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.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the

“____________ Act of 2015”.

(b) Table of Contents.—The table of contents for

this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Our Nation’s Federal child welfare financing system gives States little incentive to invest in prevention and family services and encourages reliance on foster care rather than on investment in prevention and family services that help keep children safely at home or in the care of other family members.

(2) Title IV-E of the Social Security Act currently provides States and Indian Tribes with mandatory Federal funding support for children only after they are placed in foster care. Title IV-E provides few incentives for State and tribal efforts to prevent the need for out-of-home placements of children or to reduce the time children spend in foster care.

(3) In contrast, State and tribal innovations implemented through waivers suggest that permitting State and tribal spending under title IV-E for front end prevention and family services can help reduce the prevalence and length of foster care placements.
while maintaining or improving safety and permanency outcomes for children.

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

(5) Expanding Federal funding available under parts B and E of title IV of the Social Security Act for prevention and family services will help keep children safe and supported at home with their parents or other family members, give States and Indian Tribes the flexibility to adapt evidence-based support services to the specific needs of each family, and ensure that States and Indian Tribes are held accountable for allocating services in ways that maximize safety and permanency for children, while minimizing the prevalence of long foster care placements.

SEC. 3. TIME-LIMITED FAMILY SERVICES UNDER PART E OF TITLE IV OF THE SOCIAL SECURITY ACT.

(a) TIME-LIMITED FAMILY SERVICES DEFINED.—

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

“(13)(A) The term ‘time-limited family services’ means supports and services that are among the services and supports specified in subparagraph (B)
and that are provided to 1 or more individuals described in subparagraph (C) during the 12-month period that begins on the date described in subparagraph (D). An individual shall remain eligible for such services for the full 12-month period that begins on the date described in subparagraph (D), without regard to whether the individual ceases to be described in subparagraph (C) after the period begins.

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

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

“(ii) Individual, group, and family counseling, including intensive family preservation programs and trauma-informed care.

“(iii) Services or assistance to address domestic violence, substance abuse, or inadequate housing as barriers to family preservation and reunification.

“(iv) Mentoring, tutoring, recreational service, and health education for children and youth, including activities designed to facilitate
access to and visitation of children by sibling, parents, and other kin.

“(v) Crisis intervention services or assistance to stabilize families in times of crisis, such as transportation, clothing, household goods, homemaker services, assistance with housing and utility payments, child care, respite care, and recreational services, as well as similar goods and services to facilitate placement of children in kinship care.

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

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

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

“(ii) A child in foster care (without regard to whether the child is or would be eligible for payments under section 472 or 473).
“(iii) Parents, potential or designated kinship or other guardians, caretaker relatives, and family members of a child described in clause (i) or (ii).

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

“(i) is initially identified in a case plan or at a judicial proceeding as a child who is a candidate for foster care (as defined in paragraph (14); or

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

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

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

(1) in subsection (a)(1), by striking “and” and all that follows through the semicolon and inserting
“, adoption assistance in accordance with section 473, and, at the option of the State, time-limited family services in accordance with section 471(e);”;

and

(2) by adding at the end the following:

“(e) Requirements for Time-limited Family Services.—

“(1) In general.—A State may provide time-limited family services (as defined in section 475(13)) to individuals described in subparagraph (C) of that section in accordance with the succeeding provisions of this subsection.

“(2) Payment requirements.—No payment shall be made under section 474(a)(6) for expenditures for time-limited family services unless the following requirements are met:

“(A) Specified services in advance of provision.—

“(i) In general.—Except as provided in clause (ii), the specific services to be provided for 1 or more individuals described in section 475(13)(C) are included in the child’s case plan or identified at a judicial proceeding in advance of the provi-
sion of such services, unless there are emergency or other exigent circumstances.

“(ii) EXCEPTION FOR EMERGENCY SERVICES OR ASSISTANCE.—Subparagraph (A) shall not apply to the provision of time-limited family services described in clause (v) of section 475(13)(B) but the provision of such services shall be included in the child's case plan as soon as practicable after the provision of the services.

“(B) EVIDENCE-BASED PROGRAMS AND PROMISING PROGRAM MODELS.—With respect to a fiscal year and expenditures for such services—

“(i) at least 50 percent of such expenditures shall be for services that are provided for evidence-based programs and address specific outcomes related to safety, permanency, or well-being for children who are candidates for foster care or are in foster care; and

“(ii) at least an additional 25 percent of such expenditures shall be for services that are provided for evidence-based programs or for promising program models,
such as evidence-informed or culturally
specific adaptations of programs, and ad-
dress specific outcomes related to safety,
permanency, or well-being for children who
are candidates for foster care or are in fos-
ter care,
in accordance with guidance and technical as-
sistance from the Secretary under section
476(d).

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

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

“(i) IN GENERAL.—The State shall
collect and report to the Secretary the fol-
lowing with respect to each child for whom,
or on whose behalf, time-limited family
services are provided during a 12-month period:

“(I) With respect to each clause of section 475(13)(B), the specific services provided and the total expenditures for each such service.

“(II) The child’s placement status at the end of the period.

“(III) The child’s placement status 1 year after the end of the period.

“(ii) Siblings.—If time-limited family services are provided over a 12-month period to 2 or more siblings, the aggregate amount of expenditures for such services to be reported under clause (i)(I) shall be divided equally among each such sibling.

“(E) Maintenance of Effort.—The State provides an assurance that payments under this part for time-limited family services shall be used to supplement, and not supplant, the level of State and local funds expended to provide any such family services for fiscal year 2015.

“(3) Authorization for Outcomes-rewarded Increased Match.—
“(A) NATIONAL BENCHMARK MEASURES.—

“(i) ESTABLISHMENT; ANNUAL UPDATES.—Beginning with fiscal year 2019, and annually thereafter, the Secretary shall establish the following national benchmark measures:

“(I) PERCENTAGES OF CHILDREN WHO REMAIN WITH, ARE RETURNED TO, OR ARE PLACED WITH A PARENT, CARETAKER RELATIVE, OR KINSHIP GUARDIAN.—With respect to all children for whom, or on whose behalf, time-limited family services are provided during any 12-month period, the percentages of such children who remain with, are returned to, or are placed with a parent, caretaker relative, or kinship guardian at the end of such period and the percentage of such children who remain in each such placement status through the end of the succeeding 12-month-period.
“(II) Total per-child spending on time-limited family services.—With respect to each 12-month period for which percentages are determined under subclause (I) (other than a percentage determined for a succeeding 12-month period), the total amount of expenditures for providing time-limited family services for, or on behalf of, each child during the period.

“(ii) Data.—The Secretary shall establish and update the national benchmark measures—

“(I) based on the median State values of the information reported under paragraph (2)(D) for the 3 most recent years; and

“(II) taking into account State differences in the price levels of consumption goods and services using the most recent regional price parities published by the Bureau of Economic Analysis of the Department of Com-
merce or such other data as the Secretary determines appropriate.

“(B) APPLICATION TO MATCHING RATE.—

“(i) CRITERIA FOR INCREASE.—Beginning with fiscal year 2020, the Federal percentage applicable to payments to a State for a fiscal year under section 474(a)(6) for expenditures attributable to time-limited family services shall be increased by such number of percentage points (not to exceed 10 percentage points) as the Secretary shall determine, for any State for which—

“(I) the State-specific percentage described in subparagraph (A)(i) is greater than the national benchmark measure established under that subparagraph for the preceding fiscal year; and

“(II) the State-specific per child spending amount described in subparagraph (A)(ii) is less than the national benchmark measure established under that subparagraph for the preceding fiscal year.
“(ii) CRITERIA FOR REDUCTION.—Beginning with fiscal year 2021, the Federal percentage applicable to payments to a State for a fiscal year under section 474(a)(6) for expenditures attributable to time-limited family services shall be reduced by such number of percentage points (not to exceed 10 percentage points) as the Secretary shall determine, for any State for which—

“(I) the State-specific percentage described in subparagraph (A)(i) is less than the national benchmark measure established under that subparagraph for the preceding fiscal year; and

“(II) the State-specific per child spending amount described in subparagraph (A)(ii) is more than the national benchmark measure established under that subparagraph for the preceding fiscal year.

“(iii) NO CHANGE UNLESS ALL CRITERIA MET.—A State shall not be eligible for an increase in its applicable Federal percentage.
matching rate under section 474(a)(6) for a fiscal year, and shall not be subject to a reduction in that rate for a fiscal year, unless the State satisfies both of the conditions specified in clause (i) or (ii), respectively.”.

(c) Payment Under Title IV-E.—Section 474(a) of the Social Security Act (42 U.S.C. 674(a)) is amended—

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

(2) by adding at the end the following:

“(6) subject to section 471(e), for each quarter beginning after September 30, 2015, an amount equal to the Federal medical assistance percentage (which shall be as defined in section 1905(b), in the case of a State other than the District of Columbia, or 70 percent, in the case of the District of Columbia) of the total amount expended during such quarter as found necessary by the Secretary for the provision of time-limited family services (as defined in section 475(13)).”.

(d) Technical Assistance, Data Collection, and Evaluation.—Section 476 of the Social Security
Act (42 U.S.C. 676) is amended by adding at the end the
following:

“(d) Technical Assistance, Data Collection, and Evaluations Relating to Time-limited Family Services.—

“(1) Technical assistance; best practices.—The Secretary shall provide technical assistance to States and disseminate best practices with respect to the provision of time-limited family services through evidence-based programs and promising program models.

“(2) Data collection and evaluations.—The Secretary, directly or through grants, contracts, or interagency agreements, shall collect data and conduct research and evaluations with respect to the provision of time-limited family services for purposes of assessing the extent to which the provision of such services reduces the prevalence and length of foster care placements and improves safety and permanency outcomes for children assisted under this part.

“(3) Reports to Congress.—

“(A) In general.—The Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Com-
mittee on Finance of the Senate periodic reports based on the provision of time-limited family services under this part and the activities carried out under this subsection.

“(B) Public Availability.—The Secretary shall make the reports to Congress submitted under this paragraph publicly available.

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

(e) Conforming Amendments.—

(1) Modernizing the Title and Purpose of Title IV-E.—

(A) Part Heading.—The heading for part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended to read as follows:

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

(B) Purpose.—The first sentence of section 470 of the Social Security Act (42 U.S.C. 670) is amended—
18

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

(ii) by inserting “kinship guardianship assistance, and time-limited family services,’’ after “needs,’’; and

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

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

SEC. 4. ASSURING FUNDING UNDER PART B OF TITLE IV OF THE SOCIAL SECURITY ACT FOR PREVENTION AND POST-PERMANENCY SUPPORT.

(a) Elimination of Time-limit for Family Re-unification Services.—

(1) In General.—Section 431(a)(7) of the Social Security Act (42 U.S.C. 629a(a)(7)) is amended—
19

(A) in the paragraph heading, by striking "TIME-LIMITED FAMILY" and inserting "FAMILY"; and

(B) in subparagraph (A)—

(i) by striking "time-limited family" and inserting "family"; and

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

(2) CONFORMING AMENDMENTS.—

(A) Section 430 of such Act (42 U.S.C. 629) is amended in the matter preceding paragraph (1), by striking "time-limited".

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

(b) MANDATORY FUNDING FOR THE PROMOTING SAFE AND STABLE FAMILIES (PSSF) PROGRAM AND RELATED PROGRAMS AND ACTIVITIES.—

(1) BEGINNING FISCAL YEAR 2016.—Section 436(a) of the Social Security Act (42 U.S.C. 629f(a)) is amended by striking "2016" and insert-
ing “2015, and there is appropriated $1,000,000,000 for fiscal year 2016.”.

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

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

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

“(a) [Reserved].”; and

(C) in subsection (f)(3)(A), by striking “In addition to amounts authorized to be appropriated to carry out this section, the” and inserting “The”.

(c) ELIMINATION OF PSSF MINIMUM SERVICE CATEGORIES SPENDING REQUIREMENT AND INCLUSION OF EVIDENCE-BASED SPENDING REQUIREMENT FOR FAMILY PRESERVATION AND SUPPORT SERVICES.—Section 432(a)(4) of the Social Security Act (42 U.S.C. 629b(a)(4)) is amended by striking “, with significant portions of such expenditures for each such program” and inserting “with at least 50 percent of the expenditures made for evidence-based programs, and at least an additional 25 percent of the expenditures made for evidence-based or promising program models, such as evidence-in-
formed or culturally-specific adaptations of program models, in accordance with guidance and technical assistance from the Secretary under section 435(e)”.

(d) Research and Technical Assistance on Evidence-based Programs and Promising Program Models.—

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

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

(A) in subsection (c)—

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

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

and

(iii) by adding at the end the following:

“(3) $4,000,000 for research on promising programs, including culturally-specific adaptations, to identify additional evidence-based prevention and intervention programs that prevent child abuse and neglect, reduce the likelihood of foster care placement, increase family reunification with parents or
other kin, and promote post-permanency placement stability and for providing the technical assistance described in subsection (e).’’; and

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

“(e) GUIDANCE AND TECHNICAL ASSISTANCE RELATING TO EVIDENCE-BASED PROGRAMS AND PROMISING PROGRAM MODELS.—From the amounts made available under subsection (e)(3), the Secretary shall provide technical assistance to States, and shall issue and regularly update guidance for States, with respect to evidence-based programs, and promising program models, that States may adopt to comply with the spending requirements under section 432(a)(4).’’.

(e) FAMILY CONNECTION GRANTS.—

(1) REAUTHORIZATION OF FUNDING FOR FISCAL YEAR 2016.—Section 427(h) of the Social Security Act (42 U.S.C. 627(h)) is amended by inserting ‘‘, and $15,000,000 for fiscal year 2016’’ after ‘‘2014’’.

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

(A) in paragraph (3)(B), by striking ‘‘or’’ after the semicolon;
(B) in paragraph (4)(B), by striking the period at the end and inserting “; or”; and

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

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

SEC. 5. EFFECTIVE DATE.

(a) In general.—Subject to subsection (b), the amendments made by this Act take effect on October 1, 2015.

(b) Delay permitted if State legislation required.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For
purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.