

115TH CONGRESS
2D SESSION

S. 3039

To provide funding for the development of a predictive analytics pilot program to help children and families who come to the attention of the child welfare system.

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2018

Mr. YOUNG introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide funding for the development of a predictive analytics pilot program to help children and families who come to the attention of the child welfare system.

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 “Using Data To Help
5 Protect Children and Families Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) 4 to 8 children in the United States die
2 every day from abuse or neglect at the hands of
3 their parents or caretakers;

4 (2) according to the 2016 Child Maltreatment
5 report of the Department of Health and Human
6 Services, there were 1,700 fatalities resulting from
7 child maltreatment reported in fiscal year 2016, an
8 increase of 7 percent from the previous year;

9 (3) in 2016, approximately 676,000 children
10 were victims of abuse and neglect;

11 (4) predictive analytics can be used as a tool in
12 helping to identify the children most at risk of mal-
13 treatment;

14 (5) harnessing and analyzing administrative
15 data can help to drive better outcomes for children
16 and families, as well as assist child protective service
17 workers in delivering much needed services to chil-
18 dren who are most at risk; and

19 (6) we should explore every possible opportunity
20 to do better for our children, and predictive analytics
21 tools provide such an opportunity, if such tools are
22 implemented with appropriate oversights and safe-
23 guards.

1 the development of research-based strate-
2 gies for risk and safety assessments relat-
3 ing to child abuse and neglect, for the pur-
4 pose of helping children and families who
5 come to the attention of the child welfare
6 system.

7 “(ii) ELIGIBLE ENTITIES.—To be eli-
8 gible to receive a grant under this subpara-
9 graph, an entity shall be a State, local gov-
10 ernmental entity, or Indian tribe.

11 “(iii) APPLICATION REQUIREMENTS.—
12 An eligible entity (or partnership of enti-
13 ties) that seeks funding under this sub-
14 paragraph shall submit to the Secretary—

15 “(I) a description of the pre-
16 dictive analytics pilot;

17 “(II) a description of the geo-
18 graphic area to be served;

19 “(III) the expected outcomes of
20 the pilot;

21 “(IV) a description of the data
22 intended for use, including how the
23 standards for the predictive analytics
24 model are valid, reliable, equitable,
25 and useful;

1 “(V) a description of the extent
2 to which the eligible entity has access
3 to sufficient, available quality datasets
4 to build and maintain an accurate
5 predictive model;

6 “(VI) the technical resources, in-
7 cluding staff training, needed to carry
8 out the pilot;

9 “(VII) a description of how the
10 predictive analytics tool will fit within
11 and be complementary to the strategy
12 of child protection work in the geo-
13 graphic area that the model serves;

14 “(VIII) a description of how the
15 entity believes the use of predictive
16 analytics will—

17 “(aa) assist the entity (or
18 partnership or entities) in better
19 identifying and providing appro-
20 priate services to children most
21 at risk of abuse and neglect;

22 “(bb) reduce bias based on
23 race, sex, religion, national ori-
24 gin, age, and disability; and

1 “(cc) prevent any disparate
2 treatment of children and fami-
3 lies based on such characteristics;

4 “(IX) the procedures to monitor
5 and prevent unintended bias in child
6 protective practices as a result of the
7 use of predictive analytics, including
8 procedures on who has access to the
9 tool, who intends to use the predictive
10 model and its assessment, and how to
11 ensure that the tool will not be used
12 as the sole decisionmaker in deter-
13 mining risks to children;

14 “(X) a description of how the
15 agency solicited and considered input
16 from and collaborated with members
17 of the community, child welfare orga-
18 nizations, relevant government agen-
19 cies, privacy advocates, civil rights ad-
20 vocates, families who have previously
21 had contact with the child welfare sys-
22 tem, and relevant community-based or
23 faith-based organizations in devel-
24 oping, testing, and amending the
25 model;

1 “(XI) assurances that there will
2 be an open and transparent process to
3 the public in the development and im-
4 plementation of the program, includ-
5 ing—

6 “(aa) the development of the
7 predictive analytics model;

8 “(bb) the determination of
9 what data will be used and the
10 relative importance of each data
11 point used to determine risk; and

12 “(cc) the implications and
13 limitations of the pilot program;

14 “(XII) assurance the pilot will
15 comply with all privacy and civil
16 rights laws; and

17 “(XIII) such other information
18 as the Secretary may require.

19 “(iv) AWARDING GRANTS.—The Sec-
20 retary shall select up to 5 eligible entities
21 (or partnership of entities) to participate
22 in the pilot program under this subpara-
23 graph. In awarding grants under this sub-
24 paragraph, the Secretary shall prioritize el-
25 igible entities that have not yet imple-

1 mented a predictive analytics system for
2 the purpose described in clause (i).

3 “(v) TECHNICAL ASSISTANCE, EVAL-
4 UATIONS.—

5 “(I) IN GENERAL.—The Sec-
6 retary shall allocate up to 30 percent
7 of amount reserved under clause (vi)
8 for the purposes of evaluating pilots
9 and providing technical assistance to
10 eligible entities as follows:

11 “(aa) The eligible entity (or
12 partnership of entities) may use
13 amounts provided under this sub-
14 clause to enter into an agreement
15 with a third party to provide
16 technical assistance to grantees
17 on the development, design, and
18 testing of predictive analytic
19 model of each eligible entity, in-
20 cluding compliance with all appli-
21 cable privacy laws.

22 “(bb) The eligible entity (or
23 partnership of entities) may use
24 amounts provided under this sub-
25 clause to enter into an agreement

1 with a third-party, independent
2 evaluator with expertise in pre-
3 dictive analytics in the social
4 sciences to evaluate each pilot
5 program to determine the impact
6 of such program, consistent with
7 subclauses (II) through (V).

8 “(II) EVALUATION SCOPE.—

9 Each evaluation under subclause
10 (I)(bb) shall measure the impact of
11 the pilot program on—

12 “(aa) the ability to accu-
13 rately predict which children are
14 most at risk of further abuse or
15 neglect;

16 “(bb) the ability of the enti-
17 ty to more effectively target serv-
18 ices to the highest risk families;

19 “(cc) rates of child abuse
20 and neglect;

21 “(dd) child fatalities;

22 “(ee) child removal and re-
23 unification rates;

1 “(ff) reducing bias based on
2 race, sex, religion, national ori-
3 gin, age, and disability;

4 “(gg) preventing any dis-
5 parate treatment of children and
6 families based on such character-
7 istics;

8 “(hh) other measures of
9 child and family well-being; and

10 “(ii) any other measures
11 deemed appropriate by the inde-
12 pendent third-party evaluator in
13 consultation with the eligible en-
14 tity.

15 “(III) METHODOLOGIES TO BE
16 USED.—The evaluation under sub-
17 clause (I)(bb) shall use experimental
18 designs using random assignment or
19 other reliable, evidence-based research
20 methodologies that allow for the
21 strongest possible causal inferences
22 when random assignment is not fea-
23 sible.

24 “(IV) INTERIM REPORT.—Not
25 later than 1 year after the pilot pro-

1 gram has commenced, the inde-
2 pendent evaluator described in sub-
3 clause (I)(bb) shall submit to the Sec-
4 retary, the Committee on Health,
5 Education, Labor, and Pensions of
6 the Senate, and the Committee on
7 Education and the Workforce of the
8 House of Representatives an interim
9 report on the progress of such pro-
10 gram.

11 “(V) FINAL REPORT.—Not later
12 than 6 months after completion of the
13 pilot program, the independent eval-
14 uator described in subclause (I)(bb)
15 shall submit to the Secretary, the
16 Committee on Health, Education,
17 Labor, and Pensions of the Senate,
18 and the Committee on Education and
19 the Workforce of the House of Rep-
20 resentatives a written report that in-
21 cludes the results of the evaluation
22 and the conclusion of the evaluator as
23 to whether the pilot program had a
24 positive impact on children and fami-
25 lies that come to the attention of the

1 child welfare system of the applicable
2 State, together with information on
3 the unique factors that contributed to
4 the success or failure of the pilot pro-
5 gram, the challenges faced in attempt-
6 ing the pilot program, and informa-
7 tion on the improved future delivery
8 of this or similar predictive analytics
9 pilot programs or other programs.

10 “(vi) RESERVATION OF FUNDS.—Of
11 the amounts made available under section
12 112 for fiscal year 2018, the Secretary
13 shall reserve \$10,000,000 for purposes of
14 carrying out this subparagraph, and the
15 amount so reserved shall remain available
16 through the end of fiscal year 2022.

17 “(vii) SUNSET.—The authority under
18 this subparagraph shall cease to have force
19 or effect on the day after the final report
20 required under clause (v)(V) is submitted
21 to the Secretary, the Committee on Health,
22 Education, Labor, and Pensions of the
23 Senate, and the Committee on Education

1 and the Workforce of the House of Rep-
2 resentatives.”.

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