

105TH CONGRESS  
1ST SESSION

# S. 1195

To promote the adoption of children in foster care, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 1997

Mr. CHAFEE (for himself, Mr. CRAIG, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. DEWINE, Mr. COATS, Mr. BOND, Ms. LANDRIEU, and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To promote the adoption of 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Promotion of Adoption, Safety, and Support for Abused  
6 and Neglected Children (PASS) Act”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of  
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS  
FOR FOSTER CARE AND ADOPTION PLACEMENTS

- Sec. 101. Clarification of the reasonable efforts requirement.
- Sec. 102. Including safety in case plan and case review system requirements.
- Sec. 103. Multidisciplinary/multiagency child death review teams.
- Sec. 104. States required to initiate or join proceedings to terminate parental rights for certain children in foster care.
- Sec. 105. Notice of reviews and hearings; opportunity to be heard.
- Sec. 106. Use of the Federal Parent Locator Service for child welfare services.
- Sec. 107. Criminal records checks for prospective foster and adoptive parents and group care staff.
- Sec. 108. Development of State guidelines to ensure safe, quality care to children in out-of-home placements.
- Sec. 109. Documentation of efforts for adoption or location of a permanent home.

TITLE II—INCENTIVES FOR PROVIDING PERMANENT FAMILIES  
FOR CHILDREN

- Sec. 201. Adoption incentive payments.
- Sec. 202. Promotion of adoption of children with special needs.
- Sec. 203. Technical assistance.
- Sec. 204. Adoptions across State and county jurisdictions.
- Sec. 205. Facilitation of voluntary mutual reunions between adopted adults and birth parents and siblings.
- Sec. 206. Annual report on State performance in protecting children.

TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS

- Sec. 301. Expansion of child welfare demonstration projects.
- Sec. 302. Permanency planning hearings.
- Sec. 303. Kinship care.
- Sec. 304. Standby guardianship.
- Sec. 305. Clarification of eligible population for independent living services.
- Sec. 306. Coordination and collaboration of substance abuse treatment and child protection services.
- Sec. 307. Reauthorization and expansion of family preservation and support services.
- Sec. 308. Innovation grants to reduce backlogs of children awaiting adoption and for other purposes.

TITLE IV—MISCELLANEOUS

- Sec. 401. Preservation of reasonable parenting.
- Sec. 402. Reporting requirements.
- Sec. 403. Report on fiduciary obligations of State agencies receiving SSI payments.
- Sec. 404. Allocation of administrative costs of determining eligibility for Medicaid and TANF.

TITLE V—EFFECTIVE DATE

- Sec. 501. Effective date.

1 **TITLE I—REASONABLE EFFORTS**  
2 **AND SAFETY REQUIREMENTS**  
3 **FOR FOSTER CARE AND**  
4 **ADOPTION PLACEMENTS**

5 **SEC. 101. CLARIFICATION OF THE REASONABLE EFFORTS**  
6 **REQUIREMENT.**

7 Section 471(a)(15) of the Social Security Act (42  
8 U.S.C. 671(a)(15)) is amended to read as follows:

9 “(15) provides that—

10 “(A) in determining reasonable efforts, as  
11 described in this section, the child’s health and  
12 safety shall be the paramount concern;

13 “(B) reasonable efforts shall be made to  
14 preserve and reunify families when possible—

15 “(i) prior to the placement of a child  
16 in foster care, to prevent or eliminate the  
17 need for removing the child from the  
18 child’s home when the child can be cared  
19 for at home without endangering the  
20 child’s health or safety; or

21 “(ii) to make it possible for the child  
22 to safely return to the child’s home;

23 “(C) reasonable efforts shall not be re-  
24 quired on behalf of any parent—

1           “(i) if a court of competent jurisdic-  
2           tion has made a determination that the  
3           parent has—

4                   “(I) committed murder of an-  
5                   other child of the parent;

6                   “(II) committed voluntary man-  
7                   slaughter of another child of the par-  
8                   ent;

9                   “(III) aided or abetted, at-  
10                  tempted, conspired, or solicited to  
11                  commit such murder or voluntary  
12                  manslaughter; or

13                  “(IV) committed a felony assault  
14                  that results in serious bodily injury to  
15                  the child or another child of the par-  
16                  ent;

17           “(ii) if a court of competent jurisdic-  
18           tion determines that returning the child to  
19           the home of the parent would pose a seri-  
20           ous risk to the child’s health or safety (in-  
21           cluding but not limited to cases of aban-  
22           donment, torture, chronic physical abuse,  
23           sexual abuse, or a previous involuntary ter-  
24           mination of parental rights with respect to  
25           a sibling of the child); or

1                   “(iii) if the State, through legislation,  
2                   has specified cases in which the State is  
3                   not required to make reasonable efforts be-  
4                   cause of serious circumstances that endan-  
5                   ger a child’s health or safety;

6                   “(D) if reasonable efforts to preserve or re-  
7                   unify a family are not made in accordance with  
8                   subparagraph (C), and placement with either  
9                   parent would pose a serious risk to the child’s  
10                  health or safety, or in any case in which a  
11                  State’s goal for the child is adoption or place-  
12                  ment in another permanent home, reasonable  
13                  efforts shall be made to place the child in a  
14                  timely manner with an adoptive family, with a  
15                  qualified relative or legal guardian, or in an-  
16                  other planned permanent living arrangement,  
17                  and to complete whatever steps are necessary to  
18                  finalize the adoption or legal guardianship; and

19                  “(E) reasonable efforts of the type de-  
20                  scribed in subparagraph (D) may be made con-  
21                  currently with reasonable efforts of the type de-  
22                  scribed in subparagraph (B);”.

1 **SEC. 102. INCLUDING SAFETY IN CASE PLAN AND CASE RE-**  
2 **VIEW SYSTEM REQUIREMENTS.**

3 Title IV of the Social Security Act (42 U.S.C. 601  
4 et seq.) is amended—

5 (1) in section 422(b)(10)(B) (as redesignated  
6 by section 5592(a)(1)(A)(iii) of the Balanced Budget  
7 Act of 1997 (Public Law 105–33; 111 Stat. 644))—

8 (A) in clause (iii)(I), by inserting “safe  
9 and” after “where”; and

10 (B) in clause (iv), by inserting “safely”  
11 after “remain”; and

12 (2) in section 475—

13 (A) in paragraph (1)—

14 (i) in subparagraph (A), by inserting  
15 “safety and” after “discussion of the”; and

16 (ii) in subparagraph (B)—

17 (I) by inserting “safe and” after  
18 “child receives”; and

19 (II) by inserting “safe” after “re-  
20 turn of the child to his own”; and

21 (B) in paragraph (5)—

22 (i) in subparagraph (A), in the matter  
23 preceding clause (i), by inserting “a safe  
24 setting that is” after “placement in”; and

25 (ii) in subparagraph (B)—

1 (I) by inserting “the safety of the  
2 child,” after “determine”; and

3 (II) by inserting “and safely  
4 maintained in” after “returned to”.

5 **SEC. 103. MULTIDISCIPLINARY/MULTIAGENCY CHILD**  
6 **DEATH REVIEW TEAMS.**

7 (a) STATE CHILD DEATH REVIEW TEAMS.—Section  
8 471 of the Social Security Act (42 U.S.C. 671) is amended  
9 by adding at the end the following:

10 “(c)(1) In order to investigate and prevent child  
11 death from fatal abuse and neglect, not later than 2 years  
12 after the date of the enactment of this subsection, a State,  
13 in order to be eligible for payments under this part, shall  
14 submit to the Secretary a certification that the State has  
15 established and is maintaining, in accordance with applica-  
16 ble confidentiality laws, a State child death review team,  
17 and if necessary in order to cover all counties in the State,  
18 child death review teams on the regional or local level, that  
19 shall review child deaths, including deaths in which—

20 “(A) there is a record of a prior report of child  
21 abuse or neglect or there is reason to suspect that  
22 the child death was caused by, or related to, child  
23 abuse or neglect; or

1           “(B) the child who died was a ward of the  
2           State or was otherwise known to the State or local  
3           child welfare service agency.

4           “(2) A child death review team established in accord-  
5           ance with this subsection should have a membership that  
6           will present a range of viewpoints that are independent  
7           from any specific agency, and shall include representatives  
8           from, at a minimum, specific fields of expertise, such as  
9           law enforcement, health, mental health, and substance  
10          abuse, and from the community.

11          “(3) A State child death review team shall—

12           “(A) provide support to a regional or local child  
13           death review team;

14           “(B) make public an annual summary of case  
15           findings;

16           “(C) provide recommendations for systemwide  
17           improvements in services to investigate and prevent  
18           future fatal abuse and neglect; and

19           “(D) if the State child death review team covers  
20           all counties in the State on its own, carry out the  
21           duties of a regional or local child death review team  
22           described in paragraph (4).

23          “(4) A regional or local child death review team  
24          shall—

25           “(A) conduct individual case reviews;

1           “(B) recommend followup procedures for child  
2 death cases; and

3           “(C) suggest and assist with system improve-  
4 ments in services to investigate and prevent future  
5 fatal abuse and neglect.”.

6           (b) FEDERAL CHILD DEATH REVIEW TEAM.—Sec-  
7 tion 471 of the Social Security Act (42 U.S.C. 671), as  
8 amended by subsection (a), is amended by adding at the  
9 end the following:

10          “(d)(1) The Secretary shall establish a Federal child  
11 death review team that shall consist of at least the follow-  
12 ing:

13           “(A) Representatives of the following Federal  
14 agencies who have expertise in the prevention or  
15 treatment of child abuse and neglect:

16           “(i) Department of Health and Human  
17 Services.

18           “(ii) Department of Justice.

19           “(iii) Bureau of Indian Affairs.

20           “(iv) Department of Defense.

21           “(v) Bureau of the Census.

22           “(B) Representatives of national child-serving  
23 organizations who have expertise in the prevention  
24 or treatment of child abuse and neglect and that, at

1 a minimum, represent the health, child welfare, so-  
 2 cial services, and law enforcement fields.

3 “(2) The Federal child death review team established  
 4 under this subsection shall—

5 “(A) review reports of child deaths on military  
 6 installations and other Federal lands, and coordinate  
 7 with Indian tribal organizations in the review of  
 8 child deaths on Indian reservations;

9 “(B) upon request, provide guidance and tech-  
 10 nical assistance to States and localities seeking to  
 11 initiate or improve child death review teams and to  
 12 prevent child fatalities; and

13 “(C) develop recommendations on related policy  
 14 and procedural issues for Congress, relevant Federal  
 15 agencies, and States and localities for the purpose of  
 16 preventing child fatalities.”.

17 **SEC. 104. STATES REQUIRED TO INITIATE OR JOIN PRO-**  
 18 **CEEDINGS TO TERMINATE PARENTAL**  
 19 **RIGHTS FOR CERTAIN CHILDREN IN FOSTER**  
 20 **CARE.**

21 (a) REQUIREMENT FOR PROCEEDINGS.—Section  
 22 475(5) of the Social Security Act (42 U.S.C. 675(5)) is  
 23 amended—

24 (1) by striking “and” at the end of subpara-  
 25 graph (C);

1           (2) by striking the period at the end of sub-  
2 paragraph (D) and inserting “; and”; and

3           (3) by adding at the end the following:

4           “(E) in the case of a child who has been  
5 in foster care under the responsibility of the  
6 State for 12 of the most recent 18 months, or  
7 for a lifetime total of 24 months, or, if a court  
8 of competent jurisdiction has determined an in-  
9 fant to have been abandoned (as defined under  
10 State law), or made a determination that the  
11 parent has committed murder of another child  
12 of such parent, committed voluntary man-  
13 slaughter of another child of such parent, aided  
14 or abetted, attempted, conspired, or solicited to  
15 commit such murder or voluntary man-  
16 slaughter, or committed a felony assault that  
17 results in serious bodily injury to the surviving  
18 child or to another child of such parent, the  
19 State shall file a petition to terminate the pa-  
20 rental rights of the child’s parents (or, if such  
21 a petition has been filed by another party, seek  
22 to be joined as a party to the petition), and,  
23 concurrently, to identify, recruit, process, and  
24 approve a qualified family for an adoption, un-  
25 less—

1                   “(i) at the option of the State, the  
2                   child is being cared for by a relative; or

3                   “(ii) a State court or State agency  
4                   has documented a compelling reason for  
5                   determining that filing such a petition  
6                   would not be in the best interests of the  
7                   child.”.

8           (b) DETERMINATION OF BEGINNING OF FOSTER  
9 CARE.—Section 475(5) of the Social Security Act (42  
10 U.S.C. 675(5)), as amended by subsection (a), is amend-  
11 ed—

12                   (1) by striking “and” at the end of subpara-  
13                   graph (D);

14                   (2) by striking the period at the end of sub-  
15                   paragraph (E) and inserting “; and”; and

16                   (3) by adding at the end the following:

17                   “(F) a child shall be considered to have en-  
18                   tered foster care on the latter of—

19                   “(i) the first time the child is removed  
20                   from the home; or

21                   “(ii) the date of the first judicial hear-  
22                   ing on removal of the child from the  
23                   home.”.

24           (c) ELIMINATION OF UNNECESSARY COURT  
25 DELAYS.—

1           (1) ONE-YEAR STATUTE OF LIMITATIONS FOR  
2 APPEALS OF ORDERS TERMINATING PARENTAL  
3 RIGHTS.—Section 471(a) of the Social Security Act  
4 (42 U.S.C. 671(a)), as amended by section 5591(b)  
5 of the Balanced Budget Act of 1997, is amended—

6           (A) by striking “and” at the end of para-  
7 graph (18);

8           (B) by striking the period at the end of  
9 paragraph (19) and inserting “; and”; and

10          (C) by adding at the end the following:

11          “(20) provides that an order terminating paren-  
12 tal rights shall only be appealable during the 1-year  
13 period that begins on the date the order is issued.”.

14           (2) ONE-YEAR STATUTE OF LIMITATIONS FOR  
15 APPEALS OF ORDERS OF REMOVAL.—Section 471(a)  
16 of the Social Security Act (42 U.S.C. 671(a)), as  
17 amended by subsection (a), is amended—

18           (A) in paragraph (19), by striking “and”  
19 at the end;

20           (B) in paragraph (20), by striking the pe-  
21 riod and inserting “; and”; and

22          (C) by adding at the end the following:

23          “(21) provides that a court-ordered removal of  
24 a child shall only be appealable during the 1-year pe-  
25 riod that begins on the date the order is issued.”.

1 (d) RULE OF CONSTRUCTION.—Nothing in part E of  
2 title IV of the Social Security Act (42 U.S.C. 670 et seq.),  
3 as amended by this Act, shall be construed as precluding  
4 State courts or State agencies from initiating or finalizing  
5 the termination of parental rights for reasons other than,  
6 or for timelines earlier than, those specified in part E of  
7 title IV of such Act, when such actions are determined  
8 to be in the best interests of the child.

9 (e) EFFECTIVE DATES.—

10 (1) IN GENERAL.—Except as provided in para-  
11 graphs (2) and (3), the amendments made by this  
12 section shall apply to children entering foster care  
13 under the responsibility of the State after the date  
14 of enactment of this Act.

15 (2) TRANSITION RULE FOR CURRENT FOSTER  
16 CARE CHILDREN.—Subject to paragraph (3), with  
17 respect to any child in foster care under the respon-  
18 sibility of the State on or before the date of enact-  
19 ment of this Act, the amendments made by this sec-  
20 tion shall not apply to such child until the date that  
21 is 1 year after the date of enactment of this Act.

22 (3) DELAY PERMITTED IF STATE LEGISLATION  
23 REQUIRED.—The provisions of section 501(b) shall  
24 apply to the effective date of the amendments made  
25 by this section.

1 **SEC. 105. NOTICE OF REVIEWS AND HEARINGS; OPPOR-**  
2 **TUNITY TO BE HEARD.**

3 Section 475(5) of the Social Security Act (42 U.S.C.  
4 675(5)), as amended by section 104(b), is amended—

5 (1) by striking “and” at the end of subpara-  
6 graph (E);

7 (2) by striking the period at the end of sub-  
8 paragraph (F) and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(G) the foster parents (if any) of a child  
11 and any relative providing care for the child are  
12 provided with notice of, and an opportunity to  
13 be heard in, any review or hearing to be held  
14 with respect to the child, except that this sub-  
15 paragraph shall not be construed to make any  
16 foster parent or relative a party to such a re-  
17 view or hearing solely on the basis of such no-  
18 tice and opportunity to be heard.”.

19 **SEC. 106. USE OF THE FEDERAL PARENT LOCATOR SERV-**  
20 **ICE FOR CHILD WELFARE SERVICES.**

21 Section 453 of the Social Security Act (42 U.S.C.  
22 653), as amended by section 5534 of the Balanced Budget  
23 Act of 1997, is amended—

24 (1) in subsection (a)(2)—

25 (A) in the matter preceding subparagraph

26 (A), by inserting “or making or enforcing child

1 custody or visitation orders” after “obliga-  
 2 tions,”; and

3 (B) in subparagraph (A)—

4 (i) by striking “or” at the end of  
 5 clause (ii);

6 (ii) by striking the comma at the end  
 7 of clause (iii) and inserting “; or”; and

8 (iii) by inserting after clause (iii) the  
 9 following:

10 “(iv) who has or may have parental  
 11 rights with respect to a child,”; and

12 (2) in subsection (c)—

13 (A) by striking the period at the end of  
 14 paragraph (3) and inserting “; and”; and

15 (B) by adding at the end the following:

16 “(4) a State agency that is administering a pro-  
 17 gram operated under a State plan under subpart 1  
 18 of part B, or a State plan approved under subpart  
 19 2 of part B or under part E.”.

20 **SEC. 107. CRIMINAL RECORDS CHECKS FOR PROSPECTIVE**  
 21 **FOSTER AND ADOPTIVE PARENTS AND**  
 22 **GROUP CARE STAFF.**

23 Section 471(a) of the Social Security Act (42 U.S.C.  
 24 671(a)), as amended by section 104(c)(2), is amended—

1           (1) by striking “and” at the end of paragraph  
2           (20);

3           (2) by striking the period at the end of para-  
4           graph (21) and inserting “; and”; and

5           (3) by adding at the end the following:

6           “(22) provides procedures for criminal records  
7           checks and checks of a State’s child abuse registry  
8           for any prospective foster parent or adoptive parent,  
9           and any employee of a residential child-care institu-  
10          tion before the foster parent or adoptive parent, or  
11          the residential child-care institution may be finally  
12          approved for placement of a child on whose behalf  
13          foster care maintenance payments or adoption as-  
14          sistance payments are to be made under the State  
15          plan under this part, including procedures requiring  
16          that—

17                 “(A) in any case in which a criminal  
18                 record check reveals a criminal conviction for  
19                 child abuse or neglect, or spousal abuse, a  
20                 criminal conviction for crimes against children,  
21                 or a criminal conviction for a crime involving vi-  
22                 olence, including violent drug-related offenses,  
23                 rape, sexual or other physical assault, battery,  
24                 or homicide, approval shall not be granted, un-  
25                 less the individual provides substantial evidence

1 to local law enforcement officials and the State  
 2 child protection agency proving that there are  
 3 extraordinary circumstances which demonstrate  
 4 that approval should be granted; and

5 “(B) in any case in which a criminal  
 6 record check reveals a criminal conviction for a  
 7 felony or misdemeanor not involving violence, or  
 8 a check of any State child abuse registry indi-  
 9 cates that a substantiated report of abuse or  
 10 neglect exists, final approval may be granted  
 11 only after consideration of the nature of the of-  
 12 fense or incident, the length of time that has  
 13 elapsed since the commission of the offense or  
 14 the occurrence of the incident, the individual’s  
 15 life experiences during the period since the com-  
 16 mission of the offense or the occurrence of the  
 17 incident, and any risk to the child.”.

18 **SEC. 108. DEVELOPMENT OF STATE GUIDELINES TO EN-**  
 19 **SURE SAFE, QUALITY CARE TO CHILDREN IN**  
 20 **OUT-OF-HOME PLACEMENTS.**

21 Section 471(a)(10) of the Social Security Act (42  
 22 U.S.C. 671(a)(10)) is amended—

23 (1) by inserting “and guidelines” after “stand-  
 24 ards” each place it appears; and

1           (2) by inserting “ensuring quality services that  
2           protect the safety and health of children in foster  
3           care placements with nonprofit and for-profit agen-  
4           cies,” after “related to”.

5 **SEC. 109. DOCUMENTATION OF EFFORTS FOR ADOPTION**  
6 **OR LOCATION OF A PERMANENT HOME.**

7           Section 475 of the Social Security Act (42 U.S.C.  
8 675) is amended—

9           (1) in paragraph (1)—

10           (A) in the last sentence—

11           (i) by striking “the case plan must  
12           also include”; and

13           (ii) by redesignating such sentence as  
14           subparagraph (D) and indenting appro-  
15           priately; and

16           (B) by adding at the end, the following:

17           “(E) In the case of a child with respect to  
18           whom the State’s goal is adoption or placement  
19           in another permanent home, documentation of  
20           the steps taken by the agency to find an adop-  
21           tive family or other permanent living arrange-  
22           ment for the child, to place the child with an  
23           adoptive family, legal guardian, or in another  
24           planned permanent living arrangement, and to  
25           finalize the adoption or legal guardianship. At

1 a minimum, such documentation shall include  
2 child specific recruitment efforts such as the  
3 use of State, regional, and national adoption ex-  
4 changes including electronic exchange sys-  
5 tems.”; and

6 (2) in paragraph (5)(B), by inserting “(includ-  
7 ing the requirement specified in paragraph (1)(E))”  
8 after “case plan”.

9 **TITLE II—INCENTIVES FOR PRO-**  
10 **VIDING PERMANENT FAMI-**  
11 **LIES FOR CHILDREN**

12 **SEC. 201. ADOPTION INCENTIVE PAYMENTS.**

13 Part E of title IV of the Social Security Act (42  
14 U.S.C. 670–679) is amended by inserting after section  
15 473 the following:

16 **“SEC. 473A. ADOPTION INCENTIVE PAYMENTS.**

17 “(a) GRANT AUTHORITY.—Subject to the availability  
18 of such amounts as may be provided in advance in appro-  
19 priations Acts for this purpose, the Secretary may make  
20 a grant to each State that is an incentive-eligible State  
21 for a fiscal year in an amount equal to the adoption incen-  
22 tive payment payable to the State for the fiscal year under  
23 this section, which shall be payable in the immediately suc-  
24 ceeding fiscal year.

1       “(b) INCENTIVE-ELIGIBLE STATE.—A State is an in-  
2 centive-eligible State for a fiscal year if—

3               “(1) the State has a plan approved under this  
4 part for the fiscal year;

5               “(2) the number of foster child adoptions in the  
6 State during the fiscal year exceeds the base number  
7 of foster child adoptions for the State for the fiscal  
8 year;

9               “(3) the State is in compliance with subsection  
10 (c) for the fiscal year; and

11               “(4) the fiscal year is any of fiscal years 1998  
12 through 2002.

13       “(c) DATA REQUIREMENTS.—

14               “(1) IN GENERAL.—A State is in compliance  
15 with this subsection for a fiscal year if the State has  
16 provided to the Secretary the data described in para-  
17 graph (2) for fiscal year 1997 (or, if later, the fiscal  
18 year that precedes the first fiscal year for which the  
19 State seeks a grant under this section) and for each  
20 succeeding fiscal year.

21               “(2) DETERMINATION OF NUMBERS OF ADOP-  
22 TIONS.—

23                       “(A) DETERMINATIONS BASED ON AFCARS  
24 DATA.—Except as provided in subparagraph  
25 (B), the Secretary shall determine the numbers

1 of foster child adoptions and of special needs  
2 adoptions in a State during each of fiscal years  
3 1997 through 2002, for purposes of this sec-  
4 tion, on the basis of data meeting the require-  
5 ments of the system established pursuant to  
6 section 479, as reported by the State in May of  
7 the fiscal year and in November of the succeed-  
8 ing fiscal year, and approved by the Secretary  
9 by April 1 of the succeeding fiscal year.

10 “(B) ALTERNATIVE DATA SOURCES PER-  
11 MITTED FOR FISCAL YEAR 1997.—For purposes  
12 of the determination described in subparagraph  
13 (A) for fiscal year 1997, the Secretary may use  
14 data from a source or sources other than that  
15 specified in subparagraph (A) that the Sec-  
16 retary finds to be of equivalent completeness  
17 and reliability, as reported by a State by No-  
18 vember 30, 1997, and approved by the Sec-  
19 retary by March 1, 1998.

20 “(3) NO WAIVER OF AFCARS REQUIREMENTS.—  
21 This section shall not be construed to alter or affect  
22 any requirement of section 479 or any regulation  
23 prescribed under such section with respect to report-  
24 ing of data by States, or to waive any penalty for  
25 failure to comply with the requirements.

1 “(d) ADOPTION INCENTIVE PAYMENT.—

2 “(1) IN GENERAL.—Except as provided in para-  
3 graph (2), the adoption incentive payment payable to  
4 a State for a fiscal year under this section shall be  
5 equal to the sum of—

6 “(A) \$2,000, multiplied by amount (if any)  
7 by which the number of foster child adoptions  
8 in the State during the fiscal year exceeds the  
9 base number of foster child adoptions for the  
10 State for the fiscal year; and

11 “(B) \$2,000, multiplied by the amount (if  
12 any) by which the number of special needs  
13 adoptions in the State during the fiscal year ex-  
14 ceeds the base number of special needs adop-  
15 tions for the State for the fiscal year.

16 “(2) PRO RATA ADJUSTMENT IF INSUFFICIENT  
17 FUNDS AVAILABLE.—For any fiscal year, if the total  
18 amount of adoption incentive payments otherwise  
19 payable under this section for a fiscal year exceeds  
20 the amount appropriated for that fiscal year, the  
21 amount of the adoption incentive payment payable to  
22 each State under this section for the fiscal year shall  
23 be—

24 “(A) the amount of the adoption incentive  
25 payment that would otherwise be payable to the

1 State under this section for the fiscal year; mul-  
2 tiplied by

3 “(B) the percentage represented by the  
4 amount appropriated for that year, divided by  
5 the total amount of adoption incentive pay-  
6 ments otherwise payable under this section for  
7 the fiscal year.

8 “(e) 2-YEAR AVAILABILITY OF INCENTIVE PAY-  
9 MENTS.—Payments to a State under this section in a fis-  
10 cal year shall remain available for use by the State  
11 through the end of the succeeding fiscal year.

12 “(f) LIMITATIONS ON USE OF INCENTIVE PAY-  
13 MENTS.—A State shall not expend an amount paid to the  
14 State under this section except to provide to children or  
15 families any service (including post adoption services) that  
16 may be provided under part B or E. Amounts expended  
17 by a State in accordance with the preceding sentence shall  
18 be disregarded in determining State expenditures for pur-  
19 poses of Federal matching payments under section 474.

20 “(g) DEFINITIONS.—As used in this section:

21 “(1) FOSTER CHILD ADOPTION.—The term  
22 ‘foster child adoption’ means the final adoption of a  
23 child who, at the time of adoptive placement, was in  
24 foster care under the supervision of the State.

1           “(2) SPECIAL NEEDS ADOPTION.—The term  
2           ‘special needs adoption’ means the final adoption of  
3           a child for whom an adoption assistance agreement  
4           is in effect under section 473.

5           “(3) BASE NUMBER OF FOSTER CHILD ADOPT-  
6           TIONS.—The term ‘base number of foster child  
7           adoptions for a State’ means, with respect to a fiscal  
8           year, the largest number of foster child adoptions in  
9           the State in fiscal year 1997 (or, if later, the first  
10          fiscal year for which the State has furnished to the  
11          Secretary the data described in subsection (c)(2)) or  
12          in any succeeding fiscal year preceding the fiscal  
13          year.

14          “(4) BASE NUMBER OF SPECIAL NEEDS ADOPT-  
15          TIONS.—The term ‘base number of special needs  
16          adoptions for a State’ means, with respect to a fiscal  
17          year, the largest number of special needs adoptions  
18          in the State in fiscal year 1997 (or, if later, the first  
19          fiscal year for which the State has furnished to the  
20          Secretary the data described in subsection (c)(2)) or  
21          in any succeeding fiscal year preceding the fiscal  
22          year.

23          “(h) LIMITATIONS ON AUTHORIZATION OF APPRO-  
24          PRIATIONS.—

1           “(1) IN GENERAL.—For grants under this sec-  
2           tion, there are authorized to be appropriated to the  
3           Secretary \$15,000,000 for each of fiscal years 1999  
4           through 2003.

5           “(2) AVAILABILITY.—Amounts appropriated  
6           under paragraph (1) are authorized to remain avail-  
7           able until expended, but not after fiscal year 2003.”.

8   **SEC. 202. PROMOTION OF ADOPTION OF CHILDREN WITH**  
9                                   **SPECIAL NEEDS.**

10          (a) IN GENERAL.—Section 473(a) of the Social Secu-  
11          rity Act (42 U.S.C. 673(a)) is amended by striking para-  
12          graph (2) and inserting the following:

13          “(2)(A) For purposes of paragraph (1)(B)(ii), a child  
14          meets the requirements of this paragraph if such child—

15                  “(i) prior to termination of parental rights and  
16                  the initiation of adoption proceedings was in the  
17                  care of a public or licensed private child care agency  
18                  or Indian tribal organization either pursuant to a  
19                  voluntary placement agreement (provided the child  
20                  was in care for not more than 180 days) or as a re-  
21                  sult of a judicial determination to the effect that  
22                  continuation in the home would be contrary to the  
23                  safety and welfare of such child, or was residing in  
24                  a foster family home or child care institution with  
25                  the child’s minor parent (either pursuant to such a

1 voluntary placement agreement or as a result of  
2 such a judicial determination); and

3 “(ii) has been determined by the State pursuant  
4 to subsection (c) to be a child with special needs,  
5 which needs shall be considered by the State, to-  
6 gether with the circumstances of the adopting par-  
7 ents, in determining the amount of any payments to  
8 be made to the adopting parents.

9 “(B) Notwithstanding any other provision of law, and  
10 except as provided in paragraph (7), a child who is not  
11 a citizen or resident of the United States and who meets  
12 the requirements of subparagraph (A) and is otherwise de-  
13 termined to be eligible for the receipt of adoption assist-  
14 ance payments, shall be eligible for adoption assistance  
15 payments under this part.

16 “(C) A child who meets the requirements of subpara-  
17 graph (A) and who is otherwise determined to be eligible  
18 for the receipt of adoption assistance payments shall con-  
19 tinue to be eligible for such payments in the event that  
20 the child’s adoptive parent dies or the child’s adoption is  
21 dissolved, and the child is placed with another family for  
22 adoption.”.

23 (b) EXCEPTION.—Section 473(a) of the Social Secu-  
24 rity Act (42 U.S.C. 673(a)) is amended by adding at the  
25 end the following:

1 “(7)(A) Notwithstanding any other provision of this  
2 subsection, no payment may be made to parents with re-  
3 spect to any child that—

4 “(i) would be considered a child with special  
5 needs under subsection (c);

6 “(ii) is not a citizen or resident of the United  
7 States; and

8 “(iii) was adopted outside of the United States  
9 or was brought into the United States for the pur-  
10 pose of being adopted.

11 “(B) Subparagraph (A) shall not be construed as pro-  
12 hibiting payments under this part for a child described  
13 in subparagraph (A) that is placed in foster care subse-  
14 quent to the failure, as determined by the State, of the  
15 initial adoption of such child by the parents described in  
16 such subparagraph.”.

17 (c) REQUIREMENT FOR USE OF STATE SAVINGS.—  
18 Section 473(a) of the Social Security Act (42 U.S.C.  
19 673(a)), as amended by subsection (b), is amended by  
20 adding at the end the following:

21 “(8) A State shall spend an amount equal to the  
22 amount of savings (if any) in State expenditures under  
23 this part resulting from the application of paragraph (2)  
24 on and after the effective date of the amendment to such  
25 paragraph made by section 202(a) of the Promotion of

1 Adoption, Safety, and Support for Abused and Neglected  
2 Children (PASS) Act to provide to children or families any  
3 service (including post-adoption services) that may be pro-  
4 vided under this part or part B.”.

5 **SEC. 203. TECHNICAL ASSISTANCE.**

6 (a) IN GENERAL.—The Secretary of Health and  
7 Human Services may, directly or through grants or con-  
8 tracts, provide technical assistance to assist States and  
9 local communities to reach their targets for increased  
10 numbers of adoptions and, to the extent that adoption is  
11 not possible, alternative permanent placements, for chil-  
12 dren in foster care.

13 (b) LIMITATIONS.—The technical assistance provided  
14 under subsection (a) shall support the goal of encouraging  
15 more adoptions out of the foster care system, when adop-  
16 tions promote the best interests of children, and shall in-  
17 clude the following:

18 (1) The development of best practice guidelines  
19 for expediting termination of parental rights.

20 (2) Models to encourage the use of concurrent  
21 planning.

22 (3) The development of specialized units and  
23 expertise in moving children toward adoption as a  
24 permanency goal.

1           (4) The development of risk assessment tools to  
2 facilitate early identification of the children who will  
3 be at risk of harm if returned home.

4           (5) Models to encourage the fast tracking of  
5 children who have not attained 1 year of age into  
6 adoptive and pre-adoptive placements.

7           (6) Development of programs that place chil-  
8 dren in pre-adoptive families without waiting for ter-  
9 mination of parental rights.

10           (7) Development of programs to recruit adop-  
11 tive parents.

12 **SEC. 204. ADOPTIONS ACROSS STATE AND COUNTY JURIS-**  
13 **DICTIONS.**

14           (a) **ELIMINATION OF GEOGRAPHIC BARRIERS TO**  
15 **INTERSTATE ADOPTION.**—Section 471(a) of the Social  
16 Security Act (42 U.S.C. 671(a)), as amended by section  
17 106, is amended—

18           (1) by striking “and” at the end of paragraph  
19 (21);

20           (2) by striking the period at the end of para-  
21 graph (22) and inserting “; and”; and

22           (3) by adding at the end the following:

23           “(23) provides that neither the State nor any  
24 other entity in the State that receives funds from

1 the Federal Government and is involved in adoption  
2 or foster care placements may—

3 “(A) deny to any person the opportunity to  
4 become an applicant for custody of a child, li-  
5 censure as a foster or adoptive parent, or for  
6 foster care maintenance payments or adoption  
7 assistance payments under this part on the  
8 basis of the geographic residence of the person  
9 or of the child involved; or

10 “(B) delay or deny the placement of a  
11 child for adoption, into foster care, or in the  
12 child’s original home on the basis of the geo-  
13 graphic residence of an adoptive or foster par-  
14 ent or of the child involved.”.

15 (b) STUDY OF INTERJURISDICTIONAL ADOPTION IS-  
16 SUES.—

17 (1) IN GENERAL.—The Secretary of Health and  
18 Human Services (in this subsection referred to as  
19 the “Secretary”) shall appoint an advisory panel  
20 that shall—

21 (A) study and consider how to improve  
22 procedures and policies to facilitate the timely  
23 and permanent adoptions of children across  
24 State and county jurisdictions;

1 (B) examine, at a minimum, interjurisdic-  
2 tional adoption issues—

3 (i) concerning the recruitment of pro-  
4 spective adoptive families from other  
5 States and counties;

6 (ii) concerning the procedures to  
7 grant reciprocity to prospective adoptive  
8 family home studies from other States and  
9 counties;

10 (iii) arising from a review of the com-  
11 ity and full faith and credit provided to  
12 adoption decrees and termination of paren-  
13 tal rights orders from other States; and

14 (iv) concerning the procedures related  
15 to the administration and implementation  
16 of the Interstate Compact on the Place-  
17 ment of Children; and

18 (C) not later than 12 months after the  
19 final appointment to the advisory panel, submit  
20 to the Secretary the report described in para-  
21 graph (3).

22 (2) COMPOSITION OF ADVISORY PANEL.—In es-  
23 tablishing the advisory panel required under para-  
24 graph (1), the Secretary shall appoint members from  
25 the general public who are individuals knowledgeable

1 on adoption and foster care issues, and with due  
2 consideration to representation of ethnic or racial  
3 minorities and diverse geographic areas, and who, at  
4 a minimum, include the following:

5 (A) Adoptive and foster parents.

6 (B) Public and private child welfare agen-  
7 cies that place children in and out of home  
8 care.

9 (C) Family court judges.

10 (D) Adoption attorneys.

11 (E) An Administrator of the Interstate  
12 Compact on the Placement of Children and an  
13 Administrator of the Interstate Compact on  
14 Adoption and Medical Assistance.

15 (F) A representative cross-section of indi-  
16 viduals from other organizations and individuals  
17 with expertise or advocacy experience in adop-  
18 tion and foster care issues.

19 (3) CONTENTS OF REPORT.—The report re-  
20 quired under paragraph (1)(C) shall include the re-  
21 sults of the study conducted under subparagraphs  
22 (A) and (B) of paragraph (1) and recommendations  
23 on how to improve procedures to facilitate the inter-  
24 jurisdictional adoption of children, including inter-

1 state and intercounty adoptions, so that children will  
2 be assured timely and permanent placements.

3 (4) CONGRESS.—The Secretary shall submit a  
4 copy of the report required under paragraph (1)(C)  
5 to the appropriate committees of Congress, and, if  
6 relevant, make recommendations for proposed legis-  
7 lation.

8 **SEC. 205. FACILITATION OF VOLUNTARY MUTUAL RE-**  
9 **UNIONS BETWEEN ADOPTED ADULTS AND**  
10 **BIRTH PARENTS AND SIBLINGS.**

11 The Secretary of Health and Human Services, at no  
12 net expense to the Federal Government, may use the fa-  
13 cilities of the Department of Health and Human Services  
14 to facilitate the voluntary, mutually requested reunion of  
15 an adult adopted child who is 21 years of age or older  
16 with—

17 (1) any birth parent of the adult child; or

18 (2) any adult adopted sibling who is 21 years  
19 of age or older, of the adult child,

20 if all such persons involved in any such reunion have, on  
21 their own initiative, expressed a desire for a reunion and  
22 agree to keep confidential the name and location of the  
23 other birth parent of the adult adopted child and any other  
24 adult adopted sibling of the adult adopted child.

1 **SEC. 206. ANNUAL REPORT ON STATE PERFORMANCE IN**  
2 **PROTECTING CHILDREN.**

3 (a) IN GENERAL.—Part E of title IV of the Social  
4 Security Act (42 U.S.C. 670 et seq.) is amended by adding  
5 at the end the following:

6 **“SEC. 479A. ANNUAL REPORT.**

7 “(a) IN GENERAL.—The Secretary shall issue an an-  
8 nual report containing ratings of the performance of each  
9 State in protecting children who are placed in foster care,  
10 for adoption, or with a relative or guardian. The report  
11 shall include ratings on outcome measures for categories  
12 related to safety and permanence for children.

13 “(b) OUTCOME MEASURES.—

14 “(1) IN GENERAL.—The Secretary shall develop  
15 a set of outcome measures to be used in preparing  
16 the report.

17 “(2) CATEGORIES.—In developing the outcome  
18 measures, the Secretary shall develop measures that  
19 can track performance over time for the following  
20 categories:

21 “(A) The number of children placed annu-  
22 ally for adoption, the number of placements of  
23 children with special needs, and the number of  
24 children placed permanently in a foster family  
25 home, with a relative, or with a guardian who  
26 is not a relative.

1           “(B) The number of children, including  
2 those with parental rights terminated, that an-  
3 nually leave foster care at the age of majority  
4 without having been adopted or placed with a  
5 guardian.

6           “(C) The median and mean length of stay  
7 of children in foster care, for children with pa-  
8 rental rights terminated, and children for whom  
9 parental rights are retained by the biological or  
10 adoptive parent.

11           “(D) The median and mean length of time  
12 between a child having a plan of adoption and  
13 termination of parental rights, between the  
14 availability of a child for adoption and the  
15 placement of the child in an adoptive family,  
16 and between the placement of the child in such  
17 a family and the finalization of the adoption.

18           “(E) The number of deaths of children in  
19 foster care and other out-of-home care, includ-  
20 ing kinship care, resulting from substantiated  
21 child abuse and neglect.

22           “(F) The specific steps taken by the State  
23 to facilitate permanence for children.

24           “(3) MEASURES.—In developing the outcome  
25 measures, the Secretary shall use data from the

1 Adoption and Foster Care Analysis and Reporting  
2 System established under section 479 to the maxi-  
3 mum extent possible.

4 “(c) RATING SYSTEM.—The Secretary shall develop  
5 a system (including using State census data and poverty  
6 rates) to rate the performance of each State based on the  
7 outcome measures.

8 “(d) INFORMATION.—In order to receive funds under  
9 this part, a State shall annually provide to the Secretary  
10 such adoption, foster care, and guardianship information  
11 as the Secretary may determine to be necessary to issue  
12 the report for the State.

13 “(e) PREPARATION AND ISSUANCE.—On October 1,  
14 1998, and annually thereafter, the Secretary shall pre-  
15 pare, submit to Congress, and issue to the States the re-  
16 port described in subsection (a). Each report shall rate  
17 the performance of a State on each outcome measure de-  
18 veloped under subsection (b), include an explanation of the  
19 rating system developed under subsection (c) and the way  
20 in which scores are determined under the rating system,  
21 analyze high and low performances for the State, and  
22 make recommendations to the State for improvement.”.

23 (b) CONFORMING AMENDMENTS.—Section 471(a) of  
24 the Social Security Act (42 U.S.C. 671(a)), as amended  
25 by section 204(a), is amended—

1 (1) in paragraph (22), by striking “and” at the  
2 end;

3 (2) in paragraph (23), by striking the period  
4 and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(24) provides that the State shall annually  
7 provide to the Secretary the information required  
8 under section 479A.”.

9 **TITLE III—ADDITIONAL**  
10 **IMPROVEMENTS AND REFORMS**

11 **SEC. 301. EXPANSION OF CHILD WELFARE DEMONSTRATION**  
12 **PROJECTS.**

13 Section 1130(a) of the Social Security Act (42 U.S.C.  
14 1320a–9(a)) is amended by striking “10” and inserting  
15 “15”.

16 **SEC. 302. PERMANENCY PLANNING HEARINGS.**

17 Section 475(5)(C) of the Social Security Act (42  
18 U.S.C. 675(5)(C)) is amended—

19 (1) by striking “dispositional” and inserting  
20 “permanency planning”;

21 (2) by striking “no later than” and all that fol-  
22 lows through “12 months” and inserting “not later  
23 than 12 months after the original placement (and  
24 not less frequently than every 6 months”; and

1           (3) by striking “future status of” and all that  
2 follows through “long term basis)” and inserting  
3 “permanency plans for the child (including whether  
4 and, if applicable, when, the child will be returned  
5 to the parent, referred for termination of parental  
6 rights, placed for adoption, or referred for legal  
7 guardianship, or other planned permanent living ar-  
8 rangement)”.

9 **SEC. 303. KINSHIP CARE.**

10 (a) REPORT.—

11           (1) IN GENERAL.—The Secretary of Health and  
12 Human Services shall—

13           (A) not later than March 1, 1998, convene  
14 the advisory panel provided for in subsection  
15 (b)(1) and prepare and submit to the advisory  
16 panel an initial report on the extent to which  
17 children in foster care are placed in the care of  
18 a relative (in this section referred to as “kin-  
19 ship care”); and

20           (B) not later than November 1, 1998, sub-  
21 mit to the Committee on Ways and Means of  
22 the House of Representatives and the Commit-  
23 tee on Finance of the Senate a final report on  
24 the matter described in subparagraph (A),  
25 which shall—

1 (i) be based on the comments submit-  
2 ted by the advisory panel pursuant to sub-  
3 section (b)(2) and other information and  
4 considerations; and

5 (ii) include the policy recommenda-  
6 tions of the Secretary with respect to the  
7 matter.

8 (2) REQUIRED CONTENTS.—Each report re-  
9 quired by paragraph (1) shall—

10 (A) include, to the extent available for each  
11 State, information on—

12 (i) the policy of the State regarding  
13 kinship care;

14 (ii) the characteristics of the kinship  
15 care providers (including age, income, eth-  
16 nicity, and race);

17 (iii) the characteristics of the house-  
18 hold of such providers (such as number of  
19 other persons in the household and family  
20 composition);

21 (iv) how much access to the child is  
22 afforded to the parent from whom the  
23 child has been removed;

1 (v) the cost of, and source of funds  
2 for, kinship care (including any subsidies  
3 such as medicaid and cash assistance);

4 (vi) the goal for a permanent living  
5 arrangement for the child and the actions  
6 being taken by the State to achieve the  
7 goal;

8 (vii) the services being provided to the  
9 parent from whom the child has been re-  
10 moved; and

11 (viii) the services being provided to  
12 the kinship care provider; and

13 (B) specifically note the circumstances or  
14 conditions under which children enter kinship  
15 care.

16 (b) ADVISORY PANEL REVIEW.—

17 (1) IN GENERAL.—The advisory board on child  
18 abuse and neglect established under section 102 of  
19 the Child Abuse Prevention and Treatment Act (42  
20 U.S.C. 5102), or, if on the date of enactment of this  
21 Act such advisory board does not exist, the advisory  
22 panel authorized under paragraph (2), shall review  
23 the report prepared pursuant to subsection (a) and  
24 submit to the Secretary comments on the report not  
25 later than July 1, 1998.

1           (2) AUTHORIZATION FOR APPOINTMENTS.—  
2           Subject to paragraph (1), the Secretary of Health  
3           and Human Services, in consultation with the Chair-  
4           man of the Committee on Ways and Means of the  
5           House of Representatives and the Chairman of the  
6           Committee on Finance of the Senate, may appoint  
7           an advisory board for the purpose of reviewing and  
8           commenting on the report prepared pursuant to sub-  
9           section (a). Such advisory board shall include par-  
10          ents, foster parents, former foster children, State  
11          and local public officials responsible for administer-  
12          ing child welfare programs, private persons involved  
13          in the delivery of child welfare services, representa-  
14          tives of tribal governments and tribal courts, judges,  
15          and academic experts.

16 **SEC. 304. STANDBY GUARDIANSHIP.**

17          It is the sense of Congress that the States should  
18          have in effect laws and procedures that permit any parent  
19          who is chronically ill or near death, without surrendering  
20          parental rights, to designate a standby guardian for the  
21          parent's minor children, whose authority would take effect  
22          upon—

- 23                   (1) the death of the parent;  
24                   (2) the mental incapacity of the parent; or

1           (3) the physical debilitation and consent of the  
2           parent.

3 **SEC. 305. CLARIFICATION OF ELIGIBLE POPULATION FOR**  
4 **INDEPENDENT LIVING SERVICES.**

5           Section 477(a)(2)(A) of the Social Security Act (42  
6 U.S.C. 677(a)(2)(A)) is amended by inserting “(including  
7 children with respect to whom such payments are no  
8 longer being made because the child has accumulated as-  
9 sets, not to exceed \$5,000, which are otherwise regarded  
10 as resources for purposes of determining eligibility for  
11 benefits under this part)” before the comma.

12 **SEC. 306. COORDINATION AND COLLABORATION OF SUB-**  
13 **STANCE ABUSE TREATMENT AND CHILD PRO-**  
14 **TECTION SERVICES.**

15           (a) STUDY AND REPORT ON SOURCES OF SUPPORT  
16 FOR SUBSTANCE ABUSE PREVENTION AND TREATMENT  
17 FOR PARENTS AND CHILDREN AND COLLABORATION  
18 AMONG STATE AGENCIES.—

19           (1) STUDY.—Not later than 12 months after  
20           the date of the enactment of this Act, the Comptrol-  
21           ler General of the United States shall—

22                   (A) prepare an inventory of all Federal  
23                   and State programs that may provide funds for  
24                   substance abuse prevention and treatment serv-  
25                   ices for families receiving services directly or

1 through grants or contracts from public child  
2 welfare agencies; and

3 (B) examine—

4 (i) the availability and results of joint  
5 prevention and treatment activities con-  
6 ducted by State substance abuse preven-  
7 tion and treatment agencies and State  
8 child welfare agencies; and

9 (ii) how such agencies (jointly or sepa-  
10 rately) are responding to and addressing  
11 the needs of infants who are exposed to  
12 substance abuse.

13 (2) REPORT TO CONGRESS.—Not later than 18  
14 months after the date of enactment of this Act, the  
15 Comptroller General of the United States shall sub-  
16 mit to the appropriate committees of Congress a re-  
17 port on the study conducted under paragraph (1).  
18 Such report shall include—

19 (A) a description of the extent to which cli-  
20 ents of child welfare agencies have substance  
21 abuse treatment needs, the nature of those  
22 needs, and the extent to which those needs are  
23 being met;

24 (B) a description of the barriers that pre-  
25 vent the substance abuse treatment needs of cli-

1           ents of child welfare agencies from being treat-  
2           ed appropriately;

3                   (C) a description of the collaborative activi-  
4           ties of State child welfare and substance abuse  
5           prevention and treatment agencies to jointly as-  
6           sess clients' needs, fund substance abuse pre-  
7           vention and treatment, train and consult with  
8           staff, and evaluate the effectiveness of pro-  
9           grams serving clients in both agencies' case-  
10          loads;

11                   (D) a summary of the available data on  
12          the treatment and cost-effectiveness of sub-  
13          stance abuse treatment services for clients of  
14          child welfare agencies; and

15                   (E) recommendations, including rec-  
16          ommendations for Federal legislation, for ad-  
17          dressing the needs and barriers, as described in  
18          subparagraphs (A) and (B), and for promoting  
19          further collaboration of the State child welfare  
20          and substance abuse prevention and treatment  
21          agencies in meeting the substance abuse treat-  
22          ment needs of families.

23          (b) PRIORITY IN PROVIDING SUBSTANCE ABUSE  
24          TREATMENT.—Section 1927 of the Public Health Service  
25          Act (42 U.S.C. 300x-27) is amended—

1 (1) in the heading, by inserting “**AND CARE-**  
2 **TAKER PARENTS**” after “**WOMEN**”; and

3 (2) in subsection (a)—

4 (A) in paragraph (1)—

5 (i) by inserting “all caretaker parents  
6 who are referred for treatment by the  
7 State or local child welfare agency and  
8 who” after “referred for and”; and

9 (ii) by striking “is given” and insert-  
10 ing “are given”; and

11 (B) in paragraph (2)—

12 (i) by striking “such women” and in-  
13 serting “such pregnant women and care-  
14 taker parents”; and

15 (ii) by striking “the women” and in-  
16 serting “the pregnant women and care-  
17 taker parents”.

18 (c) FOSTER CARE PAYMENTS FOR CHILDREN WITH  
19 PARENTS IN RESIDENTIAL FACILITIES.—Section 472(b)  
20 of the Social Security Act (42 U.S.C. 672(b)) is amend-  
21 ed—

22 (1) in paragraph (1), by striking “or” at the  
23 end;

24 (2) in paragraph (2), by striking the period and  
25 inserting “, or”; and

1 (3) by adding at the end the following:

2 “(3) placed with the child’s parent in a residen-  
3 tial program that provides treatment and other nec-  
4 essary services for parents and children, including  
5 parenting services, when—

6 “(A) the parent is attempting to over-  
7 come—

8 “(i) a substance abuse problem and is  
9 complying with an approved treatment  
10 plan;

11 “(ii) being a victim of domestic vio-  
12 lence;

13 “(iii) homelessness;

14 “(iv) special needs resulting from  
15 being a teenage parent; or

16 “(v) post-partum depression;

17 “(B) the safety of the child can be assured;

18 “(C) the range of services provided by the  
19 program is designed to appropriately address  
20 the needs of the parent and child;

21 “(D) the goal of the case plan for the child  
22 is to try to reunify the child with the family  
23 within a specified period of time;

24 “(E) the parent described in subparagraph  
25 (A)(i) has not previously been treated in a resi-

1           dential program serving parents and their chil-  
2           dren together; and

3           “(F) the amount of foster care mainte-  
4           nance payments made to the residential pro-  
5           gram on behalf of such child do not exceed the  
6           amount of such payments that would otherwise  
7           be made on behalf of the child.”.

8   **SEC. 307. REAUTHORIZATION AND EXPANSION OF FAMILY**  
9                           **PRESERVATION AND SUPPORT SERVICES.**

10           (a) REAUTHORIZATION OF FAMILY PRESERVATION  
11   AND SUPPORT SERVICES.—

12           (1) IN GENERAL.—Section 430(b) of the Social  
13   Security Act (42 U.S.C. 629(b)) is amended—

14           (A) in paragraph (4), by striking “or” at  
15   the end;

16           (B) in paragraph (5), by striking the pe-  
17   riod and inserting a semicolon; and

18           (C) by adding at the end the following:

19           “(6) for fiscal year 1999, \$275,000,000;

20           “(7) for fiscal year 2000, \$295,000,000;

21           “(8) for fiscal year 2001, \$315,000,000;

22           “(9) for fiscal year 2002, \$335,000,000; and

23           “(10) for fiscal year 2003, \$355,000,000.”.

24           (2) CONFORMING AMENDMENT.—Section  
25   430(d)(1) of the Social Security Act (42 U.S.C.

1       630(d)(1)) is amended by striking “and 1998” and  
2       inserting “1998, 1999, 2000, 2001, 2002, and  
3       2003”.

4       (b) EXPANSION FOR TIME-LIMITED FAMILY REUNI-  
5       FICATION SERVICES.—

6               (1) ADDITION TO STATE PLAN; MINIMUM  
7       SPENDING REQUIREMENT.—Section 432 of the So-  
8       cial Security Act (42 U.S.C. 629b) is amended—

9               (A) in subsection (a)—

10                       (i) in paragraph (4), by striking “and  
11                       community-based family support services  
12                       with significant portions” and inserting “,  
13                       community-based family support services,  
14                       and time-limited family reunification serv-  
15                       ices, with not less than 25 percent”; and

16                       (ii) in paragraph (5)(A), by striking  
17                       “and community-based family support  
18                       services” and inserting “, community-based  
19                       family support services, and time-limited  
20                       family reunification services”; and

21               (B) in subsection (b)(1), by striking “and  
22       family support” and inserting “, family sup-  
23       port, and family reunification services”.

1           (2) DEFINITION OF TIME-LIMITED FAMILY RE-  
2 UNIFICATION SERVICES.—Section 431(a) of the So-  
3 cial Security Act (42 U.S.C. 631(a)) is amended—

4           (A) by redesignating paragraphs (5) and  
5 (6) as paragraphs (6) and (7), respectively; and

6           (B) by inserting after paragraph (4) the  
7 following:

8           “(5) TIME-LIMITED FAMILY REUNIFICATION  
9 SERVICES.—

10           “(A) IN GENERAL.—The term ‘time-lim-  
11 ited family reunification services’ means the  
12 services and activities described in subpara-  
13 graph (B) that are provided to a child that is  
14 removed from the child’s home and placed in a  
15 foster family home or a child care institution  
16 and to the parents or primary caregiver of such  
17 a child, in order to facilitate the reunification of  
18 the child safely and appropriately within a time-  
19 ly fashion, but only during the 1-year period  
20 that begins on the date that the child is re-  
21 moved from the child’s home.

22           “(B) SERVICES AND ACTIVITIES DE-  
23 SCRIBED.—The services and activities described  
24 in this subparagraph are the following:

1           “(i) Individual, group, and family  
2           counseling.

3           “(ii) Inpatient, residential, or out-  
4           patient substance abuse treatment services.

5           “(iii) Mental health services.

6           “(iv) Assistance to address domestic  
7           violence.

8           “(v) Transportation to or from any of  
9           the services and activities described in this  
10          subparagraph.”.

11          (3) ADDITIONAL CONFORMING AMENDMENTS.—

12           (A) PURPOSES.—Section 430(a) of the So-  
13          cial Security Act (42 U.S.C. 629(a)) is amend-  
14          ed by striking “and community-based family  
15          support services” and inserting “, community-  
16          based family support services, and time-limited  
17          family reunification services”.

18           (B) EVALUATIONS.—Subparagraphs (B)  
19          and (C) of section 435(a)(2) of the Social Secu-  
20          rity Act (42 U.S.C. 629d(a)(2)) are each  
21          amended by striking “and family support” each  
22          place it appears and inserting “, family support,  
23          and family reunification”.

1 **SEC. 308. INNOVATION GRANTS TO REDUCE BACKLOGS OF**  
2 **CHILDREN AWAITING ADOPTION AND FOR**  
3 **OTHER PURPOSES.**

4 Part E of title IV of the Social Security Act (42  
5 U.S.C. 670 et seq.) is amended by inserting after section  
6 477, the following:

7 **“SEC. 478. INNOVATION GRANTS.**

8 “(a) **AUTHORITY TO MAKE GRANTS.**—The Secretary  
9 may make grants, in amounts determined by the Sec-  
10 retary, to States with approved applications described in  
11 subsection (c), for the purpose of carrying out the innova-  
12 tion projects described in subsection (b).

13 “(b) **INNOVATION PROJECTS DESCRIBED.**—The in-  
14 novation projects described in this subsection are projects  
15 that are designed to achieve 1 or more of the following  
16 goals:

17 “(1) Reducing a backlog of children in long-  
18 term foster care or awaiting adoption placement.

19 “(2) Ensuring, not later than 1 year after a  
20 child enters foster care, a permanent placement for  
21 the child.

22 “(3) Identifying and addressing barriers that  
23 result in delays to permanent placements for chil-  
24 dren in foster care, including inadequate representa-  
25 tion of child welfare agencies in termination of pa-

1 rental rights and adoption proceedings, and other  
2 barriers to termination of parental rights.

3 “(4) Implementing or expanding community-  
4 based permanency initiatives, particularly in commu-  
5 nities where families reflect the ethnic and racial di-  
6 versity of children in the State for whom foster and  
7 adoptive homes are needed.

8 “(5) Developing and implementing community-  
9 based child protection activities that involve partner-  
10 ships among State and local governments, multiple  
11 child-serving agencies, the schools, and community  
12 leaders in an attempt to keep children free from  
13 abuse and neglect.

14 “(6) Establishing new partnerships with busi-  
15 nesses and religious organizations to promote safety  
16 and permanence for children.

17 “(7) Assisting in the development and imple-  
18 mentation of the State guidelines described in sec-  
19 tion 471(a)(10).

20 “(8) Developing new staffing approaches to  
21 allow the resources of several States to be used to  
22 conduct recruitment, placement, adoption, and post-  
23 adoption services on a regional basis.

24 “(9) Any other goal that the Secretary specifies  
25 by regulation.

1       “(c) APPLICATION.—An application for a grant  
2 under this section may be submitted for fiscal year 1998  
3 or 1999 and shall contain—

4           “(1) a plan, in such form and manner as the  
5 Secretary may prescribe, for an innovation project  
6 described in subsection (b) that will be implemented  
7 by the State for a period of not more than 5 con-  
8 secutive fiscal years, beginning with fiscal year 1998  
9 or 1999, as applicable;

10          “(2) an assurance that no waivers from provi-  
11 sions in law, as in effect at the time of the submis-  
12 sion of the application, are required to implement  
13 the innovation project; and

14          “(3) such other information as the Secretary  
15 may require by regulation.

16       “(d) DURATION.—An innovation project approved  
17 under this section shall be conducted for not more than  
18 5 consecutive fiscal years, except that the Secretary may  
19 terminate a project before the end of the period originally  
20 approved if the Secretary determines that the State con-  
21 ducting the project is not in compliance with the terms  
22 of the plan and application approved by the Secretary  
23 under this section.

24       “(e) MATCHING REQUIREMENT.—A State shall not  
25 receive a grant under this section unless, for each year

1 for which a grant is awarded, the State agrees to match  
2 the grant with \$1 for every \$3 received.

3 “(f) NONSUPPLANTING.—Any funds received by a  
4 State under a grant made under this section shall supple-  
5 ment but not replace any other funds that may be avail-  
6 able for the same purpose in the localities involved.

7 “(g) EVALUATIONS AND REPORTS.—

8 “(1) STATE EVALUATIONS.—Each State admin-  
9 istering an innovation project under this section  
10 shall—

11 “(A) provide for ongoing and retrospective  
12 evaluation of the project, meeting such condi-  
13 tions and standards as the Secretary may re-  
14 quire; and

15 “(B) submit to the Secretary such reports,  
16 at such times, in such format, and containing  
17 such information as the Secretary may require.

18 “(2) REPORTS TO CONGRESS.—The Secretary  
19 shall, on the basis of reports received from States  
20 administering projects under this section, submit in-  
21 terim reports, and, not later than 6 months after the  
22 conclusion of all projects administered under this  
23 section, a final report to Congress. A report submit-  
24 ted under this subparagraph shall contain an assess-  
25 ment of the effectiveness of the State projects ad-

1 ministered under this section and any recommenda-  
2 tions for legislative action that the Secretary consid-  
3 ers appropriate.

4 “(h) REGULATIONS.—Not later than 60 days after  
5 the date of enactment of this section, the Secretary shall  
6 promulgate final regulations for implementing this section.

7 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to be appropriated to make grants under this  
9 section not more than \$50,000,000 for each of fiscal years  
10 1998 through 2003.”.

## 11 **TITLE IV—MISCELLANEOUS**

### 12 **SEC. 401. PRESERVATION OF REASONABLE PARENTING.**

13 Nothing in this Act is intended to disrupt the family  
14 unnecessarily or to intrude inappropriately into family life,  
15 to prohibit the use of reasonable methods of parental dis-  
16 cipline, or to prescribe a particular method of parenting.

### 17 **SEC. 402. REPORTING REQUIREMENTS.**

18 Any information required to be reported under this  
19 Act shall be supplied to the Secretary of Health and  
20 Human Services through data meeting the requirements  
21 of the Adoption and Foster Care Analysis and Reporting  
22 System established pursuant to section 479 of the Social  
23 Security Act (42 U.S.C. 679), to the extent such data is  
24 available under that system. The Secretary shall make  
25 such modifications to regulations issued under section 479

1 of such Act with respect to the Adoption and Foster Care  
2 Analysis and Reporting System as may be necessary to  
3 allow States to obtain data that meets the requirements  
4 of such system in order to satisfy the reporting require-  
5 ments of this Act.

6 **SEC. 403. REPORT ON FIDUCIARY OBLIGATIONS OF STATE**  
7 **AGENCIES RECEIVING SSI PAYMENTS.**

8 Not later than 12 months after the date of enactment  
9 of this Act, the Commissioner of Social Security shall sub-  
10 mit a report to the Committee on Ways and Means of the  
11 House of Representatives and the Committee on Finance  
12 of the Senate concerning State or local child welfare serv-  
13 ice agencies that act as representative payees on behalf  
14 of children under the care of such agencies for purposes  
15 of receiving supplemental security income payments under  
16 title XVI of the Social Security Act (42 U.S.C. 1381 et  
17 seq.) (including supplementary payments pursuant to an  
18 agreement for Federal administration under section  
19 1616(a) of the Social Security Act and payments pursuant  
20 to an agreement entered into under section 212(b) of Pub-  
21 lic Law 93-66) for the benefit of such children. Such re-  
22 port shall include an examination of the extent to which  
23 such agencies—

1           (1) have complied with the fiduciary responsibil-  
2           ities attendant to acting as a representative payee  
3           under title XVI of such Act; and

4           (2) have received supplemental security income  
5           payments on behalf of children that the agencies  
6           cannot identify or locate, and if so, the disposition  
7           of such payments.

8 **SEC. 404. ALLOCATION OF ADMINISTRATIVE COSTS OF DE-**  
9                                   **TERMINING ELIGIBILITY FOR MEDICAID AND**  
10                                  **TANF.**

11           (a) MEDICAID.—Section 1903 of the Social Security  
12 Act (42 U.S.C. 1396b) is amended—

13           (1) in subsection (a)(7), by striking “section  
14           1919(g)(3)(B)” and inserting “subsection (x) and  
15           section 1919(g)(3)(C)”; and

16           (2) by adding at the end the following:

17           “(x)(1) Notwithstanding any other provision of law,  
18 for purposes of determining the amount to be paid to a  
19 State under subsection (a)(7) for quarters in any fiscal  
20 year, beginning with fiscal year 1997, amounts expended  
21 for the proper and efficient administration of the State  
22 plan under this title (including under any waiver of such  
23 plan) shall not include common costs related to determin-  
24 ing the eligibility under such State plan (or waiver) of in-  
25 dividuals in a household applying for or receiving benefits

1 under the State program under part A of title IV unless  
2 the State elects the option described in paragraph (2).

3 “(2) A State that meets the requirements of para-  
4 graph (3) may elect to allocate equally between the State  
5 program under part A of title IV and the State plan under  
6 this title (including any waiver of such plan) the adminis-  
7 trative costs associated with such programs that are in-  
8 curred in serving households and individuals eligible or ap-  
9 plying for benefits under the State program under part  
10 A of title IV and under the State plan (or under a waiver  
11 of such plan) under this title.

12 “(3) A State meets the requirements of this para-  
13 graph if the Secretary determines that—

14 “(A) the State conforms the eligibility rules and  
15 procedures of, and integrates the administration of  
16 the eligibility procedures of, the State program fund-  
17 ed under part A of title IV and the State plan under  
18 this title (including any waiver of such plan); and

19 “(B) the State uses the same application form  
20 for assistance described in section 1931(e).”.

21 (b) TANF.—

22 (1) IN GENERAL.—Section 408(a) of the Social  
23 Security Act (42 U.S.C. 608(a)) is amended by add-  
24 ing at the end the following:

1           “(12) DESIGNATION OF GRANTS UNDER THIS  
 2           PART IN ALLOCATING ADMINISTRATIVE COSTS.—  
 3           Subject to section 1903(x), a State to which a grant  
 4           is made under section 403 shall designate the pro-  
 5           gram funded under this part as the primary pro-  
 6           gram for the purpose of allocating common adminis-  
 7           trative costs incurred in serving households eligible  
 8           or applying for benefits under such program and any  
 9           other Federal means-tested public benefit program  
 10          administered by the State.”.

11           (2) EFFECTIVE DATE.—The amendment made  
 12          by paragraph (1) to section 408 of the Social Secu-  
 13          rity Act (42 U.S.C. 608) shall take effect as if in-  
 14          cluded in the enactment of section 103(a) of the  
 15          Personal Responsibility and Work Opportunity Rec-  
 16          onciliation Act of 1996 (Public Law 104–193; 110  
 17          Stat. 2112).

## 18           **TITLE V—EFFECTIVE DATE**

### 19          **SEC. 501. EFFECTIVE DATE.**

20           (a) IN GENERAL.—Except as otherwise provided in  
 21          this Act, the amendments made by this Act shall take ef-  
 22          fect on October 1, 1997.

23           (b) DELAY PERMITTED IF STATE LEGISLATION RE-  
 24          QUIRED.—In the case of a State plan under part B or  
 25          E of title IV of the Social Security Act which the Secretary

1 of Health and Human Services determines requires State  
2 legislation (other than legislation appropriating funds) in  
3 order for the plan to meet the additional requirements im-  
4 posed by the amendments made by this Act, the State plan  
5 shall not be regarded as failing to comply with the require-  
6 ments of such part solely on the basis of the failure of  
7 the plan to meet such additional requirements before the  
8 first day of the first calendar quarter beginning after the  
9 close of the first regular session of the State legislature  
10 that begins after the date of the enactment of this Act.  
11 For purposes of the previous sentence, in the case of a  
12 State that has a 2-year legislative session, each year of  
13 such session shall be deemed to be a separate regular ses-  
14 sion of the State legislature.

○