

118TH CONGRESS
2D SESSION

H. R. 8799

To amend section 439 of the Social Security Act to authorize the funding of demonstration projects to test approaches for supporting and improving relationships between incarcerated parents and children in foster care, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2024

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

A BILL

To amend section 439 of the Social Security Act to authorize the funding of demonstration projects to test approaches for supporting and improving relationships between incarcerated parents and children in foster care, 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 “Promoting Active Rela-
5 tionships to Enable Nurturing Ties Act of 2024” or the
6 “PARENT Act of 2024”.

1 **SEC. 2. MEANINGFUL RELATIONSHIPS BETWEEN FOSTER**
2 **CHILDREN AND INCARCERATED PARENTS.**

3 Section 439 of the Social Security Act (42 U.S.C.
4 629i) is amended to read as follows:

5 **“SEC. 439. STATE PARTNERSHIP PLANNING AND DEM-**
6 **ONSTRATION GRANTS TO SUPPORT MEAN-**
7 **INGFUL RELATIONSHIPS BETWEEN FOSTER**
8 **CHILDREN AND THE INCARCERATED PAR-**
9 **ENTS OF THE CHILDREN.**

10 **“(a) AUTHORITY.—**

11 **“(1) IN GENERAL.—**The Secretary may make
12 demonstration grants to eligible State partnerships
13 to develop, implement, and provide support for pro-
14 grams that enable and sustain meaningful relation-
15 ships between covered foster children and the incar-
16 cerated parents of the children.

17 **“(2) PAYMENT OF ANNUAL INSTALLMENTS.—**
18 The Secretary shall pay each demonstration grant in
19 5 annual installments.

20 **“(3) 1-YEAR PLANNING GRANTS.—**The Sec-
21 retary may make a planning grant to a recipient of
22 a demonstration grant, to be paid to the recipient 1
23 year before payment of the 1st annual installment of
24 the demonstration grant and in an amount not
25 greater than any installment of the demonstration
26 grant, if—

1 “(A) the recipient includes a request for a
2 planning grant in the application under sub-
3 section (c); and

4 “(B) the Secretary determines that a plan-
5 ning grant would assist the recipient and im-
6 prove the effectiveness of the demonstration
7 grant.

8 “(b) ELIGIBLE STATE PARTNERSHIP DEFINED.—

9 “(1) IN GENERAL.—In this section, the term
10 ‘eligible State partnership’ means an agreement en-
11 tered into by, at a minimum, the following:

12 “(A) The State child welfare agency re-
13 sponsible for the administration of the State
14 plans under this part.

15 “(B) The State agency responsible for
16 adult corrections.

17 “(2) ADDITIONAL PARTNERS.—For purposes of
18 this section, an eligible State partnership may in-
19 clude any entity with experience in serving incarcer-
20 ated parents and their children.

21 “(3) PARTNERSHIPS ENTERED INTO BY INDIAN
22 TRIBES OR TRIBAL CONSORTIA.—Notwithstanding
23 paragraph (1), if an Indian tribe or tribal consor-
24 tium enters into a partnership pursuant to this sec-
25 tion that does not consist solely of tribal child wel-

1 fare agencies (or a consortium of the agencies), the
2 partnership shall be considered an eligible State
3 partnership for purposes of this section.

4 “(c) APPLICATION REQUIREMENTS.—An eligible
5 State partnership seeking a demonstration grant under
6 this section to carry out a program described in subsection
7 (a)(1) shall submit an application to the Secretary at such
8 time, in such manner, and containing such information as
9 the Secretary may require. The application shall include
10 the following:

11 “(1) A summary of the program, including how
12 the program will support a meaningful relationship
13 between a covered foster child and an incarcerated
14 parent of the child.

15 “(2) A description of the activities to be carried
16 out by the program, which must include all of the
17 activities described in subsection (d) that are in the
18 best interest of the covered foster child.

19 “(3) A framework for identifying—

20 “(A) each covered foster child eligible for
21 services under the program, including, to the
22 extent practicable, coordination of data between
23 relevant State child welfare agencies and court
24 systems; and

1 “(B) the roles and responsibilities of the
2 entities in the partnership.

3 “(4) Documentation that the applicant is an eli-
4 gible State partnership.

5 “(5) Assurances that the applicant will partici-
6 pate fully in the evaluation described in subsection
7 (f)(2) and shall maintain records for the program,
8 including demographic information disaggregated by
9 relevant characteristics with respect to covered foster
10 children and incarcerated parents who participate in
11 the program.

12 “(d) PROGRAM ACTIVITIES.—To the extent that the
13 activities are in the best interest of the covered foster
14 child, the activities referred to in subsection (c)(2) shall
15 include the following:

16 “(1) REVISION OF POLICIES.—Through con-
17 sultation with incarcerated parents and their fami-
18 lies, grantees shall promote organizational policies of
19 participating child welfare entities and collaborating
20 correctional facilities to promote meaningful rela-
21 tionships through regular and developmentally ap-
22 propriate communication and visitation between cov-
23 ered foster children and the incarcerated parents, in-
24 cluding, when appropriate, the following:

25 “(A) For child welfare entities—

1 “(i) inclusion of parents in case plan-
2 ning and decision making for children;

3 “(ii) regular sharing of information
4 and responses to requests for information
5 between caseworkers and incarcerated par-
6 ents with respect to the case information
7 of a child, any changes to a case, perma-
8 nency plans, requirements to maintain pa-
9 rental rights, and any efforts to terminate
10 parental rights;

11 “(iii) appropriate opportunities for in-
12 carcerated parents to demonstrate their re-
13 lationship with a covered foster child given
14 their incarceration, including training and
15 courses required for a service plan; and

16 “(iv) the enhanced visitation described
17 in paragraph (2).

18 “(B) For correctional facilities, fostering
19 visitation and communication that is develop-
20 mentally appropriate in terms of—

21 “(i) the nature of communication and
22 visitation, including—

23 “(I) the ability to physically
24 touch parents;

1 “(II) engaging with parents in lo-
2 cations that are appropriate for the
3 age and development of the child;

4 “(III) exchanging items that are
5 appropriate to the age and develop-
6 ment of the child, include expectations
7 that are appropriate for the age and
8 development of the child related to be-
9 havior, attire, and wait times; and

10 “(IV) allowing appropriate adults
11 to bring children if legal guardians
12 are not available to promote regular
13 contact;

14 “(ii) reasonable inclusion of all chil-
15 dren of the parent;

16 “(iii) communication and visitation at
17 times when the children are available;

18 “(iv) security procedures to comfort
19 children and be minimally invasive; and

20 “(v) promoting parent-child relation-
21 ships regardless of the sentence imposed
22 on the parent.

23 “(2) ENHANCED VISITATION.—

24 “(A) Grantees shall facilitate weekly com-
25 munication and, for at least 9 days each year,

1 in-person visitation between a covered foster
2 child and any incarcerated parent of the child.

3 “(B) Electronic visitation (such as live
4 video visits, phone calls, and recorded books)
5 may be used but shall not be the sole method
6 to promote a meaningful relationship for pur-
7 poses of the grant.

8 “(C) Enhanced visitation programs shall—

9 “(i) integrate best practices for visita-
10 tion programs with incarcerated parents
11 and their children;

12 “(ii) adopt developmentally appro-
13 priate visitation policies and procedures
14 such as those described in paragraph
15 (1)(B);

16 “(iii) reduce or eliminate the cost of
17 developmentally appropriate communica-
18 tion and visitation for the covered foster
19 child, which may include the purchase of
20 communication technology, covering trans-
21 portation, insurance, and lodging costs,
22 costs related to providing appropriate visi-
23 tation spaces and activities, and other rel-
24 evant costs;

1 “(iv) to the extent practicable, inte-
2 grate appropriate parenting education to
3 help prepare and process visits; and

4 “(v) avoid restricting visitation and
5 communication as a punishment for the in-
6 carcerated parents.

7 “(3) TRAINING.—Grantees shall incorporate on-
8 going training for child welfare, correctional facility
9 staff, and other program providers to understand
10 the importance of promoting meaningful relation-
11 ships between children and incarcerated parents.

12 “(4) CASE MANAGEMENT.—Grantees shall pro-
13 vide case management services for the incarcerated
14 parents of a covered foster child to promote the rela-
15 tionship, access to services, and coordination with
16 the caseworkers of the covered foster child to
17 strengthen the relationship.

18 “(5) LEGAL ASSISTANCE.—Grantees shall facili-
19 tate access to necessary legal services and may use
20 grant funds for services that are not reimbursable
21 under other Federal programs.

22 “(e) FEDERAL SHARE.—The Federal share of the
23 cost of any activity carried out using a grant made under
24 this section shall be not greater than 75 percent.

1 “(f) TECHNICAL ASSISTANCE, EVALUATIONS, AND
2 REPORTS.—

3 “(1) TECHNICAL ASSISTANCE.—The Secretary
4 shall provide technical assistance with respect to
5 grants under this section, including by—

6 “(A) assisting grantees in understanding
7 best practices in promoting meaningful relation-
8 ships between incarcerated parents and their
9 children as well as consulting with appropriate
10 stakeholders when developing their programs;

11 “(B) assisting grantees with establishing
12 and analyzing implementation and performance
13 indicators; and

14 “(C) conducting an annual technical assist-
15 ance and training meeting and an annual grant-
16 ee meeting so that grantees can learn from the
17 experiences of other grantees.

18 “(2) EVALUATIONS.—The Secretary shall con-
19 duct an evaluation of program outcomes, including
20 with respect to parent and child well-being, parent-
21 child interactions, parental involvement, awareness
22 of child development and parenting practices, place-
23 ment stability, and termination of parental rights
24 with respect to covered foster children and incarcer-
25 ated parents, to measure program effectiveness, as

1 determined by the Secretary, and identify opportuni-
2 ties for improved program practices and implemen-
3 tation.

4 “(3) REPORTS TO THE CONGRESS.—

5 “(A) INITIAL REPORT.—Not later than 3
6 years after the date of the enactment of this
7 section, the Secretary shall submit to the Com-
8 mittee on Ways and Means of the House of
9 Representatives and the Committee on Finance
10 of the Senate a report that includes—

11 “(i) the number of applications for
12 grants under this section;

13 “(ii) the number of grants awarded,
14 and the amounts for each grant; and

15 “(iii) information on the grants, in-
16 cluding—

17 “(I) interim results of the evalua-
18 tion described in paragraph (2);

19 “(II) disaggregated data on cov-
20 ered foster children and incarcerated
21 parents;

22 “(III) information on the com-
23 position of eligible State partnerships;

24 “(IV) best practices for facili-
25 tating meaningful relationships be-

1 tween covered foster children and in-
2 carcerated parents; and

3 “(V) barriers to implementation
4 or expansion of programs funded
5 under this section.

6 “(B) FINAL REPORT.—Not later than 6
7 years after the date of the enactment of this
8 section, the Secretary shall submit to the Com-
9 mittee on Ways and Means of the House of
10 Representatives and the Committee on Finance
11 of the Senate a report that includes—

12 “(i) the final results of the evaluation
13 described in paragraph (2); and

14 “(ii) recommendations for refinements
15 to grant requirements to improve program
16 outcomes.

17 “(g) AUTHORITY OF SECRETARY WITH RESPECT TO
18 INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

19 “(1) WAIVER OR MODIFICATION OF REQUIRE-
20 MENTS.—In making a grant to an Indian tribe or
21 tribal organization under this section, the Secretary
22 may waive the matching requirement of subsection
23 (e) or modify an application requirement imposed by
24 or under subsection (c) if the Secretary determines
25 that the waiver or modification is appropriate to the

1 needs, culture, and circumstances of the Indian tribe
2 or tribal organization.

3 “(2) EVALUATION.—The Secretary shall use
4 tribally relevant data in carrying out the evaluation
5 under subsection (f)(2) with respect to an Indian
6 tribe or tribal organization.

7 “(h) LIMITATIONS ON AUTHORIZATION OF APPRO-
8 PRIATIONS.—There is authorized to be appropriated to the
9 Secretary not more than \$35,000,000 for each of fiscal
10 years 2026 through 2029 to carry out this section.

11 “(i) DEFINITION OF COVERED FOSTER CHILD.—In
12 this section, the term ‘covered foster child’ means a child
13 that—

14 “(1) is in foster care; and

15 “(2) has at least 1 parent incarcerated in a
16 Federal, State, or local correctional facility.”.

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