

Division D- Child and Family Services and Support
Section by Section Summary

Prepared by the Human Resources Subcommittee, Committee on Ways and Means

Sec. 19000. Short title.

This Act may be cited as the “Family First Prevention Services Act of 2016”.

TITLE XIX—INVESTING IN PREVENTION AND FAMILY SERVICES

Sec. 19001. Purpose.

Contains the purpose of this title, which is to enable states to use federal funds available under title IV-B and title IV-E of the Social Security Act to enhance their support to children and families and prevent foster care placements.

Subtitle A—Prevention Activities Under Title IV–E

Sec. 19011. Foster care prevention services and programs.

This section would amend the title IV–E foster care and permanency program to give states and tribes the option of receiving partial federal reimbursement for state expenditures to provide services that enable children to remain safely at home, or with a kin care provider. These prevention activities would include mental health and substance abuse prevention and treatment services, and in-home parent skill-based programs (including parenting skills training, parent education, and individual and family counseling). This section would also allow small states (with less than 200,000 children) to select from three possible base years when determining their maintenance of effort requirement, clarifies that the receipt of prevention services does not disqualify a child from being eligible for IV-E foster care at a later date, and that territories are eligible for prevention funding.

Sec. 19012. Foster care maintenance payments for children with parents in a licensed residential family-based treatment facility for substance abuse.

This section would permit title IV–E foster care maintenance payment support, for up to 12 months, for a child in foster care who is placed with a parent in a licensed residential family-based treatment facility.

Sec. 19013. Title IV–E payments for evidence-based kinship navigator programs.

States would be permitted to claim 50% federal reimbursement of the cost of providing kinship navigator programs provided the HHS Secretary determines the programs are operated in accordance with promising, supported, or well-supported practices.

Subtitle B—Enhanced Support Under Title IV–B

Sec. 19021. Elimination of time limit for family reunification services while in foster care and permitting time-limited family reunification services when a child returns home from foster care.

This section permits the use of Promoting Safe and Stable Families funding for family reunification services to be provided to a child in foster care (and to his or her parent(s)/ primary caregiver), regardless of the amount of time the child has been in foster care.

Sec. 19022. Reducing bureaucracy and unnecessary delays when placing children in homes across State lines.

No later than October 1, 2026, this provision would require a state, territory, or tribe operating a title IV–E program, to include use of an electronic interstate case processing system as part of its procedures for timely placement of children across state lines. Additionally, this section would require HHS to reserve a total of \$5 million in any FY2017 discretionary funding provided for the PSSF program for states to use for this purpose.

Sec. 19023. Enhancements to grants to improve well-being of families affected by substance abuse.

This section would require HHS to continue to award existing competitive “regional partnership grant” funds for five years (FY2017–FY2021), would stipulate that partnerships may be established on a statewide basis, and it would remove the prohibition on state-agency only partnerships. It would also require that in addition to the state child welfare agency, every funded partnership must include the state agency that administers the federal substance abuse prevention and treatment block grant.

Subtitle C—Miscellaneous

Sec. 19031. Reviewing and improving licensing standards for placement in a relative foster family home.

This section would require HHS to identify reputable model standards for licensing foster family homes not later than October 1, 2017. No later than April 1, 2018 each state would be required to submit information to HHS on whether its own licensing standards are fully consistent with the model standards identified by HHS, and if not, why this inconsistency is appropriate for the state.

Sec. 19032. Development of a statewide plan to prevent child abuse and neglect fatalities.

This section would rewrite the existing state plan requirement to require the state child welfare agency to more fully document the steps it takes to track and prevent child maltreatment deaths, as well as explain how they are implementing a comprehensive plan to deal with this problem.

Sec. 19033. Modernizing the title and purpose of title IV–E.

This section would change the formal heading of title IV–E to “Federal Payments for Foster Care, Prevention, and Permanency,” to reflect the authorization of title IV–E prevention services and programs included in this bill, as well as make other changes to conform underlying law with the new language added by this title.

Sec. 19034. Effective dates.

Contains the effective dates for this title.

TITLE XX—ENSURING THE NECESSITY OF A PLACEMENT THAT IS NOT IN A FOSTER FAMILY HOME

Sec. 20001. Limitation on Federal financial participation for placements that are not in foster family homes.

Under this section, title IV–E foster care maintenance payment support would not be available for more than two weeks for an otherwise eligible child who is placed in a setting that is not a foster family home, unless the placement setting is a—

- “Qualified residential treatment program” (provided additional requirements are met);
- Setting specializing in providing prenatal, postpartum, or parenting supports for youth;
- Supervised independent living setting (provided the child was at least 18 years of age);
- Licensed residential family-based treatment center (provided the child was placed with the parent and had not been in this setting for more than 12 months);
- A setting providing high-quality residential care and supportive services to children and youth who have been found to be, or who are at risk of becoming, sex trafficking victims; or;
- If the state has a small percentage of children in congregate care or has substantially reduced group home placements, specifies an optional alternate staffing model if the state demonstrates they can adequately meet the needs of children in these settings.

This section also clarifies that a state can continue to receive federal reimbursement for administrative expenses associated with overseeing a child placed in foster care, even if the child is placed in a congregate care setting for which the state will no longer receive federal reimbursement.

Sec. 20002. Assessment and documentation of the need for placement in a qualified residential treatment program.

For any child placed in a “qualified residential treatment program,” this provision would require states to have additional case review procedures as follows:

- Assessment and determination by qualified individual within 30 days of placement;
- Assemble a “Family and Permanency Team” to work with the qualified individual on placement assessment;
- Court approval or disapproval of placement determination within 60 days of placement;
- Ongoing review of placement setting decision by state agency; and
- Additional oversight for stays beyond specified time periods.

Sec. 20003. Protocols to prevent inappropriate diagnoses.

This section would require states to include in this plan the state’s established procedures to ensure children are not inappropriately placed in a non-family setting, due to an inappropriate diagnosis of mental illness, behavioral disorders, medically fragile conditions, or developmental disabilities.

Sec. 20004. Additional data and reports regarding children placed in a setting that is not a foster family home.

This section would rewrite this reporting requirement to list more types of non-foster family home settings for which specific information must be included in the report and would additionally request information on the gender and race/ethnicity of children placed in these settings, and whether the non-foster family home is the first placement setting for the child or, if not, the number and type of previous placement settings.

Sec. 20005. Effective dates; application to waivers.

Specifies the effective dates of sections in this title. This section also would allow states to delay, for up to two years, changes to federal reimbursement for group home placements, giving states more time to adapt to this change. States electing to delay these changes would also delay their receipt of federal funds for prevention services by the same length of time.

TITLE XXI—CONTINUING SUPPORT FOR CHILD AND FAMILY SERVICES

Sec. 21001. Supporting and retaining foster families for children.

This section would further provide family support services including services designed to support and retain foster families so they can provide quality family-based settings for children in foster care. It would provide a separate appropriation of \$8 million in FY2018 for HHS to make competitive grants to states or tribes to support recruitment and retention of high-quality foster families.

Sec. 21002. Extension of child and family services programs.

This section would extend this same annual level of discretionary and mandatory funding authority for the Child Welfare Services program and the Promoting Safe and Stable Families program in each of FY2017–FY2021. This section would extend the entitlement of eligible state highest courts to Court Improvement Program grant funding through each of FY2017–FY2021.

Sec. 21003. Improvements to the John H. Chafee Foster Care Independence Program and related provisions.

This section would permit states to certify that they use CFCIP funds to serve youth who have aged out of foster care and are not yet 23 years of age but only if the HHS Secretary determines that the state has elected to extend federal title IV–E foster care to children up to age 21; or that the state provides comparable assistance with state or other non-title IV–E funds. It would permit HHS to redistribute any CFCIP or Education and Training funds that are not spent within the two-year time frame to one or more states (including tribes) that apply for these funds.

TITLE XXII—CONTINUING INCENTIVES TO STATES TO PROMOTE ADOPTION AND LEGAL GUARDIANSHIP

Sec. 22001. Reauthorizing adoption and legal guardianship incentive programs.

This section would continue for five fiscal years (FY2016–FY2020) state's eligibility to earn these incentive payments and would extend annual discretionary funding authority, at the current law annual level of \$43 million, for each of five fiscal years (FY2017–FY2021).

TITLE XXIII—TECHNICAL CORRECTIONS

Sec. 23001. Technical corrections to data exchange standards to improve program coordination.

This section would rewrite these provisions to require HHS to develop regulations concerning the categories of information that state child welfare agencies must be able to exchange with another state agency as well as federal reporting and data exchange required under applicable federal law.

Sec. 23002. Technical corrections to State requirement to address the developmental needs of young children.

This section would clarify that a state must describe in its title IV–B Child Welfare Services plan what it is doing to address the developmental needs of all vulnerable children under five years of age who receive benefits or services under the title IV–B programs or the title IV–E foster care and permanency program (not just children in foster care).

TITLE XXIV—ENSURING STATES REINVEST SAVINGS RESULTING FROM INCREASE IN ADOPTION ASSISTANCE

Sec. 24001. Delay of adoption assistance phase-in.

This section would delay the age-related expansion of eligibility for title IV–E adoption assistance that was enacted as part of the *Fostering Connections to Success and Increasing Adoptions Act of 2008* (P.L. 110-351). The delay would affect children with special needs who are under four years of age when their adoption assistance agreement is finalized. Specifically children with special needs who are two but not yet four years of age would be eligible for title IV–E adoption assistance without meeting an income test as of FY 2020 (instead of current law October 1, 2016) and any child with special needs (regardless of age) would be eligible for title IV–E adoption assistance, without an income test, as of FY 2021 (instead of current law October 1, 2017). This section allows children between the ages of two but not yet four who were eligible from October 1, 2016 through December 31, 2016 to maintain their eligibility for this increased federal adoption assistance funding.

Sec. 24002. GAO study and report on State reinvestment of savings resulting from increase in adoption assistance.

This section would require the Government Accountability Office (GAO) to study whether states are complying with the requirement that they spend, for child welfare purposes, an amount equal to the amount of savings (if any) resulting from phasing out the income eligibility requirements for federal adoption assistance and the requirement that not less than 30% of any such savings be used for post-adoption or post-guardianship services and services to support and sustain positive outcomes, and permanency, for children who might otherwise enter foster care.

TITLE XXV—SOCIAL IMPACT PARTNERSHIPS TO PAY FOR RESULTS

Sec. 25001. Short Title.

This Act may be cited as the “Social Impact Partnerships to Pay for Results Act”.

Sec. 25002. Social Impact Partnerships to Pay for Results.

Would reserve \$100 million from funds already appropriated for the TANF Contingency Fund in FY2017 for the federal government to pay for outcomes through Social Impact Partnership projects. Under these projects, state and local governments would raise their own money and pay for a social service, then be repaid by the federal government only if a rigorous, independent evaluation showed the service achieved the intended result.

Sec. 25003. Extension of Temporary Assistance for Needy Families (TANF) Program

Would extend TANF and related programs through September 30, 2017.

Sec. 25004. Strengthening Welfare Research and Evaluation and Development of a What Works Clearinghouse

The Department of Health and Human Services (in coordination with the Department of Labor) would establish a “What Works Clearinghouse” to catalogue approaches helping welfare recipients move into work. The overall measurement of poverty would also be improved by taking advantage of data already held by other federal agencies. These activities are funded by reserving one-third of one percent of the TANF block grant for these activities, rather than the current piecemeal approach.

Sec. 25005. Technical Corrections to Data Exchange Standards to Improve Program Coordination

Would correct existing law to comport language with similar language now incorporated into other programs.