

116TH CONGRESS
1ST SESSION

H. R. 2967

To provide greater support for grandfamilies and older caretaker relatives.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2019

Mr. DANNY K. DAVIS of Illinois introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Education and Labor, Energy and Commerce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide greater support for grandfamilies and older caretaker relatives.

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 “Grandfamilies Act of
5 2019”.

1 **SEC. 2. INCREASING ACCESS TO SOCIAL SECURITY BENE-**
2 **FITS FOR CHILDREN WHO LIVE WITH GRAND-**
3 **PARENTS OR OTHER FAMILY MEMBERS.**

4 (a) IN GENERAL.—Title II of the Social Security Act
5 (42 U.S.C. 401 et seq.) is amended—

6 (1) in section 202(d)—

7 (A) in paragraph (1)(C), by inserting “ex-
8 cept as provided in paragraph (9),” before “was
9 dependent”; and

10 (B) by amending paragraph (9) to read as
11 follows:

12 “(9)(A) In the case of a child who is the child of an
13 individual under clause (3) of the first sentence of section
14 216(e) and is not a child of such individual under clause
15 (1) or (2) of such first sentence, the criteria specified in
16 subparagraph (B) shall apply instead of the criteria speci-
17 fied in subparagraph (C) of paragraph (1).

18 “(B) The criteria of this subparagraph are that—

19 “(i) the child has been living with such indi-
20 vidual in the United States for a period of not less
21 than 12 months;

22 “(ii) the child has been receiving not less than
23 $\frac{1}{2}$ of the child’s support from such individual for a
24 period of not less than 12 months; and

1 “(iii) the period during which the child was liv-
2 ing with such individual began before the child at-
3 tained age 18.

4 “(C) In the case of a child who is less than 12 months
5 old, such child shall be deemed to meet the requirements
6 of subparagraph (B) if, on the date the child attains 1
7 year of age, such child has lived with such individual in
8 the United States and received at least $\frac{1}{2}$ of the child’s
9 support from such individual for substantially all of the
10 period which began on the date of such child’s birth.”;
11 and

12 (2) in section 216(e), in the first sentence—

13 (A) by striking “grandchild or
14 stepgrandchild of an individual or his spouse”
15 and inserting “grandchild, stepgrandchild, or
16 other first-degree, second-degree, third-degree,
17 fourth-degree, or fifth-degree relative of an indi-
18 vidual or the individual’s spouse”;

19 (B) by striking “was no natural or adop-
20 tive parent” and inserting “is no living natural
21 or adoptive parent”;

22 (C) by striking “was under a disability”
23 and inserting “is under a disability”;

1 (D) by striking “living at the time” and all
2 that follows through “, or (B)” and inserting “,
3 (B)”;

4 (E) by inserting “, or (C) the person has
5 been in the custody of such individual pursuant
6 to a court order for a period of not less than
7 12 months” before the first period.

8 (b) CONFORMING AMENDMENTS.—Section 202(d)(1)
9 of the Social Security Act (42 U.S.C. 402(d)(1)) is amend-
10 ed—

11 (1) by striking “subparagraphs (A), (B), and
12 (C)” and inserting “subparagraphs (A) and (B) and
13 subparagraph (C) or paragraph (9) (as applicable)”;
14 and

15 (2) by striking “subparagraphs (B) and (C)”
16 and inserting “subparagraph (B) and subparagraph
17 (C) or paragraph (9) (as applicable)”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect on the first day of the first
20 fiscal year that begins after the date of enactment of this
21 Act.

22 **SEC. 3. ELIMINATING BARRIERS TO TANF FOR CHILDREN**
23 **AND OLDER CARETAKER RELATIVES.**

24 (a) BROADENING GOOD CAUSE EXCEPTION TO RE-
25 QUIREMENT TO PROVIDE INFORMATION ON NONCUSTO-

1 DIAL PARENTS.—Section 454(29)(A)(i) of the Social Se-
2 curity Act (42 U.S.C. 654(29)(A)(i)) is amended by strik-
3 ing “best interests of the child” and inserting “best inter-
4 ests of the child, including, if enforcement procedures
5 against a non-custodial parent of the child are initiated,
6 whether such procedures will impede the parent’s ability
7 to reunify with the child in the future”.

8 (b) DISREGARD OF NONPARENT CARETAKER REL-
9 ATIVE INCOME, ASSETS, AND RESOURCES IN CHILD-ONLY
10 CASES.—

11 (1) IN GENERAL.—Section 408(a) of the Social
12 Security Act (42 U.S.C. 608(a)) is amended by add-
13 ing at the end the following new paragraph:

14 “(13) DISREGARD OF INCOME, ASSETS, AND
15 RESOURCES FOR NONPARENT CARETAKER REL-
16 ATIVES IN CHILD-ONLY CASES.—

17 “(A) IN GENERAL.—With respect to a
18 minor child who does not reside in the same
19 household as a parent of the child, a State to
20 which a grant is made under section 403 shall
21 not take into account the income, assets, or re-
22 sources of such child’s nonparent caretaker rel-
23 ative who is not seeking assistance under the
24 State program funded under this part or any
25 other State program funded with qualified

1 State expenditures (as defined in section
2 409(a)(7)(B)(i)) on their own behalf in deter-
3 mining whether the child is eligible for assist-
4 ance under any such program, or in deter-
5 mining the amount or types of such assistance
6 to be provided to the child.

7 “(B) EXCEPTION.—Subparagraph (A)
8 shall not apply in the case of a State pro-
9 gram—

10 “(i) that is operated specifically for
11 children living with nonparent caretaker
12 relatives;

13 “(ii) that provides monthly financial
14 assistance to a child living with a non-
15 parent caretaker relative in an amount
16 that is greater than the amount of assist-
17 ance that the child would receive on the
18 child’s own behalf under the State program
19 funded under this part;

20 “(iii) that is separate from the State
21 program funded under this part; and

22 “(iv) that is described in the State
23 plan submitted under section 402.”.

1 (2) PENALTY.—Section 409(a) of the Social Se-
2 curity Act (42 U.S.C. 609(a)) is amended by adding
3 at the end the following new paragraph:

4 “(17) PENALTY FOR FAILURE TO DISREGARD
5 INCOME, ASSETS, AND RESOURCES OF NONPARENT
6 CARETAKER RELATIVE IN CHILD-ONLY CASES.—If
7 the Secretary determines that a State to which a
8 grant is made under section 403 in a fiscal year has
9 violated section 408(a)(13) during the fiscal year,
10 the Secretary shall reduce the grant payable to the
11 State under section 403(a)(1) for the immediately
12 succeeding fiscal year by an amount equal to 3 per-
13 cent of the State family assistance grant.”.

14 (c) ELIMINATING 5-YEAR CAP ON ASSISTANCE IN
15 CHILD-ONLY CASES.—

16 (1) IN GENERAL.—Section 408(a)(7) of the So-
17 cial Security Act (42 U.S.C. 608(a)(7)) is amended
18 by adding at the end the following new subpara-
19 graph:

20 “(H) NO LIMIT FOR CHILD-ONLY CASES.—
21 A State shall not limit the number of months
22 of assistance under the State program funded
23 under this part or any other State program
24 funded with qualified State expenditures (as de-

1 fined in section 409(a)(7)(B)(i)) for a family in
2 which all adults in the family—

3 “(i) are nonparent caretaker relatives
4 of a child who does not reside in the same
5 household of the parent of the child; and

6 “(ii) do not receive assistance under
7 the State program funded under this part
8 or any other State program funded with
9 qualified expenditures (as defined in sec-
10 tion 409(a)(7)(B)(i)) on their own be-
11 half.”.

12 (2) PENALTY.—Section 409(a) of the Social Se-
13 curity Act (42 U.S.C. 609(a)), as previously amend-
14 ed by this section, is amended—

15 (A) in paragraph (9), by inserting “(other
16 than subparagraph (H))” after “section
17 408(a)(7)”; and

18 (B) by adding at the end the following new
19 paragraph:

20 “(18) PENALTY FOR FAILURE TO COMPLY WITH
21 5-YEAR CAP EXEMPTIONS.—If the Secretary deter-
22 mines that a State to which a grant is made under
23 section 403 in a fiscal year has violated subpara-
24 graph (H) of section 408(a)(7) during the fiscal
25 year, the Secretary shall reduce the grant payable to

1 the State under section 403(a)(1) for the imme-
2 diately succeeding fiscal year by an amount equal to
3 3 percent of the State family assistance grant”.

4 (d) EXEMPTION FROM WORK REQUIREMENTS FOR
5 NONPARENT CARETAKER RELATIVES IN CHILD-ONLY
6 CASES.—

7 (1) IN GENERAL.—Section 408 of the Social
8 Security Act (42 U.S.C. 608) is amended by adding
9 at the end the following new subsection:

10 “(h) STATE REQUIRED TO EXEMPT NONPARENT
11 CARETAKER RELATIVES FROM WORK PARTICIPATION IN
12 CHILD-ONLY CASES.—A State shall not require an indi-
13 vidual to engage in work if the individual—

14 “(1) is the nonparent caretaker relative of a
15 child who does not reside in the same household as
16 a parent of the child; and

17 “(2) resides in a household in which no adult
18 receives assistance under the State program funded
19 under this part or any other State program funded
20 with qualified expenditures (as defined in section
21 409(a)(7)(B)(i)) on their own behalf.”.

22 (2) PENALTY.—Section 409(a) of the Social Se-
23 curity Act (42 U.S.C. 609(a)), as previously amend-
24 ed by this section, is amended by adding at the end
25 the following new paragraph:

1 “(19) PENALTY FOR FAILURE TO COMPLY WITH
2 WORK PARTICIPATION EXEMPTIONS.—If the Sec-
3 retary determines that a State to which a grant is
4 made under section 403 in a fiscal year has violated
5 subsection (h) of section 408 during the fiscal year,
6 the Secretary shall reduce the grant payable to the
7 State under section 403(a)(1) for the immediately
8 succeeding fiscal year by an amount equal to 3 per-
9 cent of the State family assistance grant.”.

10 (e) ELIMINATING 5-YEAR CAP ON ASSISTANCE FOR
11 OLDER CARETAKER RELATIVES.—

12 (1) IN GENERAL.—Section 408(a)(7) of the So-
13 cial Security Act (42 U.S.C. 608(a)(7)), as amended
14 by subsection (c)(1), is amended by adding at the
15 end the following new subparagraph:

16 “(I) NON-APPLICATION OF LIMIT TO
17 OLDER CARETAKER RELATIVES.—

18 “(i) NO LIMIT FOR OLDER CARE-
19 TAKER RELATIVES.—Subparagraph (A)
20 shall not apply and a State shall not limit
21 the number of months of assistance under
22 the State program funded under this part
23 or any other State program funded with
24 qualified State expenditures (as defined in
25 section 409(a)(7)(B)(i)) based on receipt

1 of such assistance by an individual who is
2 an older caretaker relative (as defined for
3 purposes of paragraph (14)).

4 “(ii) DISREGARD OF MONTHS OF AS-
5 SISTANCE.—In determining the number of
6 months for which a family that includes an
7 adult who has received assistance under
8 the State program funded under this part
9 or any other State program funded with
10 qualified State expenditures (as defined in
11 section 409(a)(7)(B)(i)), the State shall
12 disregard any month for which such assist-
13 ance was provided with respect to the fam-
14 ily during which such adult was an older
15 caretaker relative (as defined for purposes
16 of paragraph (14)).”.

17 (2) PENALTY.—Section 409(a) of the Social Se-
18 curity Act (42 U.S.C. 609(a)), as previously amend-
19 ed by this section, is amended—

20 (A) in paragraph (9), by inserting “or (I)”
21 after “subparagraph (H)”; and

22 (B) in paragraph (18), by inserting “or
23 (I)” after “subparagraph (H)”.

24 (f) EXEMPTION FROM WORK REQUIREMENTS FOR
25 OLDER CARETAKER RELATIVES.—

1 (1) IN GENERAL.—Section 408 of the Social
2 Security Act (42 U.S.C. 608), by subsection (d)(1),
3 is amended by adding at the end the following new
4 subsection:

5 “(i) STATE REQUIRED TO EXEMPT OLDER CARE-
6 TAKER RELATIVES FROM WORK PARTICIPATION WHERE
7 CARETAKER RECEIVES ASSISTANCE.—A State shall not
8 require an individual to engage in work, and, at the option
9 of the State and on a case-by-case basis, may disregard
10 such individual in determining the participation rates
11 under section 407(a), if the individual—

12 “(1) is an older caretaker relative (as defined
13 for purposes of subsection (a)(14)); and

14 “(2) directly receives assistance on the individ-
15 ual’s own behalf under the State program funded
16 under this part or any other State program funded
17 with qualified expenditures (as defined in section
18 409(a)(7)(B)(i)).”.

19 (2) PENALTY.—Paragraph (18) of section
20 409(a) of the Social Security Act (42 U.S.C.
21 609(a)), as added by subsection (d)(2), is amended
22 by inserting “or (i)” after “subsection (h)”.

23 (3) CONFORMING AMENDMENTS.—402(a)(1)(A)
24 of the Social Security Act (42 U.S.C. 602(a)(1)(A))
25 is amended—

1 (A) in clause (ii), by inserting “and subject
2 to subsection (h) and (i) of section 408” before
3 the period; and

4 (B) in clause (iii), by inserting “and sub-
5 ject to subsection (h) and (i) of section 408”
6 before the period.

7 (g) DISREGARD OF INCOME, ASSETS, AND RE-
8 SOURCES FOR OLDER CARETAKER RELATIVES.—

9 (1) IN GENERAL.—Section 408(a) of the Social
10 Security Act (42 U.S.C. 608(a)), as previously
11 amended by this section, is amended by adding at
12 the end the following new paragraph:

13 “(14) DISREGARD OF INCOME, ASSETS, AND
14 RESOURCES FOR OLDER CARETAKER RELATIVES.—

15 “(A) IN GENERAL.—In determining the
16 eligibility for, and amount of, assistance under
17 the State program funded under this part or
18 any other State program funded with qualified
19 State expenditures (as defined in section
20 409(a)(7)(B)(i)) for a family that includes an
21 individual who is an older caretaker relative (as
22 defined in subparagraph (B)), a State to which
23 a grant is made under section 403 shall not
24 take into account the income, assets, or re-
25 sources of that individual.

1 “(B) DEFINITION.—

2 “(i) IN GENERAL.—For purposes of
3 this paragraph, the term ‘older caretaker
4 relative’ means an individual who—

5 “(I) subject to clause (ii), has at-
6 tained age 55; and

7 “(II) is the primary caretaker for
8 a minor child who—

9 “(aa) is living with the indi-
10 vidual;

11 “(bb) does not have a parent
12 living in the home; and

13 “(cc) is a relative of the in-
14 dividual.

15 “(ii) STATE OPTION TO MODIFY AGE
16 CRITERION.—At the option of a State,
17 such term shall include an individual who
18 has not attained age 55.

19 “(iii) DETERMINATION TO BE MADE
20 BY STATE.—The determination of whether
21 an individual meets the criteria described
22 in clause (i)(II) shall be made by the
23 State.”.

24 (2) PENALTY.—Section 409(a) of the Social Se-
25 curity Act (42 U.S.C. 609(a)), as previously amend-

1 ed by this section, is amended by adding at the end
 2 the following new paragraph:

3 “(20) PENALTY FOR FAILURE TO DISREGARD
 4 INCOME, ASSETS, AND RESOURCES FOR OLDER
 5 CARETAKER RELATIVES.—If the Secretary deter-
 6 mines that a State to which a grant is made under
 7 section 403 in a fiscal year has violated section
 8 408(a)(14) during the fiscal year, the Secretary
 9 shall reduce the grant payable to the State under
 10 section 403(a)(1) for the immediately succeeding fis-
 11 cal year by an amount equal to 3 percent of the
 12 State family assistance grant.”.

13 (h) ENSURING EQUITABLE TREATMENT FOR OLDER
 14 CARETAKER RELATIVES UNDER TANF.—

15 (1) STATE NOTIFICATIONS TO OLDER CARE-
 16 TAKER RELATIVES OF CHILD TANF RECIPIENTS.—

17 (A) IN GENERAL.—Section 408(a) of the
 18 Social Security Act (42 U.S.C. 608(a)), as pre-
 19 viously amended by this section, is amended by
 20 adding at the end the following:

21 “(15) STATE REQUIREMENTS REGARDING NO-
 22 TICE TO RELATIVE CARETAKERS.—A State to which
 23 a grant is made under section 403 shall—

24 “(A) ensure that the State agency respon-
 25 sible for administering the State program fund-

1 ed under this part employs a resource employee
2 who is trained to provide guidance to an older
3 caretaker relative of a minor child if the child
4 is a recipient of assistance under the program
5 (or under a State program funded with quali-
6 fied State expenditures (as defined in section
7 409(a)(7)(B)(i))), on legal options regarding
8 custody and guardianship of the child, including
9 explaining to the relative caretaker how each
10 legal option corresponds to the availability of
11 benefits and services, and who serves as a liai-
12 son with other agencies and community organi-
13 zations that provide resources and assistance to
14 relative caretakers; and

15 “(B) ensure that the State agency provides
16 to any older caretaker relative of a minor child
17 if the child is a recipient of assistance under
18 the State program funded under this part (or
19 under a State program funded with qualified
20 State expenditures (as defined in section
21 409(a)(7)(B)(i))), written notice that—

22 “(i) explains the options of the older
23 caretaker relative under Federal, State,
24 and local law to participate in the care and
25 placement of the child, including the finan-

1 cial ramifications of the options and any
2 options that may be lost by choosing cer-
3 tain benefits;

4 “(ii) describes the requirements under
5 section 471(a)(10) to become a foster fam-
6 ily home and the additional services and
7 supports that are available for a child
8 placed in such a home;

9 “(iii) if the State has elected the op-
10 tion to make guardianship assistance pay-
11 ments under section 471(a)(28), describes
12 how the relative caretaker may enter into
13 an agreement with the State to receive the
14 payments;

15 “(iv) describes policies under the
16 State program funded under this part that
17 are designed to help older caretaker rel-
18 atives, including income, asset, and re-
19 source exemptions in determining program
20 eligibility, ‘good cause’ exemptions to child
21 support enforcement policies, and work re-
22 quirement exemptions;

23 “(v) provides direct contact informa-
24 tion for other agencies and community or-
25 ganizations that provide resources and as-

1 sistance, such as housing, supplemental
2 nutrition assistance, health care, and child
3 care; and

4 “(vi) provides direct contact informa-
5 tion for the resource employee described in
6 subparagraph (A).”.

7 (B) INCLUSION IN STATE PLAN.—Section
8 402(a)(1)(B) of such Act (42 U.S.C.
9 602(a)(1)(B)) is amended by adding at the end
10 the following:

11 “(vi) The document shall provide a
12 detailed explanation of how the State in-
13 tends to comply with section 408(a)(15).”.

14 (C) PENALTY.—Section 409(a) of such Act
15 (42 U.S.C. 609(a)) is amended by adding at the
16 end the following:

17 “(21) FAILURE TO NOTIFY RELATIVE CARE-
18 TAKERS.—If the Secretary determines that a State
19 to which a grant is made under section 403 for a
20 fiscal year has violated section 408(a)(15) during
21 the fiscal year, the Secretary shall reduce the grant
22 payable to the State under section 403(a)(1) for the
23 immediately succeeding fiscal year by an amount
24 equal to 4 percent of the grant.”.

1 (2) STATE TREATMENT OF RELATIVE CARE-
2 TAKERS OF CHILD TANF RECIPIENTS.—Section
3 402(a)(1)(B) of the Social Security Act (42 U.S.C.
4 602(a)), as amended by paragraph (2)(B), is further
5 amended by adding at the end the following:

6 “(vii) The document shall provide a
7 detailed explanation of the State’s treat-
8 ment of older caretaker relatives of minor
9 children, in cases in which the child is a
10 recipient of assistance under the State pro-
11 gram funded under this part (or under a
12 State program funded with qualified State
13 expenditures (as defined in section
14 409(a)(7)(B)(i))), including—

15 “(I) information regarding how
16 the State defines terms such as ‘rel-
17 ative’, ‘fictive kin’, and ‘caretaker’;

18 “(II) a description of the training
19 received by caseworkers of the State
20 agency responsible for administering
21 the program in relation to older care-
22 taker relatives of minor children, in
23 cases in which the child is such a re-
24 cipient;

1 “(III) an explanation of the ways
2 in which assistance available under
3 the program to an older relative care-
4 taker of a minor child is affected by
5 the temporary presence in the home of
6 a biological parent of the child; and

7 “(IV) an explanation of how ben-
8 efits are adjusted for older caretaker
9 relatives including income, asset, and
10 resource exemptions in determining
11 program eligibility, ‘good cause’ ex-
12 emptions to child support enforcement
13 policies, and work requirement exemp-
14 tions.”.

15 (3) ENHANCED DATA REPORTING.—Section
16 411(a)(7) of the Social Security Act (42 U.S.C.
17 611(a)(7)) is amended by adding at the end the fol-
18 lowing: “The Secretary shall also prescribe regula-
19 tions to improve the reporting of data on the eco-
20 nomic well-being and circumstances of families with
21 older relative caretakers of minor children, including,
22 to the extent practicable, information relating to—

23 “(A) all adults in the family, including
24 whether or not such adults are recipients of as-
25 sistance under the State program funded under

1 this part (or under a State program funded
2 with qualified State expenditures (as defined in
3 section 409(a)(7)(B)(i)));

4 “(B) all minor children in the family, in-
5 cluding whether any such minor child—

6 “(i) is required to be included in the
7 foster care reporting population for pur-
8 poses of the Adoption and Foster Care
9 Analysis Reporting System (AFCARS) es-
10 tablished pursuant to section 479; or

11 “(ii) is not required to be so included
12 in such foster care reporting population,
13 but—

14 “(I) is receiving services in the
15 home of the relative caretaker that
16 are supervised or administered by the
17 State agency responsible for admin-
18 istering the State plan approved
19 under part B;

20 “(II) was placed with the relative
21 caretaker to prevent the need for fos-
22 ter care as a result of an intervention
23 on behalf of the child which was car-
24 ried out or supervised by the State

1 agency administering the State plans
2 under parts B and E; or

3 “(III) was placed with the rel-
4 ative caretaker upon formal discharge
5 from the care and placement responsi-
6 bility of the State agency admin-
7 istering the plans under part B or E;

8 “(iii) all families who applied for a
9 good-cause exemption to the State’s child
10 enforcement cooperation policies; and

11 “(iv) all families who received a good-
12 cause exemption to the State’s child en-
13 forcement cooperation policies.”.

14 (i) EFFECTIVE DATE.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), the amendments made by this section
17 shall take effect on the first day of the first fiscal
18 year that begins after the date of enactment of this
19 Act.

20 (2) DELAY PERMITTED.—

21 (A) IN GENERAL.—Before the date de-
22 scribed in subparagraph (B), a State plan
23 under title IV of the Social Security Act shall
24 not be regarded as failing to comply with an ad-
25 ditional requirement imposed on the plan by

1 this section if the Secretary of Health and
2 Human Services determines that such addi-
3 tional requirement—

4 (i) requires State legislation (other
5 than legislation appropriating funds) in
6 order for the plan to meet such additional
7 requirement; or

8 (ii) could not practicably be met by
9 the plan before such date.

10 (B) DATE DESCRIBED.—For purposes of
11 subparagraph (A), the date described in this
12 subparagraph is, with respect to a State, the
13 first day of the first calendar quarter beginning
14 after the close of the first regular session of the
15 State legislature that begins after the date of
16 enactment of this section. For purposes of the
17 previous sentence, in the case of a State that
18 has a 2-year legislative session, each year of
19 such session shall be deemed to be a separate
20 regular session of the State legislature.

21 **SEC. 4. IMPROVING THE COLLECTION OF CHILD SUPPORT**
22 **FOR FAMILIES RECEIVING TANF ASSISTANCE.**

23 (a) IN GENERAL.—Section 454 of the Social Security
24 Act (42 U.S.C. 654) is amended—

1 (1) by redesignating paragraphs (30) through
2 (34) as paragraphs (31) through (35), respectively;
3 and

4 (2) by inserting after paragraph (29) the fol-
5 lowing:

6 “(30) include a description of—

7 “(A) the methods used by the State to de-
8 termine whether an individual who has applied
9 for or is receiving assistance under the State
10 program funded under part A, the State pro-
11 gram under part E, the State program under
12 title XIX, or the supplemental nutrition assist-
13 ance program, as defined under section 3(h) of
14 the Food and Nutrition Act of 2008 (7 U.S.C.
15 2012(h)), is cooperating in good faith with the
16 State in establishing paternity or in estab-
17 lishing, modifying, or enforcing a support order,
18 as provided in paragraph (29);

19 “(B) the State’s process for determining in
20 a timely manner whether such an individual
21 satisfies the cooperation requirement described
22 in subparagraph (A) due to the individual’s
23 participation in another State or Federal assist-
24 ance program;

1 “(C) the good cause or other exceptions to
2 the cooperation requirement that the State rec-
3 ognizes, including an explanation of any special
4 requirements or considerations for an older rel-
5 ative caretaker seeking to apply for such an ex-
6 ception; and

7 “(D) how the State makes clear to an indi-
8 vidual who has applied for or is receiving assist-
9 ance under a program referred to in subpara-
10 graph (A)—

11 “(i) what, if anything, the individual
12 needs to do in order to satisfy the coopera-
13 tion requirement, including explaining to
14 the individual how the individual might
15 satisfy the requirement through participa-
16 tion in another State or Federal assistance
17 program;

18 “(ii) the effect on the individual’s eli-
19 gibility to receive assistance under a pro-
20 gram referred to in subparagraph (A), and
21 under other State or Federal assistance
22 programs, if the individual fails to satisfy
23 the cooperation requirement; and

24 “(iii) the good cause or other excep-
25 tions to the cooperation requirement for

1 which the individual may be eligible, in-
2 cluding the standard of proof required to
3 qualify for each exception and an expla-
4 nation of any special requirements or con-
5 siderations for older caretaker relatives;”.

6 (b) CONFORMING AMENDMENTS.—Title IV of the So-
7 cial Security Act (42 U.S.C. 601 et seq.) is amended—

8 (1) in section 452(k)(1), by striking “section
9 454(31)” and inserting “section 454(32)”; and

10 (2) in section 454, in the matter following para-
11 graph (35) (as redesignated by subsection (a)) by
12 striking “paragraph (33)” and inserting “paragraph
13 (34)”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on the first day of the first
16 fiscal year that begins after the date of enactment of this
17 Act.

18 **SEC. 5. ENCOURAGING STATES TO ADOPT TEMPORARY**
19 **GUARDIANSHIP LAWS.**

20 (a) IN GENERAL.—Section 474(a)(7) of the Social
21 Security Act (42 U.S.C. 674(a)(7)) is amended by insert-
22 ing “(or, in the case of a State that has in effect for the
23 quarter a temporary guardianship law (as defined in sec-
24 tion 475(14)), 75 percent)” after “50 percent”.

1 (b) DEFINITION.—Section 475 of the Social Security
2 Act (42 U.S.C. 675) is amended by adding at the end the
3 following new paragraph:

4 “(14)(A) The term ‘temporary guardianship law’
5 means a State law that allows for the establishment, by
6 operation of such law and through an easily navigable sim-
7 ple civil process of a relationship between a child and a
8 nonparent caretaker who has taken responsibility for car-
9 ing for the child in the absence of the child’s parents in
10 which some of the parental rights with respect to the child
11 are transferred to the caretaker for a specified period of
12 time which may be extended or renewed, except that the
13 total period of time for which such rights are transferred
14 to the caretaker (including any extensions or renewals)
15 shall not exceed a maximum period of time (as established
16 by the State).

17 “(B) Under the process established under a law de-
18 scribed in subparagraph (A)—

19 “(i) court fees shall be waived or reduced; and

20 “(ii) any court forms or filings related to the
21 process are easy enough to understand that a non-
22 parent caretaker who has taken responsibility for
23 caring for the child in the absence of the child’s par-
24 ents could reasonably complete such forms or filings
25 without legal assistance.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the first day of the first
3 fiscal year that begins after the date of enactment of this
4 Act.

5 **SEC. 6. GUIDANCE.**

6 (a) GUIDANCE TO STATES ON ENSURING AWARE-
7 NESS OF CHILD WELFARE SYSTEM AMONG KINSHIP
8 CAREGIVERS.—Not later than the first day of the first fis-
9 cal year that begins after the date of enactment of this
10 Act, the Secretary of Health and Human Services shall
11 issue guidance to States on ways to ensure that kinship
12 caregivers who receive assistance under a State program
13 funded under part A of title IV of the Social Security Act
14 (42 U.S.C. 601 et seq.) or any other State program fund-
15 ed with qualified State expenditures (as defined in section
16 409(a)(7)(B)(i) of such Act (42 U.S.C. 609(a)(7)(B)(i)))
17 are—

18 (1) provided with information about any appro-
19 priate assistance and services available to them
20 through the child welfare system of the State, in-
21 cluding eligibility for foster care licensure and path-
22 ways to guardianship assistance programs or adop-
23 tion subsidies, and how to access such assistance
24 and services; and

1 (2) referred to any kinship navigator program
2 operated by the State.

3 (b) **GUIDANCE ON COORDINATING ASSISTANCE FOR**
4 **CAREGIVERS.**—Not later than the first day of the first fis-
5 cal year that begins after the date of enactment of this
6 Act, the Secretary of Health and Human Services shall
7 issue guidance for States identifying options for State pro-
8 grams, including programs funded under title IV of the
9 Social Security Act (42 U.S.C. 601 et seq.), programs
10 funded under the Older Americans Act of 1965 (42 U.S.C.
11 3001 et seq.), and other relevant programs that are jointly
12 funded or administered by States and the Federal Govern-
13 ment, to collaborate, coordinate, and streamline outreach
14 to, and processing of applications of assistance, for grand-
15 parents and older relative caregivers or kinship caregivers
16 caring for grandchildren and other relative children resid-
17 ing with them.

18 **SEC. 7. STATE SUPPORT PLANS FOR GRANDPARENTS CAR-**
19 **ING FOR GRANDCHILDREN.**

20 (a) **IN GENERAL.**—Not later than the first day of the
21 first fiscal year that begins after the date of enactment
22 of this Act, from amounts appropriated to carry out this
23 section, the Secretary of Health and Human Services shall
24 award grants to States for purposes of developing State

1 support plans for grandparents caring for grandchildren
2 and other relatives caring for relative children.

3 (b) REQUIREMENTS.—A State support plan for
4 grandparents caring for grandchildren and other relatives
5 caring for relative children that is funded by a grant under
6 this section shall include the following:

7 (1) An initial assessment of the state of grand-
8 parents caring for grandchildren and other relatives
9 caring for relative children in the State.

10 (2) A plan for how appropriate State agencies
11 can collaborate in their efforts to provide financial
12 support, housing services, and other services and
13 supports to grandparents caring for grandchildren
14 and other relatives caring for relative children.

15 (3) Steps that the State proposes to take over
16 the next 5 years to ensure that grandparents caring
17 for grandchildren and other relatives caring for rel-
18 ative children have necessary resources.

19 (4) A plan to simplify or combine application
20 requirements for State public assistance programs to
21 reduce administrative burdens on recipients, with a
22 focus on families consisting of grandparents or other
23 older caretaker relatives raising relative children.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated \$10,000,000 to carry
3 out this section.

4 **SEC. 8. NATIONAL TECHNICAL ASSISTANCE CENTER ON**
5 **GRANDFAMILIES.**

6 (a) IN GENERAL.—Not later than the first day of the
7 first fiscal year that begins after the date of enactment
8 of this Act, the Administrator of the Administration for
9 Community Living shall establish a National Technical
10 Assistance Center on Grandfamilies (in this section re-
11 ferred to as the “Center”) to conduct the activities de-
12 scribed in subsection (b).

13 (b) ACTIVITIES OF CENTER.—The Center—

14 (1) shall engage experienced experts to identify
15 model practices or programs, related to health, nu-
16 trition, housing, and other related issues, to help
17 serve children, parents, and caregivers in
18 grandfamilies;

19 (2) may develop guidelines for States to encour-
20 age best practices to support grandfamilies impacted
21 by parental substance use, including ways to help
22 caregivers meet children’s health, development, and
23 wellbeing needs (including promotion of safe sleep
24 practices), support birth parents’ access, engage-
25 ment, and success in treatment, support birth par-

1 ents' formation of a healthy attachment with their
2 children, and promote positive parenting (including
3 co-parenting support) skills for both relative care-
4 givers and birthparents; and

5 (3) may facilitate learning across States and
6 provide technical assistance and resources to individ-
7 uals and entities that directly work with all 3 gen-
8 erations in grandfamilies.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated \$5,000,000 to carry out
11 this section.

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