

114TH CONGRESS
1ST SESSION

S. _____

To amend parts B and E of title IV of the Social Security Act to invest in funding prevention and family services to help keep children safe and supported at home with their families, 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 amend parts B and E of title IV of the Social Security Act to invest in funding prevention and family services to help keep children safe and supported at home with their families, 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 “_____ Act of 2015”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.

Sec. 3. Time-limited family services under part E of title IV of the Social Security Act.

Sec. 4. Assuring funding under part B of title IV of the Social Security Act for prevention and post-permanency support.

Sec. 5. Effective date.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Our Nation's Federal child welfare financ-
4 ing system gives States little incentive to invest in
5 prevention and family services and encourages reli-
6 ance on foster care rather than on investment in
7 prevention and family services that help keep chil-
8 dren safely at home or in the care of other family
9 members.

10 (2) Title IV-E of the Social Security Act cur-
11 rently provides States and Indian Tribes with man-
12 datory Federal funding support for children only
13 after they are placed in foster care. Title IV-E pro-
14 vides few incentives for State and tribal efforts to
15 prevent the need for out-of-home placements of chil-
16 dren or to reduce the time children spend in foster
17 care.

18 (3) In contrast, State and tribal innovations im-
19 plemented through waivers suggest that permitting
20 State and tribal spending under title IV-E for front
21 end prevention and family services can help reduce
22 the prevalence and length of foster care placements

1 while maintaining or improving safety and perma-
2 nency outcomes for children.

3 (4) At the same time, current Federal funding
4 for broad, community-based, primary prevention pro-
5 grams through title IV-B is too limited to reach the
6 significant number of families in need.

7 (5) Expanding Federal funding available under
8 parts B and E of title IV of the Social Security Act
9 for prevention and family services will help keep chil-
10 dren safe and supported at home with their parents
11 or other family members, give States and Indian
12 Tribes the flexibility to adapt evidence-based support
13 services to the specific needs of each family, and en-
14 sure that States and Indian Tribes are held account-
15 able for allocating services in ways that maximize
16 safety and permanency for children, while mini-
17 mizing the prevalence of long foster care placements.

18 **SEC. 3. TIME-LIMITED FAMILY SERVICES UNDER PART E OF**

19 **TITLE IV OF THE SOCIAL SECURITY ACT.**

20 (a) TIME-LIMITED FAMILY SERVICES DEFINED.—

21 Section 475 of such Act (42 U.S.C. 675) is amended by
22 adding at the end the following:

23 “(13)(A) The term ‘time-limited family services’
24 means supports and services that are among the
25 services and supports specified in subparagraph (B)

1 and that are provided to 1 or more individuals de-
2 scribed in subparagraph (C) during the 12-month
3 period that begins on the date described in subpara-
4 graph (D). An individual shall remain eligible for
5 such services for the full 12-month period that be-
6 gins on the date described in subparagraph (D),
7 without regard to whether the individual ceases to be
8 described in subparagraph (C) after the period be-
9 gins.

10 “(B) The services and supports described in
11 this subparagraph are the following:

12 “(i) Parenting skills training and parent
13 education, including peer-to-peer mentoring and
14 support groups for parents, primary caregivers,
15 and potential kinship caregivers.

16 “(ii) Individual, group, and family coun-
17 seling, including intensive family preservation
18 programs and trauma-informed care.

19 “(iii) Services or assistance to address do-
20 mestic violence, substance abuse, or inadequate
21 housing as barriers to family preservation and
22 reunification.

23 “(iv) Mentoring, tutoring, recreational
24 service, and health education for children and
25 youth, including activities designed to facilitate

1 access to and visitation of children by sibling,
2 parents, and other kin.

3 “(v) Crisis intervention services or assist-
4 ance to stabilize families in times of crisis, such
5 as transportation, clothing, household goods,
6 homemaker services, assistance with housing
7 and utility payments, child care, respite care,
8 and recreational services, as well as similar
9 goods and services to facilitate placement of
10 children in kinship care.

11 “(vi) Other family services or assistance
12 approved by the Secretary that are intended to
13 prevent a child’s entry or re-entry into foster
14 care or, in the case of a child in foster care, to
15 allow the child to safely and quickly be reunited
16 with the child’s family, to enable kinship place-
17 ments, or to otherwise reduce the prevalence
18 and length of foster care placements.

19 “(C) Individuals described in this subparagraph
20 are the following:

21 “(i) A child who is a candidate for foster
22 care (as defined in paragraph 14).

23 “(ii) A child in foster care (without regard
24 to whether the child is or would be eligible for
25 payments under section 472 or 473).

1 “(iii) Parents, potential or designated kin-
2 ship or other guardians, caretaker relatives, and
3 family members of a child described in clause
4 (i) or (ii).

5 “(D) The date described in this subparagraph
6 is the earlier of the date on which a child—

7 “(i) is initially identified in a case plan or
8 at a judicial proceeding as a child who is a can-
9 didate for foster care (as defined in paragraph
10 (14)); or

11 “(ii) is considered to have entered foster
12 care pursuant to paragraph (5)(F).

13 “(14) The term ‘child who is a candidate for foster
14 care’ means, a child who is identified at being at imminent
15 risk of entering or re-entering foster care, as specified in
16 the child’s case plan or as designated in a judicial pro-
17 ceeding (without regard to whether the child is or would
18 be eligible for payments under section 472 or 473). Such
19 term includes a child whose adoption or guardianship ar-
20 rangement is at risk of a disruption that would result in
21 a foster care placement.”.

22 (b) REQUIREMENTS.—Section 471 of such Act (42
23 U.S.C. 671) is amended—

24 (1) in subsection (a)(1), by striking “and” and
25 all that follows through the semicolon and inserting

1 “, adoption assistance in accordance with section
2 473, and, at the option of the State, time-limited
3 family services in accordance with section 471(e);”;
4 and

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

6 “(e) REQUIREMENTS FOR TIME-LIMITED FAMILY
7 SERVICES.—

8 “(1) IN GENERAL.—A State may provide time-
9 limited family services (as defined in section 475(13)
10 to individuals described in subparagraph (C) of that
11 section in accordance with the succeeding provisions
12 of this subsection.

13 “(2) PAYMENT REQUIREMENTS.—No payment
14 shall be made under section 474(a)(6) for expendi-
15 tures for time-limited family services unless the fol-
16 lowing requirements are met:

17 “(A) SPECIFIED SERVICES IN ADVANCE OF
18 PROVISION.—

19 “(i) IN GENERAL.—Except as pro-
20 vided in clause (ii), the specific services to
21 be provided for 1 or more individuals de-
22 scribed in section 475(13)(C) are included
23 in the child’s case plan or identified at a
24 judicial proceeding in advance of the provi-

1 sion of such services, unless there are
2 emergency or other exigent circumstances.

3 “(ii) EXCEPTION FOR EMERGENCY
4 SERVICES OR ASSISTANCE.—Subparagraph
5 (A) shall not apply to the provision of
6 time-limited family services described in
7 clause (v) of section 475(13)(B) but the
8 provision of such services shall be included
9 in the child’s case plan as soon as prac-
10 ticable after the provision of the services.

11 “(B) EVIDENCE-BASED PROGRAMS AND
12 PROMISING PROGRAM MODELS.—With respect
13 to a fiscal year and expenditures for such serv-
14 ices—

15 “(i) at least 50 percent of such ex-
16 penditures shall be for services that are
17 provided for evidence-based programs and
18 address specific outcomes related to safety,
19 permanency, or well-being for children who
20 are candidates for foster care or are in fos-
21 ter care; and

22 “(ii) at least an additional 25 percent
23 of such expenditures shall be for services
24 that are provided for evidence-based pro-
25 grams or for promising program models,

1 such as evidence-informed or culturally
2 specific adaptations of programs, and ad-
3 dress specific outcomes related to safety,
4 permanency, or well-being for children who
5 are candidates for foster care or are in fos-
6 ter care,

7 in accordance with guidance and technical as-
8 sistance from the Secretary under section
9 476(d).

10 “(C) PAYMENT ONLY IF NO OTHER FED-
11 ERAL FUNDING AVAILABLE.—Payment under
12 section 474(a)(6) for expenditures for such
13 family services shall not duplicate other Federal
14 funding sources for such services (including
15 those under titles V, XIX, and subtitle A of
16 XX) and shall only be made to the extent that
17 payment for such services cannot reasonably be
18 expected to be made under another federally
19 funded program.

20 “(D) OUTCOME ASSESSMENT AND REPORT-
21 ING.—

22 “(i) IN GENERAL.—The State shall
23 collect and report to the Secretary the fol-
24 lowing with respect to each child for whom,
25 or on whose behalf, time-limited family

1 services are provided during a 12-month
2 period:

3 “(I) With respect to each clause
4 of section 475(13)(B), the specific
5 services provided and the total ex-
6 penditures for each such service.

7 “(II) The child’s placement sta-
8 tus at the end of the period.

9 “(III) The child’s placement sta-
10 tus 1 year after the end of the period.

11 “(ii) SIBLINGS.—If time-limited fam-
12 ily services are provided over a 12-month
13 period to 2 or more siblings, the aggregate
14 amount of expenditures for such services to
15 be reported under clause (i)(I) shall be di-
16 vided equally among each such sibling.

17 “(E) MAINTENANCE OF EFFORT.—The
18 State provides an assurance that payments
19 under this part for time-limited family services
20 shall be used to supplement, and not supplant,
21 the level of State and local funds expended to
22 provide any such family services for fiscal year
23 2015.

24 “(3) AUTHORIZATION FOR OUTCOMES-RE-
25 WARED INCREASED MATCH.—

1 “(A) NATIONAL BENCHMARK MEAS-
2 URES.—

3 “(i) ESTABLISHMENT; ANNUAL UP-
4 DATES.—Beginning with fiscal year 2019,
5 and annually thereafter, the Secretary
6 shall establish the following national
7 benchmark measures:

8 “(I) PERCENTAGES OF CHILD
9 WHO REMAIN WITH, ARE RETURNED
10 TO, OR ARE PLACED WITH A PARENT,
11 CARETAKER RELATIVE, OR KINSHIP
12 GUARDIAN.—With respect to all chil-
13 dren for whom, or on whose behalf,
14 time-limited family services are pro-
15 vided during any 12-month period, the
16 percentages of such children who re-
17 main with, are returned to, or are
18 placed with a parent, caretaker rel-
19 ative, or kinship guardian at the end
20 of such period and the percentage of
21 such children who remain in each
22 such placement status through the
23 end of the succeeding 12-month-pe-
24 riod.

1 merce or such other data as the Sec-
2 retary determines appropriate.

3 “(B) APPLICATION TO MATCHING RATE.—

4 “(i) CRITERIA FOR INCREASE.—Be-
5 ginning with fiscal year 2020, the Federal
6 percentage applicable to payments to a
7 State for a fiscal year under section
8 474(a)(6) for expenditures attributable to
9 time-limited family services shall be in-
10 creased by such number of percentage
11 points (not to exceed 10 percentage points)
12 as the Secretary shall determine, for any
13 State for which—

14 “(I) the State-specific percentage
15 described in subparagraph (A)(i) is
16 greater than the national benchmark
17 measure established under that sub-
18 paragraph for the preceding fiscal
19 year; and

20 “(II) the State-specific per child
21 spending amount described in sub-
22 paragraph (A)(ii) is less than the na-
23 tional benchmark measure established
24 under that subparagraph for the pre-
25 ceding fiscal year.

1 “(ii) CRITERIA FOR REDUCTION.—Be-
2 ginning with fiscal year 2021, the Federal
3 percentage applicable to payments to a
4 State for a fiscal year under section
5 474(a)(6) for expenditures attributable to
6 time-limited family services shall be re-
7 duced by such number of percentage points
8 (not to exceed 10 percentage points) as the
9 Secretary shall determine, for any State
10 for which—

11 “(I) the State-specific percentage
12 described in subparagraph (A)(i) is
13 less than the national benchmark
14 measure established under that sub-
15 paragraph for the preceding fiscal
16 year; and

17 “(II) the State-specific per child
18 spending amount described in sub-
19 paragraph (A)(ii) is more than the na-
20 tional benchmark measure established
21 under that subparagraph for the pre-
22 ceding fiscal year.

23 “(iii) NO CHANGE UNLESS ALL CRI-
24 TERIA MET.—A State shall not be eligible
25 for an increase in its applicable Federal

1 matching rate under section 474(a)(6) for
2 a fiscal year, and shall not be subject to a
3 reduction in that rate for a fiscal year, un-
4 less the State satisfies both of the condi-
5 tions specified in clause (i) or (ii), respec-
6 tively.”.

7 (c) PAYMENT UNDER TITLE IV-E.—Section 474(a)
8 of the Social Security Act (42 U.S.C. 674(a)) is amend-
9 ed—

10 (1) in paragraph (5), by striking the period at
11 the end and inserting “; plus”; and

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

13 “(6) subject to section 471(e), for each quarter
14 beginning after September 30, 2015, an amount
15 equal to the Federal medical assistance percentage
16 (which shall be as defined in section 1905(b), in the
17 case of a State other than the District of Columbia,
18 or 70 percent, in the case of the District of Colum-
19 bia) of the total amount expended during such quar-
20 ter as found necessary by the Secretary for the pro-
21 vision of time-limited family services (as defined in
22 section 475(13)).”.

23 (d) TECHNICAL ASSISTANCE, DATA COLLECTION,
24 AND EVALUATION.—Section 476 of the Social Security

1 Act (42 U.S.C. 676) is amended by adding at the end the
2 following:

3 “(d) TECHNICAL ASSISTANCE, DATA COLLECTION,
4 AND EVALUATIONS RELATING TO TIME-LIMITED FAMILY
5 SERVICES.—

6 “(1) TECHNICAL ASSISTANCE; BEST PRAC-
7 TICES.—The Secretary shall provide technical assist-
8 ance to States and disseminate best practices with
9 respect to the provision of time-limited family serv-
10 ices through evidence-based programs and promising
11 program models.

12 “(2) DATA COLLECTION AND EVALUATIONS.—
13 The Secretary, directly or through grants, contracts,
14 or interagency agreements, shall collect data and
15 conduct research and evaluations with respect to the
16 provision of time-limited family services for purposes
17 of assessing the extent to which the provision of
18 such services reduces the prevalence and length of
19 foster care placements and improves safety and per-
20 manency outcomes for children assisted under this
21 part.

22 “(3) REPORTS TO CONGRESS.—

23 “(A) IN GENERAL.—The Secretary shall
24 submit to the Committee on Ways and Means
25 of the House of Representatives and the Com-

1 mittee on Finance of the Senate periodic re-
2 ports based on the provision of time-limited
3 family services under this part and the activi-
4 ties carried out under this subsection.

5 “(B) PUBLIC AVAILABILITY.—The Sec-
6 retary shall make the reports to Congress sub-
7 mitted under this paragraph publicly available.

8 “(4) APPROPRIATION.—There is appropriated
9 to the Secretary, out of any money in the Treasury
10 of the United States not otherwise appropriated,
11 \$2,500,000 for fiscal year 2016 and each fiscal year
12 thereafter to carry out this subsection.”.

13 (e) CONFORMING AMENDMENTS.—

14 (1) MODERNIZING THE TITLE AND PURPOSE OF
15 TITLE IV-E.—

16 (A) PART HEADING.—The heading for part
17 E of title IV of the Social Security Act (42
18 U.S.C. 670 et seq.) is amended to read as fol-
19 lows:

20 **“PART E—FEDERAL PAYMENTS FOR FOSTER**
21 **CARE AND PERMANENCY”.**

22 (B) PURPOSE.—The first sentence of sec-
23 tion 470 of the Social Security Act (42 U.S.C.
24 670) is amended—

1 (i) by striking “and” before “adoption
2 assistance”;

3 (ii) by inserting “kinship guardianship
4 assistance, and time-limited family serv-
5 ices,” after “needs,”; and

6 (iii) by striking “(commencing with
7 the fiscal year which begins October 1,
8 1980)”.

9 (2) TRAINING.—Section 474(a)(3)(B) of such
10 Act (42 U.S.C. 674(a)(3)(B)) is amended by insert-
11 ing “and in ways that include training on how to
12 provide such support and assistance, as well as
13 training on time-limited family services and how to
14 provide such services,” after “living with relative
15 guardians,”.

16 **SEC. 4. ASSURING FUNDING UNDER PART B OF TITLE IV OF**
17 **THE SOCIAL SECURITY ACT FOR PREVEN-**
18 **TION AND POST-PERMANENCY SUPPORT.**

19 (a) ELIMINATION OF TIME-LIMIT FOR FAMILY RE-
20 UNIFICATION SERVICES.—

21 (1) IN GENERAL.—Section 431(a)(7) of the So-
22 cial Security Act (42 U.S.C. 629a(a)(7)) is amend-
23 ed—

1 (A) in the paragraph heading, by striking
2 “TIME-LIMITED FAMILY” and inserting “FAM-
3 ILY”; and

4 (B) in subparagraph (A)—

5 (i) by striking “time-limited family”
6 and inserting “family”; and

7 (ii) by striking “, but only during the
8 15-month period that begins on the date
9 that the child, pursuant to section
10 475(5)(F), is considered to have entered
11 foster care”.

12 (2) CONFORMING AMENDMENTS.—

13 (A) Section 430 of such Act (42 U.S.C.
14 629) is amended in the matter preceding para-
15 graph (1), by striking “time-limited”.

16 (B) Subsections (a)(4), (a)(5)(A), and
17 (b)(1) of section 432 of such Act (42 U.S.C.
18 629b) are amended by striking “time-limited”
19 each place it appears.

20 (b) MANDATORY FUNDING FOR THE PROMOTING
21 SAFE AND STABLE FAMILIES (PSSF) PROGRAM AND RE-
22 LATED PROGRAMS AND ACTIVITIES.—

23 (1) BEGINNING FISCAL YEAR 2016.—Section
24 436(a) of the Social Security Act (42 U.S.C.
25 629f(a)) is amended by striking “2016” and insert-

1 ing “2015, and there is appropriated
2 \$1,000,000,000 for fiscal year 2016.”.

3 (2) CONFORMING AMENDMENTS RELATED TO
4 ENDING OF DISCRETIONARY FUNDING.—Section 437
5 of such Act (42 U.S.C. 629g) is amended—

6 (A) in the section heading, by striking
7 “**DISCRETIONARY AND**”;

8 (B) by striking subsections (a) through (e)
9 and inserting the following:

10 “(a) **Reserved**.”; and

11 (C) in subsection (f)(3)(A), by striking “In
12 addition to amounts authorized to be appro-
13 priated to carry out this section, the” and in-
14 serting “The”.

15 (c) ELIMINATION OF PSSF MINIMUM SERVICE CAT-
16 EGORIES SPENDING REQUIREMENT AND INCLUSION OF
17 EVIDENCE-BASED SPENDING REQUIREMENT FOR FAMILY
18 PRESERVATION AND SUPPORT SERVICES.—Section
19 432(a)(4) of the Social Security Act (42 U.S.C.
20 629b(a)(4)) is amended by striking “, with significant por-
21 tions of such expenditures for each such program” and
22 inserting “with at least 50 percent of the expenditures
23 made for evidence-based programs, and at least an addi-
24 tional 25 percent of the expenditures made for evidence-
25 based or promising program models, such as evidence-in-

1 formed or culturally-specific adaptations of program mod-
2 els, in accordance with guidance and technical assistance
3 from the Secretary under section 435(e)”.

4 (d) RESEARCH AND TECHNICAL ASSISTANCE ON EVI-
5 DENCE-BASED PROGRAMS AND PROMISING PROGRAM
6 MODELS.—

7 (1) FUNDING.—Section 436(b)(1) of the Social
8 Security Act (42 U.S.C. 629f(b)(1)) is amended by
9 striking “\$6,000,000” and inserting “\$10,000,000”.

10 (2) AUTHORITY.—Section 435 of such Act (42
11 U.S.C. 629e) is amended—

12 (A) in subsection (c)—

13 (i) by striking “and” at the end of
14 paragraph (1);

15 (ii) by striking the period at the end
16 of paragraph (2) and inserting “; and”;
17 and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(3) \$4,000,000 for research on promising pro-
21 grams, including culturally-specific adaptations, to
22 identify additional evidence-based prevention and
23 intervention programs that prevent child abuse and
24 neglect, reduce the likelihood of foster care place-
25 ment, increase family reunification with parents or

1 other kin, and promote post-permanency placement
2 stability and for providing the technical assistance
3 described in subsection (e).”; and

4 (B) by adding at the end the following new
5 subsection:

6 “(e) GUIDANCE AND TECHNICAL ASSISTANCE RE-
7 LATING TO EVIDENCE-BASED PROGRAMS AND PROMISING
8 PROGRAM MODELS.—From the amounts made available
9 under subsection (c)(3), the Secretary shall provide tech-
10 nical assistance to States, and shall issue and regularly
11 update guidance for States, with respect to evidence-based
12 programs, and promising program models, that States
13 may adopt to comply with the spending requirements
14 under section 432(a)(4).”.

15 (e) FAMILY CONNECTION GRANTS.—

16 (1) REAUTHORIZATION OF FUNDING FOR FIS-
17 CAL YEAR 2016.—Section 427(h) of the Social Secu-
18 rity Act (42 U.S.C. 627(h)) is amended by inserting
19 “, and \$15,000,000 for fiscal year 2016” after
20 “2014”.

21 (2) INCLUSION OF OTHER FAMILY STABILITY
22 PROGRAMS.—Section 427(a) of such Act (42 U.S.C.
23 627(a)) is amended—

24 (A) in paragraph (3)(B), by striking “or”
25 after the semicolon;

1 (B) in paragraph (4)(B), by striking the
2 period at the end and inserting “; or”;

3 (C) by inserting after paragraph (4)(B)
4 the following:

5 “(5) other programs with evidence to support
6 their effectiveness at preventing foster care place-
7 ment or supporting family stability post-permanency
8 (or both).”.

9 **SEC. 5. EFFECTIVE DATE.**

10 (a) IN GENERAL.—Subject to subsection (b), the
11 amendments made by this Act take effect on October 1,
12 2015.

13 (b) DELAY PERMITTED IF STATE LEGISLATION RE-
14 QUIRED.—In the case of a State plan under part B or
15 E of title IV of the Social Security Act which the Secretary
16 of Health and Human Services determines requires State
17 legislation (other than legislation appropriating funds) in
18 order for the plan to meet the additional requirements im-
19 posed by the amendments made by this Act, the State plan
20 shall not be regarded as failing to comply with the require-
21 ments of such part solely on the basis of the failure of
22 the plan to meet such additional requirements before the
23 first day of the first calendar quarter beginning after the
24 close of the first regular session of the State legislature
25 that begins after the date of enactment of this Act. For

1 purposes of the previous sentence, in the case of a State
2 that has a 2-year legislative session, each year of such ses-
3 sion shall be deemed to be a separate regular session of
4 the State legislature.