

115TH CONGRESS
2D SESSION

S. 2926

To amend part B of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct a family recovery and reunification program replication project to help reunify families and protect children with parents or guardians with a substance use disorder who have temporarily lost custody of their children.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2018

Mr. MENENDEZ (for himself and Mr. SCOTT) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend part B of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct a family recovery and reunification program replication project to help reunify families and protect children with parents or guardians with a substance use disorder who have temporarily lost custody of their children.

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 “Improving Recovery
5 and Reunifying Families Act”.

1 **SEC. 2. FAMILY RECOVERY AND REUNIFICATION PROGRAM**
2 **REPLICATION PROJECT.**

3 Section 435 of the Social Security Act (42 U.S.C.
4 629e) is amended by adding at the end the following:

5 “(e) FAMILY RECOVERY AND REUNIFICATION PRO-
6 GRAM REPLICATION PROJECT.—

7 “(1) PURPOSE.—The purpose of this subsection
8 is to provide resources to the Secretary to support
9 the conduct and evaluation of a family recovery and
10 reunification program replication project (referred to
11 in this subsection as the ‘project’) and to determine
12 the extent to which such programs may be appro-
13 priate for use at different intervention points (such
14 as when a child is at risk of entering foster care or
15 when a child is living with a guardian while a parent
16 is in treatment). The family recovery and reunifica-
17 tion program conducted under the project shall use
18 a recovery coach model that is designed to help re-
19 unify families and protect children by working with
20 parents or guardians with a substance use disorder
21 who have temporarily lost custody of their children.

22 “(2) PROGRAM COMPONENTS.—The family re-
23 covery and reunification program conducted under
24 the project shall adhere closely to the elements and
25 protocol determined to be most effective in other re-
26 covery coaching programs that have been rigorously

1 evaluated and shown to increase family reunification
2 and protect children and, consistent with such ele-
3 ments and protocol, shall provide such items and
4 services as—

5 “(A) assessments to evaluate the needs of
6 the parent or guardian;

7 “(B) assistance in receiving the appro-
8 priate benefits to aid the parent or guardian in
9 recovery;

10 “(C) services to assist the parent or guard-
11 ian in prioritizing issues identified in assess-
12 ments, establishing goals for resolving such
13 issues that are consistent with the goals of the
14 treatment provider, child welfare agency,
15 courts, and other agencies involved with the
16 parent or guardian or their children, and mak-
17 ing a coordinated plan for achieving such goals;

18 “(D) home visiting services coordinated
19 with the child welfare agency and treatment
20 provider involved with the parent or guardian
21 or their children;

22 “(E) case management services to remove
23 barriers for the parent or guardian to partici-
24 pate and continue in treatment, as well as to

1 re-engage a parent or guardian who is not par-
2 ticipating or progressing in treatment;

3 “(F) access to services needed to monitor
4 the parent’s or guardian’s compliance with pro-
5 gram requirements;

6 “(G) frequent reporting between the treat-
7 ment provider, child welfare agency, courts, and
8 other agencies involved with the parent or
9 guardian or their children to ensure appropriate
10 information on the parent’s or guardian’s sta-
11 tus is available to inform decision-making; and

12 “(H) assessments and recommendations
13 provided by a recovery coach to the child wel-
14 fare caseworker responsible for documenting the
15 parent’s or guardian’s progress in treatment
16 and recovery as well as the status of other
17 areas identified in the treatment plan for the
18 parent or guardian, including a recommenda-
19 tion regarding the expected safety of the child
20 if the child is returned to the custody of the
21 parent or guardian that can be used by the
22 caseworker and a court to make permanency
23 decisions regarding the child.

24 “(3) RESPONSIBILITIES OF THE SECRETARY.—

1 “(A) IN GENERAL.—The Secretary shall,
2 through a grant or contract with 1 or more en-
3 tities, conduct an evaluation of the family recov-
4 ery and reunification program under the
5 project.

6 “(B) REQUIREMENTS.—In identifying 1 or
7 more entities to conduct the evaluation of the
8 family recovery and reunification program, the
9 Secretary shall—

10 “(i) determine that the area or areas
11 in which the program will be conducted
12 have sufficient substance use disorder
13 treatment providers and other resources
14 (other than those provided with funds
15 made available to carry out the project) to
16 successfully conduct the program;

17 “(ii) determine that the area or areas
18 in which the program will be conducted
19 have enough potential program partici-
20 pants, and will serve a sufficient number of
21 parents or guardians and their children, so
22 as to allow for the formation of a control
23 group, evaluation results to be adequately
24 powered, and preliminary results of the

1 evaluation to be available within 4 years of
2 the program's implementation;

3 “(iii) provide the entity or entities
4 with technical assistance for the program
5 design, including by working with 1 or
6 more entities that are or have been in-
7 volved in recovery coaching programs that
8 have been rigorously evaluated and shown
9 to increase family reunification and protect
10 children so as to make sure the program
11 conducted under the project adheres closely
12 to the elements and protocol determined to
13 be most effective in such other recovery
14 coaching programs;

15 “(iv) assist the entity or entities in se-
16 curing adequate coaching, treatment, child
17 welfare, court, and other resources needed
18 to successfully conduct the family recovery
19 and reunification program under the
20 project; and

21 “(v) ensure the entity or entities will
22 be able to monitor the impacts of the pro-
23 gram in the area or areas in which it is
24 conducted for at least 5 years after parents
25 or guardians and their children are ran-

1 domly assigned to participate in the pro-
2 gram or to be part of the program’s con-
3 trol group.

4 “(4) EVALUATION REQUIREMENTS.—

5 “(A) IN GENERAL.—The Secretary, in con-
6 sultation with the entity or entities conducting
7 the family recovery and reunification program
8 under the project, shall conduct an evaluation
9 to determine whether the program has been im-
10 plemented effectively and resulted in improve-
11 ments for children and families. The evaluation
12 shall have 3 components: a pilot phase, an im-
13 pact study, and an implementation study.

14 “(B) PILOT PHASE.—The pilot phase com-
15 ponent of the evaluation shall consist of the
16 Secretary providing technical assistance to the
17 entity or entities conducting the family recovery
18 and reunification program under the project to
19 ensure—

20 “(i) the program’s implementation ad-
21 heres closely to the elements and protocol
22 determined to be most effective in other re-
23 covery coaching programs that have been
24 rigorously evaluated and shown to increase

1 family reunification and protect children;
2 and

3 “(ii) random assignment of parents or
4 guardians and their children to be partici-
5 pates in the program or to be part of the
6 program’s control group is being carried
7 out.

8 “(C) IMPACT STUDY.—The impact study
9 component of the evaluation shall determine the
10 impacts of the family recovery and reunification
11 program conducted under the project on the
12 parents and guardians and their children par-
13 ticipating in the program. The impact study
14 component shall—

15 “(i) be conducted using an experi-
16 mental design that uses a random assign-
17 ment research methodology;

18 “(ii) consistent with previous studies
19 of other recovery coaching programs that
20 have been rigorously evaluated and shown
21 to increase family reunification and protect
22 children, measure outcomes for parents
23 and guardians and their children over mul-
24 tiple time periods, but not for any period
25 of less than 5 years; and

1 “(iii) include measurements of family
2 stability and parent, guardian, and child
3 safety for program participants and the
4 program control group that are consistent
5 with measurements of such factors for par-
6 ticipants and control groups from previous
7 studies of other recovery coaching pro-
8 grams so as to allow results of the impact
9 study to be compared with the results of
10 such prior studies, including with respect
11 to comparisons between program partici-
12 pants and the program control group re-
13 garding—

14 “(I) safe family reunification;

15 “(II) time to reunification;

16 “(III) permanency (such as
17 through measures of reunification,
18 adoption, or placement with guard-
19 ians);

20 “(IV) safety (such as through
21 measures of subsequent maltreat-
22 ment);

23 “(V) parental or guardian treat-
24 ment persistence and engagement;

1 “(VI) parental or guardian sub-
2 stance use;

3 “(VII) juvenile delinquency;

4 “(VIII) cost; and

5 “(IX) other measurements
6 agreed upon by the Secretary and the
7 entity or entities operating the family
8 recovery and reunification program
9 under the project.

10 “(D) IMPLEMENTATION STUDY.—The im-
11 plementation study component of the evaluation
12 shall be conducted concurrently with the con-
13 duct of the impact study component and shall
14 include, in addition to such other information
15 as the Secretary may determine, descriptions
16 and analyses of—

17 “(i) the adherence of the family recov-
18 ery and reunification program conducted
19 under the project to other recovery coach-
20 ing programs that have been rigorously
21 evaluated and shown to increase family re-
22 unification and protect children; and

23 “(ii) the difference in services received
24 or proposed to be received by the program

1 participants and the program control
2 group.

3 “(E) REPORT.—The Secretary shall pub-
4 lish on an internet website maintained by the
5 Secretary the following information:

6 “(i) A report on the pilot phase com-
7 ponent of the evaluation.

8 “(ii) A report on the impact study
9 component of the evaluation.

10 “(iii) A report on the implementation
11 study component of the evaluation.

12 “(iv) A report that includes—

13 “(I) analyses of the extent to
14 which the program has resulted in in-
15 creased reunifications, case closures,
16 net savings to the State or States in-
17 volved, or other outcomes;

18 “(II) if, based on such analyses,
19 the Secretary determines the program
20 should be replicated, a replication
21 plan; and

22 “(III) such recommendations for
23 legislation and administrative action
24 as the Secretary determines appro-
25 priate.

1 “(5) AUTHORIZATION OF APPROPRIATIONS.—In
2 addition to any amount otherwise made available to
3 carry out this subpart, there are authorized to be
4 appropriated to the Secretary, \$15,000,000 for fiscal
5 year 2019 to carry out the project, which shall re-
6 main available through fiscal year 2026.”.

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