

113TH CONGRESS
1ST SESSION

S. _____

To reauthorize and restructure the adoption incentives grant program, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To reauthorize and restructure the adoption incentives grant
program, 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 “Strengthening And
5 Finding Families for Children Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—ADOPTION INCENTIVES GRANT PROGRAM

- Sec. 101. Extension of program through fiscal year 2016.
- Sec. 102. Improvements to award structure.

- Sec. 103. Renaming of program.
Sec. 104. Limitations on use of incentive payments.
Sec. 105. State report on calculation and use of savings resulting from the phase-out of eligibility requirements for adoption assistance; requirement to spend 40 percent of savings on certain services.
Sec. 106. Preservation of eligibility for kinship guardianship assistance payments with a successor guardian.
Sec. 107. Effective dates.

TITLE II—EXTENSION OF FAMILY CONNECTION GRANT PROGRAM

- Sec. 201. Extension of family connection grant program.

TITLE III—MISCELLANEOUS

- Sec. 301. Determination of budgetary effects.

1 **TITLE I—ADOPTION INCENTIVES**
2 **GRANT PROGRAM**

3 **SEC. 101. EXTENSION OF PROGRAM THROUGH FISCAL**
4 **YEAR 2016.**

5 Section 473A of the Social Security Act (42 U.S.C.
6 673b) is amended—

7 (1) in subsection (b)(5), by striking “2008
8 through 2012” and inserting “2013 through 2015”;
9 and

10 (2) in each of paragraphs (1)(D) and (2) of
11 subsection (h), by striking “2013” and inserting
12 “2016”.

13 **SEC. 102. IMPROVEMENTS TO AWARD STRUCTURE.**

14 (a) ELIGIBILITY FOR AWARD.—Section 473A(b) of
15 the Social Security Act (42 U.S.C. 673b(b)) is amended
16 by striking paragraph (2) and redesignating paragraphs
17 (3) through (5) as paragraphs (2) through (4), respec-
18 tively.

1 (b) DATA REQUIREMENTS.—Section 473A(c)(2) of
2 such Act (42 U.S.C. 673b(c)(2)) is amended—

3 (1) in the paragraph heading, by striking
4 “NUMBERS OF ADOPTIONS” and inserting “RATES
5 OF ADOPTIONS AND GUARDIANSHIPS”; and

6 (2) by striking “the numbers” and all that fol-
7 lows through “section,” and inserting “each of the
8 rates required to be determined under this section
9 with respect to a State and a fiscal year,”.

10 (c) AWARD AMOUNT.—Section 473A(d) of such Act
11 (42 U.S.C. 673b(d)) is amended—

12 (1) in paragraph (1)—

13 (A) by striking “paragraphs (2) and (3)”
14 and inserting “paragraph (2)”; and

15 (B) by striking subparagraphs (A) through
16 (C) and inserting the following:

17 “(A) \$4,000, multiplied by the amount (if
18 any) by which—

19 “(i) the number of foster child adop-
20 tions in the State during the fiscal year;
21 exceeds

22 “(ii) the product (rounded to the
23 nearest whole number) of—

1 “(I) the base rate of foster child
2 adoptions for the State for the fiscal
3 year; and

4 “(II) the number of children in
5 foster care under the supervision of
6 the State on the last day of the pre-
7 ceding fiscal year;

8 “(B) \$8,000, multiplied by the amount (if
9 any) by which—

10 “(i) the number of older child adop-
11 tions and older foster child guardianships
12 in the State during the fiscal year; exceeds

13 “(ii) the product (rounded to the
14 nearest whole number) of—

15 “(I) the base rate of older child
16 adoptions and older foster child
17 guardianships for the State for the
18 fiscal year; and

19 “(II) the number of children in
20 foster care under the supervision of
21 the State on the last day of the pre-
22 ceding fiscal year who have attained
23 age 9;

24 “(C) \$4,500, multiplied by the amount (if
25 any) by which—

1 “(i) the number of special needs adop-
2 tions that are not older child adoptions in
3 the State during the fiscal year; exceeds

4 “(ii) the product (rounded to the
5 nearest whole number) of—

6 “(I) the base rate of special
7 needs adoptions that are not older
8 child adoptions for the State for the
9 fiscal year; and

10 “(II) the number of children in
11 foster care under the supervision of
12 the State on the last day of the pre-
13 ceding fiscal year who have not at-
14 tained age 9; and

15 “(D) \$4,000, multiplied by the amount (if
16 any) by which—

17 “(i) the number of foster child
18 guardianships in the State during the fis-
19 cal year; exceeds

20 “(ii) the product (rounded to the
21 nearest whole number) of—

22 “(I) the base rate of foster child
23 guardianships for the State for the
24 fiscal year; and

1 “(II) the number of children in
2 foster care under the supervision of
3 the State on the last day of the pre-
4 ceding fiscal year.”; and

5 (2) by striking paragraph (3).

6 (d) DEFINITIONS.—Section 473A(g) of such Act (42
7 U.S.C. 673b(g)) is amended by striking paragraphs (1)
8 through (8) and inserting the following:

9 “(1) FOSTER CHILD ADOPTION RATE.—The
10 term ‘foster child adoption rate’ means, with respect
11 to a State and a fiscal year, the percentage deter-
12 mined by dividing—

13 “(A) the number of foster child adoptions
14 finalized in the State during the fiscal year; by

15 “(B) the number of children in foster care
16 under the supervision of the State on the last
17 day of the preceding fiscal year.

18 “(2) BASE RATE OF FOSTER CHILD ADOP-
19 TIONS.—The term ‘base rate of foster child adop-
20 tions’ means, with respect to a State and a fiscal
21 year, the average of the foster child adoption rate
22 for the State for the immediately preceding 3 fiscal
23 years.

24 “(3) FOSTER CHILD ADOPTION.—The term
25 ‘foster child adoption’ means the final adoption of a

1 child who, at the time of adoptive placement, was in
2 foster care under the supervision of the State.

3 “(4) SPECIAL NEEDS ADOPTIONS THAT ARE
4 NOT OLDER CHILD ADOPTIONS RATE.—The term
5 ‘special needs adoptions that are not older child
6 adoptions rate’ means, with respect to a State and
7 a fiscal year, the percentage determined by divid-
8 ing—

9 “(A) the number of special needs adoptions
10 that are not older child adoptions finalized in
11 the State during the fiscal year; by

12 “(B) the number of children in foster care
13 under the supervision of the State on the last
14 day of the preceding fiscal year who have not
15 attained age 9.

16 “(5) BASE RATE OF SPECIAL NEEDS ADOP-
17 TIONS THAT ARE NOT OLDER CHILD ADOPTIONS.—
18 The term ‘base rate of special needs adoptions that
19 are not older child adoptions’ means, with respect to
20 a State and a fiscal year, the average of the special
21 needs adoptions that are not older child adoptions
22 rate for the State for the immediately preceding 3
23 fiscal years.

24 “(6) SPECIAL NEEDS ADOPTION THAT ARE NOT
25 OLDER CHILD ADOPTIONS.—The term ‘special needs

1 adoption that are not older child adoptions’ means
2 the final adoption of a child who has not attained
3 age 9 and for whom an adoption assistance agree-
4 ment is in effect under section 473.

5 “(7) OLDER CHILD ADOPTION AND OLDER FOS-
6 TER CHILD GUARDIANSHIP RATE.—The term ‘older
7 child adoption and older foster child guardianship
8 rate’ means, with respect to a State and a fiscal
9 year, the percentage determined by dividing—

10 “(A) the number of older child adoptions
11 and older foster child guardianships finalized in
12 the State during the fiscal year; by

13 “(B) the number of children in foster care
14 under the supervision of the State on the last
15 day of the preceding fiscal year, who have at-
16 tained 9 years of age.

17 “(8) BASE RATE OF OLDER CHILD ADOPTIONS
18 AND OLDER FOSTER CHILD GUARDIANSHIPS.—The
19 term ‘base rate of older child adoptions and older
20 foster child guardianships’ means, with respect to a
21 State and a fiscal year, the average of the older
22 child adoption and older foster child guardianship
23 rate for the State for the immediately preceding 3
24 fiscal years.

1 “(9) OLDER CHILD ADOPTIONS AND OLDER
2 FOSTER CHILD GUARDIANSHIPS.—The term ‘older
3 child adoptions and older foster child guardianships’
4 means the final adoption, or the placement into legal
5 guardianship, of a child who has attained 9 years of
6 age if—

7 “(A) at the time of the adoptive or legal
8 guardianship placement, the child was in foster
9 care under the supervision of the State; or

10 “(B) an adoption assistance agreement
11 was in effect under section 473 with respect to
12 the child.

13 “(10) FOSTER CHILD GUARDIANSHIP RATE.—
14 The term ‘foster child guardianship rate’ means,
15 with respect to a State and a fiscal year, the per-
16 centage determined by dividing—

17 “(A) the number of foster child
18 guardianships that occurred in the State during
19 the fiscal year; by

20 “(B) the number of children in foster care
21 under the supervision of the State on the last
22 day of the preceding fiscal year.

23 “(11) BASE RATE OF FOSTER CHILD
24 GUARDIANSHIPS.—The term ‘base rate of foster
25 child guardianships’ means, with respect to a State

1 and a fiscal year, the average of the foster child
2 guardianship rate for the State for the immediately
3 preceding 3 fiscal years.

4 “(12) FOSTER CHILD GUARDIANSHIP.—The
5 term ‘foster child guardianship’ means, with respect
6 to a State, the exit of a child from foster care under
7 the responsibility of the State to live with a legal
8 guardian, if the State has reported to the Sec-
9 retary—

10 “(A) that the State agency has determined
11 that—

12 “(i) the child has been removed from
13 his or her home pursuant to a voluntary
14 placement agreement or as a result of a ju-
15 dicial determination to the effect that con-
16 tinuation in the home would be contrary to
17 the welfare of the child;

18 “(ii) being returned home is not an
19 appropriate option for the child;

20 “(iii) the child demonstrates a strong
21 attachment to the prospective legal guard-
22 ian, and the prospective legal guardian has
23 a strong commitment to caring perma-
24 nently for the child; and

1 “(iv) if the child has attained 14 years
2 of age, the child has been consulted re-
3 garding the legal guardianship arrange-
4 ment; or

5 “(B) the alternative procedures used by
6 the State to determine that legal guardianship
7 is the appropriate option for the child.”.

8 **SEC. 103. RENAMING OF PROGRAM.**

9 (a) IN GENERAL.—The section heading of section
10 473A of the Social Security Act (42 U.S.C. 673b) is
11 amended to read as follows:

12 **“SEC. 473A. ADOPTION AND LEGAL GUARDIANSHIP INCEN-
13 TIVE PAYMENTS.”.**

14 (b) CONFORMING AMENDMENTS.—

15 (1) Section 473A of such Act is amended in
16 each of subsections (a), (d)(1), (d)(2)(A), and
17 (d)(2)(B) (42 U.S.C. 673b(a), (d)(1), (d)(2)(A), and
18 (d)(2)(B)) by inserting “and legal guardianship”
19 after “adoption” each place it appears.

20 (2) The heading of section 473A(d) of such Act
21 (42 U.S.C. 673b(d)) is amended by inserting “AND
22 LEGAL GUARDIANSHIP” after “ADOPTION”.

23 **SEC. 104. LIMITATIONS ON USE OF INCENTIVE PAYMENTS.**

24 Section 473A(f) of the Social Security Act (42 U.S.C.
25 673b(f)) is amended—

1 (1) in the 1st sentence, by inserting “, and
2 shall use the amount to supplement, and not sup-
3 plant, any Federal or non-Federal funds used to
4 provide any service under part B or E” before the
5 period;

6 (2) by inserting after the 1st sentence, the fol-
7 lowing: “At least 25 percent of the amount paid to
8 a State under this section for a fiscal year shall be
9 used to provide services for children, including
10 emancipated children, who have been reunified with
11 their family to support and sustain their reunifica-
12 tion.”; and

13 (3) by striking “the preceding sentence” and in-
14 serting “this subsection”.

15 **SEC. 105. STATE REPORT ON CALCULATION AND USE OF**
16 **SAVINGS RESULTING FROM THE PHASE-OUT**
17 **OF ELIGIBILITY REQUIREMENTS FOR ADOPTI-**
18 **ON ASSISTANCE; REQUIREMENT TO SPEND**
19 **40 PERCENT OF SAVINGS ON CERTAIN SERV-**
20 **ICES.**

21 Section 473(a)(8) of the Social Security Act (42
22 U.S.C. 673(a)(8)) is amended to read as follows:

23 “(8)(A) A State shall calculate the savings (if any)
24 resulting from the application of paragraph (2)(A)(ii) to
25 all applicable children for a fiscal year, using a method-

1 ology specified by the Secretary or an alternate method-
2 ology proposed by the State and approved by the Sec-
3 retary.

4 “(B) A State shall annually report to the Secretary—

5 “(i) the methodology used to make the calcula-
6 tion described in subparagraph (A), without regard
7 to whether any savings are found;

8 “(ii) the amount of any savings referred to in
9 subparagraph (A); and

10 “(iii) how any such savings are spent, account-
11 ing for and reporting the spending separately from
12 any other spending reported to the Secretary under
13 part B or E.

14 “(C) The Secretary shall make all information re-
15 ported pursuant to subparagraph (B) available on the
16 website of the Department of Health and Human Services
17 in a location easily accessible to the public.

18 “(D)(i) A State shall spend an amount equal to the
19 amount of the savings (if any) in State expenditures under
20 this part resulting from the application of paragraph
21 (2)(A)(ii) to all applicable children for a fiscal year, to
22 provide to children of families any service that may be pro-
23 vided under this part or part B, and shall spend not less
24 than 40 percent of any such savings on—

1 “(I) post-adoption or post-guardianship services
2 (as applicable) for children placed in adoptive, kin-
3 ship guardianship, or guardianship placements and
4 their families; and

5 “(II) services to support and sustain positive
6 permanent outcomes for children who otherwise
7 might enter into foster care under the responsibility
8 of the State.

9 “(ii) Any spending by a State in accordance with this
10 subparagraph shall be used to supplement, and not sup-
11 plant, any Federal or non-Federal funds used to provide
12 any service under part B or E.”.

13 **SEC. 106. PRESERVATION OF ELIGIBILITY FOR KINSHIP**
14 **GUARDIANSHIP ASSISTANCE PAYMENTS**
15 **WITH A SUCCESSOR GUARDIAN.**

16 Section 473(d)(3) of the Social Security Act (42
17 U.S.C. 673(d)(3)) is amended by adding at the end the
18 following:

19 “(C) ELIGIBILITY NOT AFFECTED BY RE-
20 PLACEMENT OF GUARDIAN WITH A SUCCESSOR
21 GUARDIAN.—In the event of the death or inca-
22 pacity of the relative guardian, the eligibility of
23 a child for a kinship guardianship assistance
24 payment under this subsection shall not be af-
25 fected by reason of the replacement of the rel-

1 by section 102 of this Act had not taken
2 effect; and

3 (ii) the total amount that would be
4 payable to the State under such section for
5 fiscal year 2014 in the absence of this
6 paragraph.

7 (B) PRO RATA ADJUSTMENT IF INSUFFI-
8 CIENT FUNDS AVAILABLE.—If the total amount
9 otherwise payable under subparagraph (A) for
10 fiscal year 2014 exceeds the amount appro-
11 priated pursuant to section 473A(h) of the So-
12 cial Security Act (42 U.S.C. 673b(h)) for that
13 fiscal year, the amount payable to each State
14 under subparagraph (A) for fiscal year 2014
15 shall be—

16 (i) the amount that would otherwise
17 be payable to the State under subpara-
18 graph (A) for fiscal year 2014; multiplied
19 by

20 (ii) the percentage represented by the
21 amount so appropriated for fiscal year
22 2014, divided by the total amount other-
23 wise payable under subparagraph (A) to all
24 States for that fiscal year.

1 **TITLE II—EXTENSION OF FAM-**
2 **ILY CONNECTION GRANT**
3 **PROGRAM**

4 **SEC. 201. EXTENSION OF FAMILY CONNECTION GRANT**
5 **PROGRAM.**

6 (a) IN GENERAL.—Section 427(h) of the Social Secu-
7 rity Act (42 U.S.C. 627(h)) is amended by striking
8 “2013” and inserting “2016”.

9 (b) RESERVATION OF FUNDS.—Section 427(g) of
10 such Act (42 U.S.C. 627(g)) is amended—

11 (1) by striking paragraph (1); and

12 (2) by redesignating paragraphs (2) and (3) as
13 paragraphs (1) and (2), respectively.

14 (c) OFFSET OF COST OF EXTENSION.—【To be sup-
15 plied.】

16 **TITLE III—MISCELLANEOUS**

17 **SEC. 301. DETERMINATION OF BUDGETARY EFFECTS.**

18 The budgetary effects of this Act, for the purpose of
19 complying with the Statutory Pay-As-You-Go Act of 2010,
20 shall be determined by reference to the latest statement
21 titled “Budgetary Effects of PAYGO Legislation” for this
22 Act, submitted for printing in the Congressional Record
23 by the Chairman of the Senate Budget Committee, pro-
24 vided that such statement has been submitted prior to the
25 vote on passage.