) is amended by adding at the end the following:

12 “(4) IMPROVING THE INTERSTATE PLACEMENT
 13 OF CHILDREN.—The Secretary shall reserve
 14 \$5,000,000 of the amount made available for fiscal
 15 year 2018 for providing funding under subsection
 16 (g), and the amount so reserved shall remain avail-
 17 able through fiscal year 2022.”.

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