

Dear Senators HEIDER, Nuxoll, Schmidt, and  
Representatives WOOD, Packer, Rusche:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of  
the Department of Health and Welfare:

IDAPA 16.06.01 - Child and Family Services - Proposed Rule (Docket No. 16-0601-1501);

IDAPA 16.06.02 - Rules Governing Standards for Child Care Licensing - Proposed Rule (Docket  
No. 16-0602-1501).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 10/02/2015. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 10/30/2015.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

**FROM:** Legislative Research Analyst - Elizabeth Bowen

**DATE:** September 15, 2015

**SUBJECT:** Department of Health and Welfare

IDAPA 16.06.01 - Child and Family Services - Proposed Rule (Docket No. 16-0601-1501)

IDAPA 16.06.02 - Rules Governing Standards for Child Care Licensing - Proposed Rule (Docket No. 16-0602-1501)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.06.01 and 16.06.02.

#### 16.06.01

The purpose of this proposed rule is to align Idaho rules with federal requirements relating to legal guardianship of a child. The rule:

- Defines the term "sibling";
- Provides that a prospective guardian who is a relative of the child may identify a successor guardian to be appointed in the event that the relative guardian dies or is incapacitated; and
- Provides that relative guardianship assistance benefits will not end with the death or incapacitation if a relative guardian identified a successor legal guardian who assumes legal responsibility for the child.

Negotiated rulemaking was not conducted due to the nature of the rule change, which is required to conform to federal law. There is no anticipated fiscal impact on the state general fund. The Department states that this rulemaking is authorized pursuant to Sections 16-1629, 16-2102, 39-1209 through 39-1211, 39-5603, 39-7501, 56-202, 56-204A, 56-803, 56-1003, 56-1004, 56-1004A, and 56-1007, Idaho Code.

#### 16.06.02

The purpose of this proposed rule is to align Idaho rules with federal requirements relating to foster care. The rule:

- Defines the term "reasonable and prudent parent standard," relating to decisions made by a caregiver to maintain the health, safety, and best interests of a child placed in foster care, while also encouraging the emotional and developmental growth of the child; and

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

- Requires organizations that provide services to children placed by the Child and Family Service Program to designate at least one on-site official who is authorized to apply the reasonable and prudent parent standard.

Negotiated rulemaking was not conducted due to the nature of the rule change, which is required to conform to federal law. There is no anticipated fiscal impact on the state general fund. The Department states that this rulemaking is authorized pursuant to Sections 39-1111, 39-1209, 39-1210, 39-1211, 39-1213, 56-1003, 56-1004A, and 56-1005, Idaho Code.

cc: Department of Health and Welfare  
Tamara Prisock

Public Law 113–183  
113th Congress

An Act

To prevent and address sex trafficking of children in foster care, to extend and improve adoption incentives, and to improve international child support recovery.

Sept. 29, 2014  
[H.R. 4980]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Preventing Sex Trafficking and Strengthening Families Act”.

Preventing Sex  
Trafficking and  
Strengthening  
Families Act.  
42 USC 1305  
note.

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

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

**TITLE I—PROTECTING CHILDREN AND YOUTH AT RISK OF SEX  
TRAFFICKING**

**Subtitle A—Identifying and Protecting Children and Youth at Risk of Sex  
Trafficking**

- Sec. 101. Identifying, documenting, and determining services for children and youth at risk of sex trafficking.
- Sec. 102. Reporting instances of sex trafficking.
- Sec. 103. Including sex trafficking data in the Adoption and Foster Care Analysis and Reporting System.
- Sec. 104. Locating and responding to children who run away from foster care.
- Sec. 105. Increasing information on children in foster care to prevent sex trafficking.

**Subtitle B—Improving Opportunities for Children in Foster Care and Supporting  
Permanency**

- Sec. 111. Supporting normalcy for children in foster care.
- Sec. 112. Improving another planned permanent living arrangement as a permanency option.
- Sec. 113. Empowering foster children age 14 and older in the development of their own case plan and transition planning for a successful adulthood.
- Sec. 114. Ensuring foster children have a birth certificate, Social Security card, health insurance information, medical records, and a driver’s license or equivalent State-issued identification card.
- Sec. 115. Information on children in foster care in annual reports using AFCARS data; consultation.

**Subtitle C—National Advisory Committee**

- Sec. 121. Establishment of a national advisory committee on the sex trafficking of children and youth in the United States.

**TITLE II—IMPROVING ADOPTION INCENTIVES AND EXTENDING FAMILY  
CONNECTION GRANTS**

**Subtitle A—Improving Adoption Incentive Payments**

- Sec. 201. Extension of program through fiscal year 2016.

- Sec. 202. Improvements to award structure.
- Sec. 203. Renaming of program.
- Sec. 204. Limitation on use of incentive payments.
- Sec. 205. Increase in period for which incentive payments are available for expenditure.
- Sec. 206. State report on calculation and use of savings resulting from the phase-out of eligibility requirements for adoption assistance; requirement to spend 30 percent of savings on certain services.
- Sec. 207. Preservation of eligibility for kinship guardianship assistance payments with a successor guardian.
- Sec. 208. Data collection on adoption and legal guardianship disruption and dissolution.
- Sec. 209. Encouraging the placement of children in foster care with siblings.
- Sec. 210. Effective dates.

Subtitle B—Extending the Family Connection Grant Program

- Sec. 221. Extension of family connection grant program.

TITLE III—IMPROVING INTERNATIONAL CHILD SUPPORT RECOVERY

- Sec. 301. Amendments to ensure access to child support services for international child support cases.
- Sec. 302. Child support enforcement programs for Indian tribes.
- Sec. 303. Sense of the Congress regarding offering of voluntary parenting time arrangements.
- Sec. 304. Data exchange standardization for improved interoperability.
- Sec. 305. Report to Congress.
- Sec. 306. Required electronic processing of income withholding.

TITLE IV—BUDGETARY EFFECTS

- Sec. 401. Determination of budgetary effects.

**SEC. 3. REFERENCES.**

Except as otherwise expressly provided in this Act, wherever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the amendment shall be considered to be made to a section or other provision of the Social Security Act.

## TITLE I—PROTECTING CHILDREN AND YOUTH AT RISK OF SEX TRAFFICKING

### Subtitle A—Identifying and Protecting Children and Youth at Risk of Sex Trafficking

**SEC. 101. IDENTIFYING, DOCUMENTING, AND DETERMINING SERVICES FOR CHILDREN AND YOUTH AT RISK OF SEX TRAFFICKING.**

(a) IN GENERAL.—Section 471(a)(9) (42 U.S.C. 671(a)(9)) is amended—

- (1) in subparagraph (A), by striking “and”;
- (2) in subparagraph (B), by inserting “and” after the semicolon; and
- (3) by adding at the end the following:

“(C) not later than—

“(i) 1 year after the date of enactment of this subparagraph, demonstrate to the Secretary that the State agency has developed, in consultation with State and local law enforcement, juvenile justice systems, health care providers, education agencies, and organizations with experience in dealing with at-risk

Deadlines.

children and youth, policies and procedures (including relevant training for caseworkers) for identifying, documenting in agency records, and determining appropriate services with respect to—

“(I) any child or youth over whom the State agency has responsibility for placement, care, or supervision and who the State has reasonable cause to believe is, or is at risk of being, a sex trafficking victim (including children for whom a State child welfare agency has an open case file but who have not been removed from the home, children who have run away from foster care and who have not attained 18 years of age or such older age as the State has elected under section 475(8) of this Act, and youth who are not in foster care but are receiving services under section 477 of this Act); and

“(II) at the option of the State, any individual who has not attained 26 years of age, without regard to whether the individual is or was in foster care under the responsibility of the State; and

“(ii) 2 years after such date of enactment, demonstrate to the Secretary that the State agency is implementing the policies and procedures referred to in clause (i).”.

(b) DEFINITION OF SEX TRAFFICKING VICTIM.—Section 475 (42 U.S.C. 675) is amended by adding at the end the following:

“(9) The term ‘sex trafficking victim’ means a victim of—  
 “(A) sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000); or  
 “(B) a severe form of trafficking in persons described in section 103(9)(A) of such Act.”.

**SEC. 102. REPORTING INSTANCES OF SEX TRAFFICKING.**

(a) STATE PLAN REQUIREMENTS.—Section 471(a) (42 U.S.C. 671(a)) is amended—

(1) by striking “and” at the end of paragraph (32);

(2) by striking the period at the end of paragraph (33) and inserting a semicolon; and

(3) by adding at the end the following:

“(34) provides that, for each child or youth described in paragraph (9)(C)(i)(I), the State agency shall—

“(A) not later than 2 years after the date of the enactment of this paragraph, report immediately, and in no case later than 24 hours after receiving information on children or youth who have been identified as being a sex trafficking victim, to the law enforcement authorities; and

“(B) not later than 3 years after such date of enactment and annually thereafter, report to the Secretary the total number of children and youth who are sex trafficking victims.”.

(b) DUTIES OF THE SECRETARY.—Section 471 (42 U.S.C. 671) is amended by adding at the end the following:

“(d) ANNUAL REPORTS BY THE SECRETARY ON NUMBER OF CHILDREN AND YOUTH REPORTED BY STATES TO BE SEX TRAFFICKING VICTIMS.—Not later than 4 years after the date of the enactment

of this subsection and annually thereafter, the Secretary shall report to the Congress and make available to the public on the Internet website of the Department of Health and Human Services the number of children and youth reported in accordance with subsection (a)(34)(B) of this section to be sex trafficking victims (as defined in section 475(9)(A)).”

**SEC. 103. INCLUDING SEX TRAFFICKING DATA IN THE ADOPTION AND FOSTER CARE ANALYSIS AND REPORTING SYSTEM.**

Section 479(c)(3) (42 U.S.C. 679(c)(3)) is amended—

(1) in subparagraph (C)(iii), by striking “and” after the comma; and

(2) by adding at the end the following:

“(E) the annual number of children in foster care who are identified as sex trafficking victims—

“(i) who were such victims before entering foster care; and

“(ii) who were such victims while in foster care; and”.

**SEC. 104. LOCATING AND RESPONDING TO CHILDREN WHO RUN AWAY FROM FOSTER CARE.**

Section 471(a) (42 U.S.C. 671(a)), as amended by section 102(a) of this Act, is amended—

(1) by striking the period at the end of paragraph (34) and inserting “; and”; and

(2) by adding at the end the following:

“(35) provides that—

“(A) not later than 1 year after the date of the enactment of this paragraph, the State shall develop and implement specific protocols for—

“(i) expeditiously locating any child missing from foster care;

“(ii) determining the primary factors that contributed to the child’s running away or otherwise being absent from care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements;

“(iii) determining the child’s experiences while absent from care, including screening the child to determine if the child is a possible sex trafficking victim (as defined in section 475(9)(A)); and

“(iv) reporting such related information as required by the Secretary; and

“(B) not later than 2 years after such date of enactment, for each child and youth described in paragraph (9)(C)(i)(I) of this subsection, the State agency shall report immediately, and in no case later than 24 hours after receiving, information on missing or abducted children or youth to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code, and to the National Center for Missing and Exploited Children.”.

Deadlines.  
Protocols.

Reports.

**SEC. 105. INCREASING INFORMATION ON CHILDREN IN FOSTER CARE TO PREVENT SEX TRAFFICKING.**

Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Congress a written report which summarizes the following: Deadline. Reports.

(1) Information on children who run away from foster care and their risk of becoming sex trafficking victims, using data reported by States under section 479 of the Social Security Act and information collected by States related to section 471(a)(35) of such Act, including—

(A) characteristics of children who run away from foster care;

(B) potential factors associated with children running away from foster care (such as reason for entry into care, length of stay in care, type of placement, and other factors that contributed to the child’s running away);

(C) information on children’s experiences while absent from care; and

(D) trends in the number of children reported as run-aways in each fiscal year (including factors that may have contributed to changes in such trends).

(2) Information on State efforts to provide specialized services, foster family homes, child care institutions, or other forms of placement for children who are sex trafficking victims.

(3) Information on State efforts to ensure children in foster care form and maintain long-lasting connections to caring adults, even when a child in foster care must move to another foster family home or when the child is placed under the supervision of a new caseworker.

## **Subtitle B—Improving Opportunities for Children in Foster Care and Supporting Permanency**

**SEC. 111. SUPPORTING NORMALCY FOR CHILDREN IN FOSTER CARE.**

(a) REASONABLE AND PRUDENT PARENT STANDARD.—

(1) DEFINITIONS RELATING TO THE STANDARD.—Section 475 (42 U.S.C. 675), as amended by section 101(b) of this Act, is amended by adding at the end the following:

“(10)(A) The term ‘reasonable and prudent parent standard’ means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities.

“(B) For purposes of subparagraph (A), the term ‘caregiver’ means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.

“(11)(A) The term ‘age or developmentally-appropriate’ means—

“(i) activities or items that are generally accepted as suitable for children of the same chronological age or level



of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and

“(ii) in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

“(B) In the event that any age-related activities have implications relative to the academic curriculum of a child, nothing in this part or part B shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State or local educational agency, or the specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction of a school.”.

(2) STATE PLAN REQUIREMENT.—Section 471(a)(24) (42 U.S.C. 671(a)(24)) is amended—

(A) by striking “include” and inserting “includes”;

(B) by striking “and that such preparation” and inserting “that the preparation”; and

(C) by inserting “, and that the preparation shall include knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally-appropriate activities, including knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child, and knowledge and skills relating to applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting 1 or more days, and to decisions involving the signing of permission slips and arranging of transportation for the child to and from extracurricular, enrichment, and social activities” before the semicolon.

42 USC 671 note.

(3) TECHNICAL ASSISTANCE.—The Secretary of Health and Human Services shall provide assistance to the States on best practices for devising strategies to assist foster parents in applying a reasonable and prudent parent standard in a manner that protects child safety, while also allowing children to experience normal and beneficial activities, including methods for appropriately considering the concerns of the biological parents of a child in decisions related to participation of the child in activities (with the understanding that those concerns should not necessarily determine the participation of the child in any activity).

(b) NORMALCY FOR CHILDREN IN CHILD CARE INSTITUTIONS.—Section 471(a)(10) (42 U.S.C. 671(a)(10)) is amended to read as follows:

“(10) provides—

“(A) for the establishment or designation of a State authority or authorities that shall be responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for the institutions or homes,

including standards related to admission policies, safety, sanitation, and protection of civil rights, and which shall permit use of the reasonable and prudent parenting standard;

“(B) that the standards established pursuant to subparagraph (A) shall be applied by the State to any foster family home or child care institution receiving funds under this part or part B and shall require, as a condition of each contract entered into by a child care institution to provide foster care, the presence on-site of at least 1 official who, with respect to any child placed at the child care institution, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally-appropriate activities, and who is provided with training in how to use and apply the reasonable and prudent parent standard in the same manner as prospective foster parents are provided the training pursuant to paragraph (24);

Applicability.

“(C) that the standards established pursuant to subparagraph (A) shall include policies related to the liability of foster parents and private entities under contract by the State involving the application of the reasonable and prudent parent standard, to ensure appropriate liability for caregivers when a child participates in an approved activity and the caregiver approving the activity acts in accordance with the reasonable and prudent parent standard; and

“(D) that a waiver of any standards established pursuant to subparagraph (A) may be made only on a case-by-case basis for nonsafety standards (as determined by the State) in relative foster family homes for specific children in care;”

(c) SUPPORTING PARTICIPATION IN AGE-APPROPRIATE ACTIVITIES.—

(1) Section 477(a) (42 U.S.C. 677(a)) is amended—

(A) by striking “and” at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting “; and”; and

(C) by adding at the end the following:

“(8) to ensure children who are likely to remain in foster care until 18 years of age have regular, ongoing opportunities to engage in age or developmentally-appropriate activities as defined in section 475(11).”

(2) Section 477(h)(1) (42 U.S.C. 677(h)(1)) is amended by inserting “or, beginning in fiscal year 2020, \$143,000,000” after “\$140,000,000”.

(d) EFFECTIVE DATE.—

42 USC 671 note.

(1) IN GENERAL.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

(2) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by

Determination.

this section, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

**SEC. 112. IMPROVING ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT AS A PERMANENCY OPTION.**

**(a) ELIMINATION OF ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT FOR CHILDREN UNDER AGE 16.—**

(1) **IN GENERAL.**—Section 475(5)(C)(i) (42 U.S.C. 675(5)(C)(i)) is amended by inserting “only in the case of a child who has attained 16 years of age” before “(in cases where”.

(2) **CONFORMING AMENDMENT.**—Section 422(b)(8)(A)(iii)(II) (42 U.S.C. 622(b)(8)(A)(iii)(II)) is amended by inserting “, subject to the requirements of sections 475(5)(C) and 475A(a)” after “arrangement”.

42 USC 622 note.

(3) **DELAYED APPLICABILITY WITH RESPECT TO CERTAIN CHILDREN.**—In the case of children in foster care under the responsibility of an Indian tribe, tribal organization, or tribal consortium (either directly or under supervision of a State), the amendments made by this subsection shall not apply until the date that is 3 years after the date of the enactment of this Act.

**(b) ADDITIONAL REQUIREMENTS.—**

(1) **IN GENERAL.**—Part E of title IV (42 U.S.C. 670 et seq.) is amended by inserting after section 475 the following:

42 USC 675a.

**“SEC. 475A. ADDITIONAL CASE PLAN AND CASE REVIEW SYSTEM REQUIREMENTS.**

Applicability.

**“(a) REQUIREMENTS FOR ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT.**—In the case of any child for whom another planned permanent living arrangement is the permanency plan determined for the child under section 475(5)(C), the following requirements shall apply for purposes of approving the case plan for the child and the case system review procedure for the child:

**“(1) DOCUMENTATION OF INTENSIVE, ONGOING, UNSUCCESSFUL EFFORTS FOR FAMILY PLACEMENT.**—At each permanency hearing held with respect to the child, the State agency documents the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made by the State agency to return the child home or secure a placement for the child with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including through efforts that utilize search technology (including social media) to find biological family members for the children.

Procedures.

**“(2) REDETERMINATION OF APPROPRIATENESS OF PLACEMENT AT EACH PERMANENCY HEARING.**—The State agency shall implement procedures to ensure that, at each permanency hearing held with respect to the child, the court or administrative body appointed or approved by the court conducting the hearing on the permanency plan for the child does the following:

**“(A) Ask the child about the desired permanency outcome for the child.**

**“(B) Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the**

child and provide compelling reasons why it continues to not be in the best interests of the child to—

- “(i) return home;
- “(ii) be placed for adoption;
- “(iii) be placed with a legal guardian; or
- “(iv) be placed with a fit and willing relative.

“(3) DEMONSTRATION OF SUPPORT FOR ENGAGING IN AGE OR DEVELOPMENTALLY-APPROPRIATE ACTIVITIES AND SOCIAL EVENTS.—At each permanency hearing held with respect to the child, the State agency shall document the steps the State agency is taking to ensure that—

“(A) the child’s foster family home or child care institution is following the reasonable and prudent parent standard; and

“(B) the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities (including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities).”.

(2) CONFORMING AMENDMENTS.—

(A) STATE PLAN REQUIREMENTS.—

(i) PART B.—Section 422(b)(8)(A)(ii) (42 U.S.C. 622(b)(8)(A)(ii)) is amended by inserting “and in accordance with the requirements of section 475A” after “section 475(5)”.

(ii) PART E.—Section 471(a)(16) (42 U.S.C. 671(a)(16)) is amended—

(I) by inserting “and in accordance with the requirements of section 475A” after “section 475(1)”; and

(II) by striking “section 475(5)(B)” and inserting “sections 475(5) and 475A”.

(B) DEFINITIONS.—Section 475 (42 U.S.C. 675) is amended—

(i) in paragraph (1), in the matter preceding subparagraph (A), by inserting “meets the requirements of section 475A and” after “written document which”; and

(ii) in paragraph (5)—

(I) in subparagraph (B), by adding at the end the following “and, for a child for whom another planned permanent living arrangement has been determined as the permanency plan, the steps the State agency is taking to ensure the child’s foster family home or child care institution is following the reasonable and prudent parent standard and to ascertain whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities (including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities);”; and

(II) in subparagraph (C)—

(aa) by inserting “, as of the date of the hearing,” after “compelling reason for determining”; and

(bb) by inserting “subject to section 475A(a),” after “another planned permanent living arrangement,”.

42 USC 622 note.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

Determination.

(2) **DELAY PERMITTED IF STATE LEGISLATION REQUIRED.**—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this section, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

**SEC. 113. EMPOWERING FOSTER CHILDREN AGE 14 AND OLDER IN THE DEVELOPMENT OF THEIR OWN CASE PLAN AND TRANSITION PLANNING FOR A SUCCESSFUL ADULTHOOD.**

(a) **IN GENERAL.**—Section 475(1)(B) (42 U.S.C. 675(1)(B)) is amended by adding at the end the following: “With respect to a child who has attained 14 years of age, the plan developed for the child in accordance with this paragraph, and any revision or addition to the plan, shall be developed in consultation with the child and, at the option of the child, with up to 2 members of the case planning team who are chosen by the child and who are not a foster parent of, or caseworker for, the child. A State may reject an individual selected by a child to be a member of the case planning team at any time if the State has good cause to believe that the individual would not act in the best interests of the child. One individual selected by a child to be a member of the child’s case planning team may be designated to be the child’s advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child.”.

(b) **CONFORMING AMENDMENTS TO INCLUDE CHILDREN 14 AND OLDER IN TRANSITION PLANNING.**—Section 475 (42 U.S.C. 675) is amended—

(1) in paragraph (1)(D), by striking “Where appropriate, for a child age 16” and inserting “For a child who has attained 14 years of age”; and

(2) in paragraph (5)—

(A) in subparagraph (C)—

(i) in clause (i), by striking “16” and inserting “14”;

(ii) by striking “and” at the end of clause (ii); and

(iii) by adding at the end the following: “and (iv) if a child has attained 14 years of age, the permanency plan developed for the child, and any revision or addition to the plan, shall be developed in consultation with the child and, at the option of the child, with

not more than 2 members of the permanency planning team who are selected by the child and who are not a foster parent of, or caseworker for, the child, except that the State may reject an individual so selected by the child if the State has good cause to believe that the individual would not act in the best interests of the child, and 1 individual so selected by the child may be designated to be the child's advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent standard to the child;"; and

(B) in subparagraph (I), by striking "16" and inserting "14".

(c) TRANSITION PLANNING FOR A SUCCESSFUL ADULTHOOD.—Paragraphs (1)(D), (5)(C)(i), and (5)(C)(iii) of section 475 (42 U.S.C. 675) are each amended by striking "independent living" and inserting "a successful adulthood".

(d) LIST OF RIGHTS.—Section 475A, as added by section 112(b)(1) of this Act, is amended by adding at the end the following:

*Ante*, p. 1926.

"(b) LIST OF RIGHTS.—The case plan for any child in foster care under the responsibility of the State who has attained 14 years of age shall include—

"(1) a document that describes the rights of the child with respect to education, health, visitation, and court participation, the right to be provided with the documents specified in section 475(5)(I) in accordance with that section, and the right to stay safe and avoid exploitation; and

"(2) a signed acknowledgment by the child that the child has been provided with a copy of the document and that the rights contained in the document have been explained to the child in an age-appropriate way."

(e) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress regarding the implementation of the amendments made by this section. The report shall include—

(1) an analysis of how States are administering the requirements of paragraphs (1)(B) and (5)(C) of section 475 of the Social Security Act, as amended by subsections (a) and (b) of this section, that a child in foster care who has attained 14 years of age be permitted to select up to 2 members of the case planning team or permanency planning team for the child from individuals who are not a foster parent of, or caseworker for, the child; and

(2) a description of best practices of States with respect to the administration of the requirements.

(f) EFFECTIVE DATE.—

42 USC 675 note.

(1) IN GENERAL.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

(2) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this section, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the

Determination.

1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

**SEC. 114. ENSURING FOSTER CHILDREN HAVE A BIRTH CERTIFICATE, SOCIAL SECURITY CARD, HEALTH INSURANCE INFORMATION, MEDICAL RECORDS, AND A DRIVER'S LICENSE OR EQUIVALENT STATE-ISSUED IDENTIFICATION CARD.**

(a) CASE REVIEW SYSTEM REQUIREMENT.—Section 475(5)(I) (42 U.S.C. 675(5)(I)) is amended—

(1) by striking “and receives assistance” and inserting “receives assistance”; and

(2) by inserting “, and, if the child is leaving foster care by reason of having attained 18 years of age or such greater age as the State has elected under paragraph (8), unless the child has been in foster care for less than 6 months, is not discharged from care without being provided with (if the child is eligible to receive such document) an official or certified copy of the United States birth certificate of the child, a social security card issued by the Commissioner of Social Security, health insurance information, a copy of the child’s medical records, and a driver’s license or identification card issued by a State in accordance with the requirements of section 202 of the REAL ID Act of 2005” before the period.

42 USC 675 note.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

Determination.

(2) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this section, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

**SEC. 115. INFORMATION ON CHILDREN IN FOSTER CARE IN ANNUAL REPORTS USING AFCARS DATA; CONSULTATION.**

Section 479A (42 U.S.C. 679b) is amended—

(1) by striking “The Secretary” and inserting the following: “(a) IN GENERAL.—The Secretary”;

(2) in paragraph (5), by striking “and” after the semicolon;

(3) in paragraph (6)(C), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(7) include in the report submitted pursuant to paragraph (5) for fiscal year 2016 or any succeeding fiscal year, State-by-State data on—

“(A) children in foster care who have been placed in a child care institution or other setting that is not a foster family home, including—

“(i) the number of children in the placements and their ages, including separately, the number and ages of children who have a permanency plan of another planned permanent living arrangement;

“(ii) the duration of the placement in the settings (including for children who have a permanency plan of another planned permanent living arrangement);

“(iii) the types of child care institutions used (including group homes, residential treatment, shelters, or other congregate care settings);

“(iv) with respect to each child care institution or other setting that is not a foster family home, the number of children in foster care residing in each such institution or non-foster family home;

“(v) any clinically diagnosed special need of such children; and

“(vi) the extent of any specialized education, treatment, counseling, or other services provided in the settings; and

“(B) children in foster care who are pregnant or parenting.

“(b) CONSULTATION ON OTHER ISSUES.—The Secretary shall consult with States and organizations with an interest in child welfare, including organizations that provide adoption and foster care services, and shall take into account requests from Members of Congress, in selecting other issues to be analyzed and reported on under this section using data available to the Secretary, including data reported by States through the Adoption and Foster Care Analysis and Reporting System and to the National Youth in Transition Database.”.

## Subtitle C—National Advisory Committee

### SEC. 121. ESTABLISHMENT OF A NATIONAL ADVISORY COMMITTEE ON THE SEX TRAFFICKING OF CHILDREN AND YOUTH IN THE UNITED STATES.

Title XI (42 U.S.C. 1301 et seq.) is amended by inserting after section 1114 the following:

#### “NATIONAL ADVISORY COMMITTEE ON THE SEX TRAFFICKING OF CHILDREN AND YOUTH IN THE UNITED STATES

“SEC. 1114A. (a) OFFICIAL DESIGNATION.—This section relates to the National Advisory Committee on the Sex Trafficking of Children and Youth in the United States (in this section referred to as the ‘Committee’).

42 USC 1314b.

“(b) AUTHORITY.—Not later than 2 years after the date of enactment of this section, the Secretary shall establish and appoint all members of the Committee.

Deadline.

“(c) MEMBERSHIP.—

“(1) COMPOSITION.—The Committee shall be composed of not more than 21 members whose diverse experience and background enable them to provide balanced points of view with regard to carrying out the duties of the Committee.



Consultation.

“(2) SELECTION.—The Secretary, in consultation with the Attorney General and National Governors Association, shall appoint the members to the Committee. At least 1 Committee member shall be a former sex trafficking victim. 2 Committee members shall be a Governor of a State, 1 of whom shall be a member of the Democratic Party and 1 of whom shall be a member of the Republican Party.

“(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Committee. A vacancy in the Committee shall be filled in the manner in which the original appointment was made and shall not affect the powers or duties of the Committee.

“(4) COMPENSATION.—Committee members shall serve without compensation or per diem in lieu of subsistence.

“(d) DUTIES.—

“(1) NATIONAL RESPONSE.—The Committee shall advise the Secretary and the Attorney General on practical and general policies concerning improvements to the Nation’s response to the sex trafficking of children and youth in the United States.

“(2) POLICIES FOR COOPERATION.—The Committee shall advise the Secretary and the Attorney General on practical and general policies concerning the cooperation of Federal, State, local, and tribal governments, child welfare agencies, social service providers, physical health and mental health providers, victim service providers, State or local courts with responsibility for conducting or supervising proceedings relating to child welfare or social services for children and their families, Federal, State, and local police, juvenile detention centers, and runaway and homeless youth programs, schools, the gaming and entertainment industry, and businesses and organizations that provide services to youth, on responding to sex trafficking, including the development and implementation of—

“(A) successful interventions with children and youth who are exposed to conditions that make them vulnerable to, or victims of, sex trafficking; and

Recommendations.

“(B) recommendations for administrative or legislative changes necessary to use programs, properties, or other resources owned, operated, or funded by the Federal Government to provide safe housing for children and youth who are sex trafficking victims and provide support to entities that provide housing or other assistance to the victims.

Deadline.

“(3) BEST PRACTICES AND RECOMMENDATIONS FOR STATES.—

“(A) IN GENERAL.—Within 2 years after the establishment of the Committee, the Committee shall develop 2 tiers (referred to in this subparagraph as ‘Tier I’ and ‘Tier II’) of recommended best practices for States to follow in combating the sex trafficking of children and youth. Tier I shall provide States that have not yet substantively addressed the sex trafficking of children and youth with an idea of where to begin and what steps to take. Tier II shall provide States that are already working to address the sex trafficking of children and youth with examples of policies that are already being used effectively by other States to address sex trafficking.

“(B) DEVELOPMENT.—The best practices shall be based on multidisciplinary research and promising, evidence-

based models and programs as reflected in State efforts to meet the requirements of sections 101 and 102 of the Preventing Sex Trafficking and Strengthening Families Act.

“(C) CONTENT.—The best practices shall be user-friendly, incorporate the most up-to-date technology, and include the following:

“(i) Sample training materials, protocols, and screening tools that, to the extent possible, accommodate for regional differences among the States, to prepare individuals who administer social services to identify and serve children and youth who are sex trafficking victims or at-risk of sex trafficking.

“(ii) Multidisciplinary strategies to identify victims, manage cases, and improve services for all children and youth who are at risk of sex trafficking, or are sex trafficking victims, in the United States.

“(iii) Sample protocols and recommendations based on current States’ efforts, accounting for regional differences between States that provide for effective, cross-system collaboration between Federal, State, local, and tribal governments, child welfare agencies, social service providers, physical health and mental health providers, victim service providers, State or local courts with responsibility for conducting or supervising proceedings relating to child welfare or social services for children and their families, the gaming and entertainment industry, Federal, State, and local police, juvenile detention centers and runaway and homeless youth programs, housing resources that are appropriate for housing child and youth victims of trafficking, schools, and businesses and organizations that provide services to children and youth. These protocols and recommendations should include strategies to identify victims and collect, document, and share data across systems and agencies, and should be designed to help agencies better understand the type of sex trafficking involved, the scope of the problem, the needs of the population to be served, ways to address the demand for trafficked children and youth and increase prosecutions of traffickers and purchasers of children and youth, and the degree of victim interaction with multiple systems.

“(iv) Developing the criteria and guidelines necessary for establishing safe residential placements for foster children who have been sex trafficked as well as victims of trafficking identified through interaction with law enforcement.

“(v) Developing training guidelines for caregivers that serve children and youth being cared for outside the home.

“(D) INFORMING STATES OF BEST PRACTICES.—The Committee, in coordination with the National Governors Association, Secretary and Attorney General, shall ensure that State Governors and child welfare agencies are notified and informed on a quarterly basis of the best practices and recommendations for States, and notified 6 months

Notifications.  
Deadlines.

in advance that the Committee will be evaluating the extent to which States adopt the Committee's recommendations.

Public  
information.  
Web posting.

“(E) REPORT ON STATE IMPLEMENTATION.—Within 3 years after the establishment of the Committee, the Committee shall submit to the Secretary and the Attorney General, as part of its final report as well as for online and publicly available publication, a description of what each State has done to implement the recommendations of the Committee.

“(e) REPORTS.—

“(1) IN GENERAL.—The Committee shall submit an interim and a final report on the work of the Committee to—

“(A) the Secretary;

“(B) the Attorney General;

“(C) the Committee on Finance of the Senate; and

“(D) the Committee on Ways and Means of the House of Representatives.

“(2) REPORTING DATES.—The interim report shall be submitted not later than 3 years after the establishment of the Committee. The final report shall be submitted not later than 4 years after the establishment of the Committee.

“(f) ADMINISTRATION.—

“(1) AGENCY SUPPORT.—The Secretary shall direct the head of the Administration for Children and Families of the Department of Health and Human Services to provide all necessary support for the Committee.

“(2) MEETINGS.—

“(A) IN GENERAL.—The Committee will meet at the call of the Secretary at least twice each year to carry out this section, and more often as otherwise required.

“(B) ACCOMMODATION FOR COMMITTEE MEMBERS UNABLE TO ATTEND IN PERSON.—The Secretary shall create a process through which Committee members who are unable to travel to a Committee meeting in person may participate remotely through the use of video conference, teleconference, online, or other means.

“(3) SUBCOMMITTEES.—The Committee may establish subcommittees or working groups, as necessary and consistent with the mission of the Committee. The subcommittees or working groups shall have no authority to make decisions on behalf of the Committee, nor shall they report directly to any official or entity listed in subsection (d).

“(4) RECORDKEEPING.—The records of the Committee and any subcommittees and working groups shall be maintained in accordance with appropriate Department of Health and Human Services policies and procedures and shall be available for public inspection and copying, subject to the Freedom of Information Act (5 U.S.C. 552).

Web site.

“(g) TERMINATION.—The Committee shall terminate 5 years after the date of its establishment, but the Secretary shall continue to operate and update, as necessary, an Internet website displaying the State best practices, recommendations, and evaluation of State-by-State implementation of the Secretary's recommendations.

“(h) DEFINITION.—For the purpose of this section, the term ‘sex trafficking’ includes the definition set forth in section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C.

7102(10)) and ‘severe form of trafficking in persons’ described in section 103(9)(A) of such Act.”.

## **TITLE II—IMPROVING ADOPTION INCENTIVES AND EXTENDING FAMILY CONNECTION GRANTS**

### **Subtitle A—Improving Adoption Incentive Payments**

#### **SEC. 201. EXTENSION OF PROGRAM THROUGH FISCAL YEAR 2016.**

Section 473A (42 U.S.C. 673b) is amended—

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

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

#### **SEC. 202. IMPROVEMENTS TO AWARD STRUCTURE.**

(a) **ELIGIBILITY FOR AWARD.**—Section 473A(b) (42 U.S.C. 673b(b)) is amended by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(b) **DATA REQUIREMENTS.**—Section 473A(c)(2) (42 U.S.C. 673b(c)(2)) is amended—

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

(2) by striking “the numbers” and all that follows through “section,” and inserting “each of the rates required to be determined under this section with respect to a State and a fiscal year,”; and

(3) by inserting before the period the following: “, and, with respect to the determination of the rates related to foster child guardianships, on the basis of information reported to the Secretary under paragraph (12) of subsection (g)”.

(c) **AWARD AMOUNT.**—Section 473A(d) (42 U.S.C. 673b(d)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) through (C) and inserting the following:

“(A) \$5,000, multiplied by the amount (if any) by which—

“(i) the number of foster child adoptions in the State during the fiscal year; exceeds

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

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

“(II) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year;

“(B) \$7,500, multiplied by the amount (if any) by which—

“(i) the number of pre-adolescent child adoptions and pre-adolescent foster child guardianships in the State during the fiscal year; exceeds

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

“(I) the base rate of pre-adolescent child adoptions and pre-adolescent foster child guardianships for the State for the fiscal year; and

“(II) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year who have attained 9 years of age but not 14 years of age; and

“(C) \$10,000, multiplied by the amount (if any) by which—

“(i) the number of older child adoptions and older foster child guardianships in the State during the fiscal year; exceeds

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

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

“(II) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year who have attained 14 years of age; and

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

“(i) the number of foster child guardianships in the State during the fiscal year; exceeds

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

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

“(II) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year.”; and

(2) by striking paragraph (3) and inserting the following:

“(3) INCREASED ADOPTION AND LEGAL GUARDIANSHIP INCENTIVE PAYMENT FOR TIMELY ADOPTIONS.—

Determination.

“(A) IN GENERAL.—If for any of fiscal years 2013 through 2015, the total amount of adoption and legal guardianship incentive payments payable under paragraph (1) of this subsection are less than the amount appropriated under subsection (h) for the fiscal year, then, from the remainder of the amount appropriated for the fiscal year that is not required for such payments (in this paragraph referred to as the ‘timely adoption award pool’), the Secretary shall increase the adoption incentive payment determined under paragraph (1) for each State that the Secretary determines is a timely adoption award State for the fiscal year by the award amount determined for the fiscal year under subparagraph (C).

“(B) TIMELY ADOPTION AWARD STATE DEFINED.—A State is a timely adoption award State for a fiscal year if the Secretary determines that, for children who were in foster care under the supervision of the State at the time of

adoptive placement, the average number of months from removal of children from their home to the placement of children in finalized adoptions is less than 24 months.

“(C) AWARD AMOUNT.—For purposes of subparagraph (A), the award amount determined under this subparagraph with respect to a fiscal year is the amount equal to the timely adoption award pool for the fiscal year divided by the number of timely adoption award States for the fiscal year.”.

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

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

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

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

“(2) BASE RATE OF FOSTER CHILD ADOPTIONS.—The term ‘base rate of foster child adoptions’ means, with respect to a State and a fiscal year, the lesser of—

“(A) the foster child adoption rate for the State for the then immediately preceding fiscal year; or

“(B) the foster child adoption rate for the State for the average of the then immediately preceding 3 fiscal years.

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

“(4) PRE-ADOLESCENT CHILD ADOPTION AND PRE-ADOLESCENT FOSTER CHILD GUARDIANSHIP RATE.—The term ‘pre-adolescent child adoption and pre-adolescent foster child guardianship rate’ means, with respect to a State and a fiscal year, the percentage determined by dividing—

“(A) the number of pre-adolescent child adoptions and pre-adolescent foster child guardianships finalized in the State during the fiscal year; by

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

“(5) BASE RATE OF PRE-ADOLESCENT CHILD ADOPTIONS AND PRE-ADOLESCENT FOSTER CHILD GUARDIANSHIPS.—The term ‘base rate of pre-adolescent child adoptions and pre-adolescent foster child guardianships’ means, with respect to a State and a fiscal year, the lesser of—

“(A) the pre-adolescent child adoption and pre-adolescent foster child guardianship rate for the State for the then immediately preceding fiscal year; or

“(B) the pre-adolescent child adoption and pre-adolescent foster child guardianship rate for the State for the average of the then immediately preceding 3 fiscal years.

“(6) PRE-ADOLESCENT CHILD ADOPTION AND PRE-ADOLESCENT FOSTER CHILD GUARDIANSHIP.—The term ‘pre-adolescent

child adoption and pre-adolescent foster child guardianship' means the final adoption, or the placement into foster child guardianship (as defined in paragraph (12)) of a child who has attained 9 years of age but not 14 years of age if—

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

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

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

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

“(B) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year, who have attained 14 years of age.

“(8) BASE RATE OF OLDER CHILD ADOPTIONS AND OLDER FOSTER CHILD GUARDIANSHIPS.—The term ‘base rate of older child adoptions and older foster child guardianships’ means, with respect to a State and a fiscal year, the lesser of—

“(A) the older child adoption and older foster child guardianship rate for the State for the then immediately preceding fiscal year; or

“(B) the older child adoption and older foster child guardianship rate for the State for the average of the then immediately preceding 3 fiscal years.

“(9) OLDER CHILD ADOPTION AND OLDER FOSTER CHILD GUARDIANSHIP.—The term ‘older child adoption and older foster child guardianship’ means the final adoption, or the placement into foster child guardianship (as defined in paragraph (12)) of a child who has attained 14 years of age if—

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

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

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

“(A) the number of foster child guardianships occurring in the State during the fiscal year; by

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

“(11) BASE RATE OF FOSTER CHILD GUARDIANSHIPS.—The term ‘base rate of foster child guardianships’ means, with respect to a State and a fiscal year, the lesser of—

“(A) the foster child guardianship rate for the State for the then immediately preceding fiscal year; or

“(B) the foster child guardianship rate for the State for the average of the then immediately preceding 3 fiscal years.

“(12) FOSTER CHILD GUARDIANSHIP.—The term ‘foster child guardianship’ means, with respect to a State, the exit of a

child from foster care under the responsibility of the State to live with a legal guardian, if the State has reported to the Secretary—

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

“(i) the child has been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child;

“(ii) being returned home or adopted are not appropriate permanency options for the child;

“(iii) the child demonstrates a strong attachment to the prospective legal guardian, and the prospective legal guardian has a strong commitment to caring permanently for the child; and

“(iv) if the child has attained 14 years of age, the child has been consulted regarding the legal guardianship arrangement; or

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

**SEC. 203. RENAMING OF PROGRAM.**

(a) **IN GENERAL.**—The section heading of section 473A (42 U.S.C. 673b) is amended to read as follows:

**“SEC. 473A. ADOPTION AND LEGAL GUARDIANSHIP INCENTIVE PAYMENTS.”.**

(b) **CONFORMING AMENDMENTS.**—

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

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

**SEC. 204. LIMITATION ON USE OF INCENTIVE PAYMENTS.**

Section 473A(f) (42 U.S.C. 673b(f)) is amended in the 1st sentence by inserting “, and shall use the amount to supplement, and not supplant, any Federal or non-Federal funds used to provide any service under part B or E” before the period.

**SEC. 205. INCREASE IN PERIOD FOR WHICH INCENTIVE PAYMENTS ARE AVAILABLE FOR EXPENDITURE.**

Section 473A(e) (42 U.S.C. 673b(e)) is amended—

(1) in the subsection heading, by striking “24-MONTH” and inserting “36-MONTH”; and

(2) by striking “24-month” and inserting “36-month”.

**SEC. 206. STATE REPORT ON CALCULATION AND USE OF SAVINGS RESULTING FROM THE PHASE-OUT OF ELIGIBILITY REQUIREMENTS FOR ADOPTION ASSISTANCE; REQUIREMENT TO SPEND 30 PERCENT OF SAVINGS ON CERTAIN SERVICES.**

Section 473(a)(8) (42 U.S.C. 673(a)(8)) is amended to read as follows:



“(8)(A) A State shall calculate the savings (if any) resulting from the application of paragraph (2)(A)(ii) to all applicable children for a fiscal year, using a methodology specified by the Secretary or an alternate methodology proposed by the State and approved by the Secretary.

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

“(i) the methodology used to make the calculation described in subparagraph (A), without regard to whether any savings are found;

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

“(iii) how any such savings are spent, accounting for and reporting the spending separately from any other spending reported to the Secretary under part B or this part.

“(C) The Secretary shall make all information reported pursuant to subparagraph (B) available on the website of the Department of Health and Human Services in a location easily accessible to the public.

“(D)(i) A State shall spend an amount equal to the amount of the savings (if any) in State expenditures under this part resulting from the application of paragraph (2)(A)(ii) to all applicable children for a fiscal year, to provide to children of families any service that may be provided under part B or this part. A State shall spend not less than 30 percent of any such savings on post-adoption services, post-guardianship services, and services to support and sustain positive permanent outcomes for children who otherwise might enter into foster care under the responsibility of the State, with at least  $\frac{2}{3}$  of the spending by the State to comply with such 30 percent requirement being spent on post-adoption and post-guardianship services.

“(ii) Any State spending required under clause (i) shall be used to supplement, and not supplant, any Federal or non-Federal funds used to provide any service under part B or this part.”.

**SEC. 207. PRESERVATION OF ELIGIBILITY FOR KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS WITH A SUCCESSOR GUARDIAN.**

Section 473(d)(3) (42 U.S.C. 673(d)(3)) is amended by adding at the end the following:

“(C) ELIGIBILITY NOT AFFECTED BY REPLACEMENT OF GUARDIAN WITH A SUCCESSOR GUARDIAN.—In the event of the death or incapacity of the relative guardian, the eligibility of a child for a kinship guardianship assistance payment under this subsection shall not be affected by reason of the replacement of the relative guardian with a successor legal guardian named in the kinship guardianship assistance agreement referred to in paragraph (1) (including in any amendment to the agreement), notwithstanding subparagraph (A) of this paragraph and section 471(a)(28).”.

**SEC. 208. DATA COLLECTION ON ADOPTION AND LEGAL GUARDIANSHIP DISRUPTION AND DISSOLUTION.**

Section 479 (42 U.S.C. 679) is amended by adding at the end the following:

Public  
information.  
Web posting.

“(d) To promote improved knowledge on how best to ensure strong, permanent families for children, the Secretary shall promulgate regulations providing for the collection and analysis of information regarding children who enter into foster care under the supervision of a State after prior finalization of an adoption or legal guardianship. The regulations shall require each State with a State plan approved under this part to collect and report as part of such data collection system the number of children who enter foster care under supervision of the State after finalization of an adoption or legal guardianship and may include information concerning the length of the prior adoption or guardianship, the age of the child at the time of the prior adoption or guardianship, the age at which the child subsequently entered foster care under supervision of the State, the type of agency involved in making the prior adoptive or guardianship placement, and any other factors determined necessary to better understand factors associated with the child’s post-adoption or post-guardianship entry to foster care.”.

Regulations.

Reports.

**SEC. 209. ENCOURAGING THE PLACEMENT OF CHILDREN IN FOSTER CARE WITH SIBLINGS.**

(a) STATE PLAN AMENDMENT.—

(1) NOTIFICATION OF PARENTS OF SIBLINGS.—Section 471(a)(29) (42 U.S.C. 671(a)(29)) is amended by striking “all adult grandparents” and inserting “the following relatives: all adult grandparents, all parents of a sibling of the child, where such parent has legal custody of such sibling,”.

(2) SIBLING DEFINED.—Section 475 (42 U.S.C. 675), as amended by sections 101(b) and 111(a)(1) of this Act, is amended by adding at the end the following:

“(12) The term ‘sibling’ means an individual who satisfies at least one of the following conditions with respect to a child:

“(A) The individual is considered by State law to be a sibling of the child.

“(B) The individual would have been considered a sibling of the child under State law but for a termination or other disruption of parental rights, such as the death of a parent.”.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as subordinating the rights of foster or adoptive parents of a child to the rights of the parents of a sibling of that child.

42 USC 671 note.

**SEC. 210. EFFECTIVE DATES.**

42 USC 671 note.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this subtitle shall take effect as if enacted on October 1, 2013.

(b) RESTRUCTURING AND RENAMING OF PROGRAM.—

(1) IN GENERAL.—The amendments made by sections 202 and 203 shall take effect on October 1, 2014, subject to paragraph (2).

(2) TRANSITION RULE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the total amount payable to a State under section 473A of the Social Security Act for fiscal year 2014 shall be an amount equal to ½ of the sum of—

(i) the total amount that would be payable to the State under such section for fiscal year 2014 if the amendments made by section 202 of this Act had not taken effect; and

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

(B) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount otherwise payable under subparagraph (A) for fiscal year 2014 exceeds the amount appropriated pursuant to section 473A(h) of the Social Security Act (42 U.S.C. 673b(h)) for that fiscal year, the amount payable to each State under subparagraph (A) for fiscal year 2014 shall be—

(i) the amount that would otherwise be payable to the State under subparagraph (A) for fiscal year 2014; multiplied by

(ii) the percentage represented by the amount so appropriated for fiscal year 2014, divided by the total amount otherwise payable under subparagraph (A) to all States for that fiscal year.

(c) USE OF INCENTIVE PAYMENTS; ELIGIBILITY FOR KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS WITH A SUCCESSOR GUARDIAN; DATA COLLECTION.—The amendments made by sections 204, 207, and 208 shall take effect on the date of enactment of this Act.

(d) CALCULATION AND USE OF SAVINGS RESULTING FROM THE PHASE-OUT OF ELIGIBILITY REQUIREMENTS FOR ADOPTION ASSISTANCE.—The amendment made by section 206 shall take effect on October 1, 2014.

(e) NOTIFICATION OF PARENTS OF SIBLINGS.—

(1) IN GENERAL.—The amendments made by section 209 shall take effect on the date of enactment of this Act, subject to paragraph (2).

Determination.

(2) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan approved under part 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 section 209, 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 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that ends after the 1-year period beginning with the date of enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

## **Subtitle B—Extending the Family Connection Grant Program**

### **SEC. 221. EXTENSION OF FAMILY CONNECTION GRANT PROGRAM.**

(a) IN GENERAL.—Section 427(h) (42 U.S.C. 627(h)) is amended by striking “2013” and inserting “2014”.

(b) ELIGIBILITY OF UNIVERSITIES FOR MATCHING GRANTS.—Section 427(a) (42 U.S.C. 627(a)) is amended, in the matter preceding paragraph (1)—

(1) by striking “and” before “private”; and

(2) by inserting “and institutions of higher education (as defined under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)),” after “arrangements,”.

(c) FINDING FAMILIES FOR FOSTER CHILDREN WHO ARE PARENTS.—Section 427(a)(1)(E) (42 U.S.C. 627(a)(1)(E)) is amended by inserting “and other individuals who are willing and able to be foster parents for children in foster care under the responsibility of the State who are themselves parents” after “kinship care families”.

(d) RESERVATION OF FUNDS.—Section 427(g) (42 U.S.C. 627(g)) is amended—

(1) by striking paragraph (1); and

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

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on October 1, 2013. 42 USC 627 note.

## **TITLE III—IMPROVING INTERNATIONAL CHILD SUPPORT RECOVERY**

### **SEC. 301. AMENDMENTS TO ENSURE ACCESS TO CHILD SUPPORT SERVICES FOR INTERNATIONAL CHILD SUPPORT CASES.**

(a) AUTHORITY OF THE SECRETARY OF HHS TO ENSURE COMPLIANCE WITH MULTILATERAL CHILD SUPPORT CONVENTIONS.—

(1) IN GENERAL.—Section 452 (42 U.S.C. 652) is amended—

(A) by redesignating the second subsection (1) (as added by section 7306 of the Deficit Reduction Act of 2005) as subsection (m); and

(B) by adding at the end the following:

“(n) The Secretary shall use the authorities otherwise provided by law to ensure the compliance of the United States with any multilateral child support convention to which the United States is a party.”.

(2) CONFORMING AMENDMENT.—Section 453(k)(3) (42 U.S.C. 653(k)(3)) is amended by striking “452(l)” and inserting “452(m)”.

(b) ACCESS TO THE FEDERAL PARENT LOCATOR SERVICE.—Section 453(c) (42 U.S.C. 653(c)) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) an entity designated as a Central Authority for child support enforcement in a foreign reciprocating country or a foreign treaty country for purposes specified in section 459A(c)(2).”.

(c) STATE OPTION TO REQUIRE INDIVIDUALS IN FOREIGN COUNTRIES TO APPLY THROUGH THEIR COUNTRY’S APPROPRIATE CENTRAL AUTHORITY.—Section 454 (42 U.S.C. 654) is amended—

(1) in paragraph (4)(A)(ii), by inserting before the semicolon “(except that, if the individual applying for the services resides in a foreign reciprocating country or foreign treaty country, the State may opt to require the individual to request the services through the Central Authority for child support enforcement in the foreign reciprocating country or the foreign

treaty country, and if the individual resides in a foreign country that is not a foreign reciprocating country or a foreign treaty country, a State may accept or reject the application”); and

(2) in paragraph (32)—

(A) in subparagraph (A), by inserting “, a foreign treaty country,” after “a foreign reciprocating country”; and

(B) in subparagraph (C), by striking “or foreign obligee” and inserting “, foreign treaty country, or foreign individual”.

(d) AMENDMENTS TO INTERNATIONAL SUPPORT ENFORCEMENT PROVISIONS.—Section 459A (42 U.S.C. 659a) is amended—

(1) by adding at the end the following:

“(e) REFERENCES.—In this part:

“(1) FOREIGN RECIPROCATING COUNTRY.—The term ‘foreign reciprocating country’ means a foreign country (or political subdivision thereof) with respect to which the Secretary has made a declaration pursuant to subsection (a).

“(2) FOREIGN TREATY COUNTRY.—The term ‘foreign treaty country’ means a foreign country for which the 2007 Family Maintenance Convention is in force.

“(3) 2007 FAMILY MAINTENANCE CONVENTION.—The term ‘2007 Family Maintenance Convention’ means the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance.”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “foreign countries that are the subject of a declaration under this section” and inserting “foreign reciprocating countries or foreign treaty countries”; and

(B) in paragraph (2), by inserting “and foreign treaty countries” after “foreign reciprocating countries”; and

(3) in subsection (d), by striking “the subject of a declaration pursuant to subsection (a)” and inserting “foreign reciprocating countries or foreign treaty countries”.

(e) COLLECTION OF PAST-DUE SUPPORT FROM FEDERAL TAX REFUNDS.—Section 464(a)(2)(A) (42 U.S.C. 664(a)(2)(A)) is amended by striking “under section 454(4)(A)(ii)” and inserting “under paragraph (4)(A)(ii) or (32) of section 454”.

(f) STATE LAW REQUIREMENT CONCERNING THE UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA).—

(1) IN GENERAL.—Section 466(f) (42 U.S.C. 666(f)) is amended—

(A) by striking “on and after January 1, 1998,”;

(B) by striking “and as in effect on August 22, 1996,”;

and

(C) by striking “adopted as of such date” and inserting “adopted as of September 30, 2008”.

(2) CONFORMING AMENDMENTS TO TITLE 28, UNITED STATES CODE.—Section 1738B of title 28, United States Code, is amended—

(A) in subsection (d), by striking “individual contestant” and inserting “individual contestant or the parties have consented in a record or open court that the tribunal of the State may continue to exercise jurisdiction to modify its order,”;

(B) in subsection (e)(2)(A), by striking “individual contestant” and inserting “individual contestant and the

parties have not consented in a record or open court that the tribunal of the other State may continue to exercise jurisdiction to modify its order”; and

(C) in subsection (b)—

(i) by striking “‘child’ means” and inserting “(1) The term ‘child’ means”;

(ii) by striking “‘child’s State’ means” and inserting “(2) The term ‘child’s State’ means”;

(iii) by striking “‘child’s home State’ means” and inserting “(3) The term ‘child’s home State’ means”;

(iv) by striking “‘child support’ means” and inserting “(4) The term ‘child support’ means”;

(v) by striking “‘child support order’” and inserting “(5) The term ‘child support order’”;

(vi) by striking “‘contestant’ means” and inserting “(6) The term ‘contestant’ means”;

(vii) by striking “‘court’ means” and inserting “(7) The term ‘court’ means”;

(viii) by striking “‘modification’ means” and inserting “(8) The term ‘modification’ means”; and

(ix) by striking “‘State’ means” and inserting “(9) The term ‘State’ means”.

(3) EFFECTIVE DATE; GRACE PERIOD FOR STATE LAW CHANGES.—

(A) PARAGRAPH (1).—(i) The amendments made by paragraph (1) shall take effect with respect to a State no later than the effective date of laws enacted by the legislature of the State implementing such paragraph, but in no event later than 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 the enactment of this Act.

42 USC 666 note.

(ii) For purposes of clause (i), in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

(B) PARAGRAPH (2).—(i) The amendments made by subparagraphs (A) and (B) of paragraph (2) shall take effect on the date on which the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance enters into force for the United States.

28 USC 1738B note.

(ii) The amendments made by subparagraph (C) of paragraph (2) shall take effect on the date of the enactment of this Act.

### SEC. 302. CHILD SUPPORT ENFORCEMENT PROGRAMS FOR INDIAN TRIBES.

(a) TRIBAL ACCESS TO THE FEDERAL PARENT LOCATOR SERVICE.—Section 453(c)(1) (42 U.S.C. 653(c)(1)) is amended by inserting “or Indian tribe or tribal organization (as defined in subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)),” after “any State”.

(b) WAIVER AUTHORITY FOR INDIAN TRIBES OR TRIBAL ORGANIZATIONS OPERATING CHILD SUPPORT ENFORCEMENT PROGRAMS.—Section 1115(b) (42 U.S.C. 1315(b)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and realigning the left margin of subparagraph (C) so as to align with subparagraphs (A) and (B) (as so redesignated);

(2) by inserting “(1)” after “(b)”; and

(3) by adding at the end the following:

“(2) An Indian tribe or tribal organization operating a program under section 455(f) shall be considered a State for purposes of authority to conduct an experimental, pilot, or demonstration project under subsection (a) to assist in promoting the objectives of part D of title IV and receiving payments under the second sentence of that subsection. The Secretary may waive compliance with any requirements of section 455(f) or regulations promulgated under that section to the extent and for the period the Secretary finds necessary for an Indian tribe or tribal organization to carry out such project. Costs of the project which would not otherwise be included as expenditures of a program operating under section 455(f) and which are not included as part of the costs of projects under section 1110, shall, to the extent and for the period prescribed by the Secretary, be regarded as expenditures under a tribal plan or plans approved under such section, or for the administration of such tribal plan or plans, as may be appropriate. An Indian tribe or tribal organization applying for or receiving start-up program development funding pursuant to section 309.16 of title 45, Code of Federal Regulations, shall not be considered to be an Indian tribe or tribal organization operating a program under section 455(f) for purposes of this paragraph.”.

Waiver authority.

(c) CONFORMING AMENDMENTS.—Section 453(f) (42 U.S.C. 653(f)) is amended by inserting “and tribal” after “State” each place it appears.

**SEC. 303. SENSE OF THE CONGRESS REGARDING OFFERING OF VOLUNTARY PARENTING TIME ARRANGEMENTS.**

(a) FINDINGS.—The Congress finds as follows:

(1) The separation of a child from a parent does not end the financial or other responsibilities of the parent toward the child.

(2) Increased parental access and visitation not only improve parent-child relationships and outcomes for children, but also have been demonstrated to result in improved child support collections, which creates a double win for children—a more engaged parent and improved financial security.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) establishing parenting time arrangements when obtaining child support orders is an important goal which should be accompanied by strong family violence safeguards; and

(2) States should use existing funding sources to support the establishment of parenting time arrangements, including child support incentives, Access and Visitation Grants, and Healthy Marriage Promotion and Responsible Fatherhood Grants.

**SEC. 304. DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY.**

(a) IN GENERAL.—Section 452 (42 U.S.C. 652), as amended by section 301(a)(1) of this Act, is amended by adding at the end the following:

“(o) DATA EXCHANGE STANDARDS FOR IMPROVED INTEROPERABILITY.—

“(1) DESIGNATION.—The Secretary shall, in consultation with an interagency work group established by the Office of Management and Budget and considering State government perspectives, by rule, designate data exchange standards to govern, under this part—

Consultation.

“(A) necessary categories of information that State agencies operating programs under State plans approved under this part are required under applicable Federal law to electronically exchange with another State agency; and

“(B) Federal reporting and data exchange required under applicable Federal law.

“(2) REQUIREMENTS.—The data exchange standards required by paragraph (1) shall, to the extent practicable—

“(A) incorporate a widely accepted, non-proprietary, searchable, computer-readable format, such as the eXtensible Markup Language;

“(B) contain interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model;

“(C) incorporate interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance;

“(D) be consistent with and implement applicable accounting principles;

“(E) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness; and

“(F) be capable of being continually upgraded as necessary.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require a change to existing data exchange standards found to be effective and efficient.”.

(b) EFFECTIVE DATE.—The Secretary of Health and Human Services shall issue a proposed rule within 24 months after the date of the enactment of this section. The rule shall identify federally required data exchanges, include specification and timing of exchanges to be standardized, and address the factors used in determining whether and when to standardize data exchanges. It should also specify State implementation options and describe future milestones.

Regulations.  
Deadline.  
42 USC 652 note.

**SEC. 305. REPORT TO CONGRESS.**

The Secretary of Health and Human Services shall—

(1) in conjunction with the strategic plan, review and provide recommendations for cost-effective improvements to the child support enforcement program under part D of title IV of the Social Security Act, and ensure that the plan addresses the effectiveness and performance of the program, analyzes program practices, identifies possible new collection tools and approaches, and identifies strategies for holding parents accountable for supporting their children and for building the

Review.  
Recommendations.



capacity of parents to pay child support, with specific attention given to matters including front-end services, on-going case management, collections, Tribal-State partnerships, interstate and intergovernmental interactions, program performance, data analytics, and information technology;

Consultation.

(2) in carrying out paragraph (1), consult with and include input from—

(A) State, tribal, and county child support directors;

(B) judges who preside over family courts or other State or local courts with responsibility for conducting or supervising proceedings relating to child support enforcement, child welfare, or social services for children and their families, and organizations that represent the judges;

(C) custodial parents and organizations that represent them;

(D) noncustodial parents and organizations that represent them; and

(E) organizations that represent fiduciary entities that are affected by child support enforcement policies; and

(3) in developing the report required by paragraph (4), solicit public comment;

(4) not later than June 30, 2015, submit to the Congress a report that sets forth policy options for improvements in child support enforcement, which report shall include the following:

(A) A review of the effectiveness of State child support enforcement programs, and the collection practices employed by State agencies administering programs under such part, and an analysis of the extent to which the practices result in unintended consequences or performance issues associated with the programs and practices.

(B) Recommendations for methods to enhance the effectiveness of child support enforcement programs and collection practices.

(C) A review of State best practices in regards to establishing and operating State and multistate lien registries.

(D) A compilation of State recovery and distribution policies.

(E) Options, with analysis, for methods to engage non-custodial parents in the lives of their children through consideration of parental time and visitation with children.

(F) An analysis of the role of alternative dispute resolution in making child support determinations.

(G) Identification of best practices for—

(i) determining which services and support programs available to custodial and noncustodial parents are non-duplicative, evidence-based, and produce quality outcomes, and connecting custodial and non-custodial parents to those services and support programs;

(ii) providing employment support, job training, and job placement for custodial and noncustodial parents; and

(iii) establishing services, supports, and child support payment tracking for noncustodial parents,

including options for the prevention of, and intervention on, uncollectible arrearages, such as retroactive obligations.

(H) Options, with analysis, for methods for States to use to collect child support payments from individuals who owe excessive arrearages as determined under section 454(31) of such Act.

(I) A review of State practices under 454(31) of such Act used to determine which individuals are excluded from the requirements of section 452(k) of such Act, including the extent to which individuals are able to successfully contest or appeal decisions.

(J) Options, with analysis, for actions as are determined to be appropriate for improvement in child support enforcement.

**SEC. 306. REQUIRED ELECTRONIC PROCESSING OF INCOME WITHHOLDING.**

(a) IN GENERAL.—Section 454A(g)(1) (42 U.S.C. 654a(g)(1)(A)) is amended—

(1) by striking “, to the maximum extent feasible,”; and

(2) in subparagraph (A)—

(A) by striking “and” at the end of clause (i);

(B) by adding “and” at the end of clause (ii); and

(C) by adding at the end the following:

“(iii) at the option of the employer, using the electronic transmission methods prescribed by the Secretary;”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2015.

42 USC 654a  
note.

**TITLE IV—BUDGETARY EFFECTS**

**SEC. 401. DETERMINATION OF BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the

128 STAT. 1950

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Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved September 29, 2014.

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LEGISLATIVE HISTORY—H.R. 4980:

CONGRESSIONAL RECORD, Vol. 160 (2014):  
July 23, considered and passed House.  
Sept. 18, considered and passed Senate.



terminated or substantially modified programs and continuance in office of Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104-193, set out as an Effective Date note under section 601 of this title.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-432 effective with respect to fiscal years beginning on or after Apr. 1, 1996, see section 202(e) of Pub. L. 103-432, set out as a note under section 622 of this title.

#### EFFECTIVE DATE OF 1987 AMENDMENT

Section 9133(c) of Pub. L. 100-203 provided that: "The amendments made by this section [amending this section and sections 602, 673, and 675 of this title] shall become effective April 1, 1988."

#### EFFECTIVE DATE OF 1980 AMENDMENT

Section 102(a)(1) of Pub. L. 96-272, as amended by Pub. L. 98-118, §3(a), Oct. 11, 1983, 97 Stat. 803; Pub. L. 98-617, §4(c)(1), Nov. 8, 1984, 98 Stat. 3297; Pub. L. 99-272, title XII, §12306(c)(1), Apr. 7, 1986, 100 Stat. 294; Pub. L. 100-203, title IX, §9131(a)(1), Dec. 22, 1987, 101 Stat. 1330-313, provided that the amendment made by that section is effective with respect to expenditures made after Sept. 30, 1980.

Section 102(c) of Pub. L. 96-272, as amended by Pub. L. 98-118, §3(b), Oct. 11, 1983, 97 Stat. 803; Pub. L. 98-617, §4(c)(2), Nov. 8, 1984, 98 Stat. 3297; Pub. L. 99-272, title XII, §12306(c)(2), Apr. 7, 1986, 100 Stat. 294; Pub. L. 100-203, title IX, §9131(a)(2), Dec. 22, 1987, 101 Stat. 1330-313, provided that: "The amendments made by subsections (a) and (b) [amending this section and sections 608, 673, and 675 of this title] shall be effective only with respect to expenditures made after September 30, 1979."

[Section 9131(b) of Pub. L. 100-203 provided that: "The amendments made by subsection (a) [amending section 102(a)(1), (c), and (e) of Pub. L. 96-272, set out as notes under this section] shall become effective October 1, 1987."]

#### CONSTRUCTION OF 2008 AMENDMENT

For construction of amendment by section 301(a)(2) of Pub. L. 110-351, see section 301(d) of Pub. L. 110-351, set out as a note under section 671 of this title.

#### CHILDREN VOLUNTARILY REMOVED FROM HOME OF RELATIVE

Section 102(d)(1) of Pub. L. 96-272 provided that: "For purposes of section 472 of the Social Security Act [this section], a child who was voluntarily removed from the home of a relative and who had a judicial determination prior to October 1, 1978, to the effect that continuation therein would be contrary to the welfare of such child, shall be deemed to have been so removed as a result of such judicial determination if, and from the date that, a case plan and a review meeting the requirements of section 471(a)(16) of such Act [section 671(a)(16) of this title] have been made with respect to such child and such child is determined to be in need of foster care as a result of such review. In the case of any child described in the preceding sentence, for purposes of section 472(a)(4) of such Act [subsec. (a)(4) of this section], the date of the voluntary removal shall be deemed to be the date on which court proceedings are initiated which led to such removal."

#### ANNUAL REPORT TO CONGRESS OF NUMBER OF CHILDREN PLACED IN FOSTER CARE PURSUANT TO VOLUNTARY PLACEMENT AGREEMENTS

Pub. L. 96-272, title I, §102(e), June 17, 1980, 94 Stat. 515, as amended by Pub. L. 100-203, title IX, §9131(a)(3), Dec. 22, 1987, 101 Stat. 1330-313, which required the Secretary of Health, Education, and Welfare, to submit to Congress a full and complete annual report on the placement of children in foster care pursuant to vol-

untary placement agreements under this section and section 608 of this title, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, item 12 on page 99 of House Document No. 103-7.

#### § 673. Adoption and guardianship assistance program

##### (a) Agreements with adoptive parents of children with special needs; State payments; qualifying children; amount of payments; changes in circumstances; placement period prior to adoption; nonrecurring adoption expenses

(1)(A) Each State having a plan approved under this part shall enter into adoption assistance agreements (as defined in section 675(3) of this title) with the adoptive parents of children with special needs.

(B) Under any adoption assistance agreement entered into by a State with parents who adopt a child with special needs, the State—

(i) shall make payments of nonrecurring adoption expenses incurred by or on behalf of such parents in connection with the adoption of such child, directly through the State agency or through another public or nonprofit private agency, in amounts determined under paragraph (3), and

(ii) in any case where the child meets the requirements of paragraph (2), may make adoption assistance payments to such parents, directly through the State agency or through another public or nonprofit private agency, in amounts so determined.

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

(i) in the case of a child who is not an applicable child for the fiscal year (as defined in subsection (e)), the child—

(I)(aa)(AA) was removed from the home of a relative specified in section 606(a) of this title (as in effect on July 16, 1996) and placed in foster care in accordance with a voluntary placement agreement with respect to which Federal payments are provided under section 674 of this title (or section 603 of this title, as such section was in effect on July 16, 1996), or in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and

(BB) met the requirements of section 672(a)(3) of this title with respect to the home referred to in subitem (AA) of this item;

(bb) meets all of the requirements of subchapter XVI with respect to eligibility for supplemental security income benefits; or

(cc) is a child whose costs in a foster family home or child-care institution are covered by the foster care maintenance payments being made with respect to the minor parent of the child as provided in section 675(4)(B) of this title; and

(II) has been determined by the State, pursuant to subsection (c)(1) of this section, to be a child with special needs; or

(ii) in the case of a child who is an applicable child for the fiscal year (as so defined), the child—

(I)(aa) at the time of initiation of adoption proceedings was in the care of a public or licensed private child placement agency or Indian tribal organization pursuant to—

(AA) an involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; or

(BB) a voluntary placement agreement or voluntary relinquishment;

(bb) meets all medical or disability requirements of subchapter XVI with respect to eligibility for supplemental security income benefits; or

(cc) was residing in a foster family home or child care institution with the child's minor parent, and the child's minor parent was in such foster family home or child care institution pursuant to—

(AA) an involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; or

(BB) a voluntary placement agreement or voluntary relinquishment; and

(II) has been determined by the State, pursuant to subsection (c)(2), to be a child with special needs.

(B) Section 672(a)(4) of this title shall apply for purposes of subparagraph (A) of this paragraph, in any case in which the child is an alien described in such section.

(C) A child shall be treated as meeting the requirements of this paragraph for the purpose of paragraph (1)(B)(ii) if—

(i) in the case of a child who is not an applicable child for the fiscal year (as defined in subsection (e)), the child—

(I) meets the requirements of subparagraph (A)(i)(II);

(II) was determined eligible for adoption assistance payments under this part with respect to a prior adoption;

(III) is available for adoption because—

(aa) the prior adoption has been dissolved, and the parental rights of the adoptive parents have been terminated; or

(bb) the child's adoptive parents have died; and

(IV) fails to meet the requirements of subparagraph (A)(i) but would meet such requirements if—

(aa) the child were treated as if the child were in the same financial and other circumstances the child was in the last time the child was determined eligible for adoption assistance payments under this part; and

(bb) the prior adoption were treated as never having occurred; or

(ii) in the case of a child who is an applicable child for the fiscal year (as so defined), the child meets the requirements of subparagraph (A)(ii)(II), is determined eligible for adoption assistance payments under this part with respect to a prior adoption (or who would have been determined eligible for such payments

had the Adoption and Safe Families Act of 1997 been in effect at the time that such determination would have been made), and is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died.

(D) In determining the eligibility for adoption assistance payments of a child in a legal guardianship arrangement described in section 671(a)(28) of this title, the placement of the child with the relative guardian involved and any kinship guardianship assistance payments made on behalf of the child shall be considered never to have been made.

(3) The amount of the payments to be made in any case under clauses (i) and (ii) of paragraph (1)(B) shall be determined through agreement between the adoptive parents and the State or local agency administering the program under this section, which shall take into consideration the circumstances of the adopting parents and the needs of the child being adopted, and may be readjusted periodically, with the concurrence of the adopting parents (which may be specified in the adoption assistance agreement), depending upon changes in such circumstances. However, in no case may the amount of the adoption assistance payment made under clause (ii) of paragraph (1)(B) exceed the foster care maintenance payment which would have been paid during the period if the child with respect to whom the adoption assistance payment is made had been in a foster family home.

(4)(A) Notwithstanding any other provision of this section, a payment may not be made pursuant to this section to parents or relative guardians with respect to a child—

(i) who has attained—

(I) 18 years of age, or such greater age as the State may elect under section 675(8)(B)(iii) of this title; or

(II) 21 years of age, if the State determines that the child has a mental or physical handicap which warrants the continuation of assistance;

(ii) who has not attained 18 years of age, if the State determines that the parents or relative guardians, as the case may be, are no longer legally responsible for the support of the child; or

(iii) if the State determines that the child is no longer receiving any support from the parents or relative guardians, as the case may be.

(B) Parents or relative guardians who have been receiving adoption assistance payments or kinship guardianship assistance payments under this section shall keep the State or local agency administering the program under this section informed of circumstances which would, pursuant to this subsection, make them ineligible for the payments, or eligible for the payments in a different amount.

(5) For purposes of this part, individuals with whom a child (who has been determined by the State, pursuant to subsection (c) of this section, to be a child with special needs) is placed for adoption in accordance with applicable State and local law shall be eligible for such payments, during the period of the placement, on

the same terms and subject to the same conditions as if such individuals had adopted such child.

(6)(A) For purposes of paragraph (1)(B)(i), the term “nonrecurring adoption expenses” means reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a child with special needs and which are not incurred in violation of State or Federal law.

(B) A State’s payment of nonrecurring adoption expenses under an adoption assistance agreement shall be treated as an expenditure made for the proper and efficient administration of the State plan for purposes of section 674(a)(3)(E) of this title.

(7)(A) Notwithstanding any other provision of this subsection, no payment may be made to parents with respect to any applicable child for a fiscal year that—

- (i) would be considered a child with special needs under subsection (c)(2);
- (ii) is not a citizen or resident of the United States; and
- (iii) was adopted outside of the United States or was brought into the United States for the purpose of being adopted.

(B) Subparagraph (A) shall not be construed as prohibiting payments under this part for an applicable child described in subparagraph (A) that is placed in foster care subsequent to the failure, as determined by the State, of the initial adoption of the child by the parents described in subparagraph (A).

(8) A State shall spend an amount equal to the amount of savings (if any) in State expenditures under this part resulting from the application of paragraph (2)(A)(ii) to all applicable children for a fiscal year to provide to children or families any service (including post-adoption services) that may be provided under this part or part B.

**(b) Aid for dependent children; assistance for minor children in needy families**

(1) For purposes of subchapter XIX of this chapter, any child who is described in paragraph (3) is deemed to be a dependent child as defined in section 606 of this title (as in effect as of July 16, 1996) and deemed to be a recipient of aid to families with dependent children under part A of this subchapter (as so in effect) in the State where such child resides.

(2) For purposes of division A<sup>1</sup> of subchapter XX of this chapter, any child who is described in paragraph (3) is deemed to be a minor child in a needy family under a State program funded under part A of this subchapter and deemed to be a recipient of assistance under such part.

(3) A child described in this paragraph is any child—

- (A)(i) who is a child described in subsection (a)(2) of this section, and
- (ii) with respect to whom an adoption assistance agreement is in effect under this section (whether or not adoption assistance payments are provided under the agreement or are being made under this section), including any such child who has been placed for adoption in accordance with applicable State and local law

(whether or not an interlocutory or other judicial decree of adoption has been issued),

(B) with respect to whom foster care maintenance payments are being made under section 672 of this title, or

(C) with respect to whom kinship guardianship assistance payments are being made pursuant to subsection (d).

(4) For purposes of paragraphs (1) and (2), a child whose costs in a foster family home or child-care institution are covered by the foster care maintenance payments being made with respect to the child’s minor parent, as provided in section 675(4)(B) of this title, shall be considered a child with respect to whom foster care maintenance payments are being made under section 672 of this title.

**(c) Children with special needs**

For purposes of this section—

(1) in the case of a child who is not an applicable child for a fiscal year, the child shall not be considered a child with special needs unless—

(A) the State has determined that the child cannot or should not be returned to the home of his parents; and

(B) the State had first determined (A) that there exists with respect to the child a specific factor or condition (such as his ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that such child cannot be placed with adoptive parents without providing adoption assistance under this section or medical assistance under subchapter XIX of this chapter, and (B) that, except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption assistance under this section or medical assistance under subchapter XIX of this chapter; or

(2) in the case of a child who is an applicable child for a fiscal year, the child shall not be considered a child with special needs unless—

(A) the State has determined, pursuant to a criterion or criteria established by the State, that the child cannot or should not be returned to the home of his parents;

(B)(i) the State has determined that there exists with respect to the child a specific factor or condition (such as ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing adoption assistance under this section and medical assistance under subchapter XIX; or

(ii) the child meets all medical or disability requirements of subchapter XVI with re-

<sup>1</sup> See References in Text note below.

spect to eligibility for supplemental security income benefits; and

(C) the State has determined that, except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of the parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption assistance under this section or medical assistance under subchapter XIX.

**(d) Kinship guardianship assistance payments for children**

**(1) Kinship guardianship assistance agreement**

**(A) In general**

In order to receive payments under section 674(a)(5) of this title, a State shall—

- (i) negotiate and enter into a written, binding kinship guardianship assistance agreement with the prospective relative guardian of a child who meets the requirements of this paragraph; and
- (ii) provide the prospective relative guardian with a copy of the agreement.

**(B) Minimum requirements**

The agreement shall specify, at a minimum—

- (i) the amount of, and manner in which, each kinship guardianship assistance payment will be provided under the agreement, and the manner in which the payment may be adjusted periodically, in consultation with the relative guardian, based on the circumstances of the relative guardian and the needs of the child;
- (ii) the additional services and assistance that the child and relative guardian will be eligible for under the agreement;
- (iii) the procedure by which the relative guardian may apply for additional services as needed; and
- (iv) subject to subparagraph (D), that the State will pay the total cost of non-recurring expenses associated with obtaining legal guardianship of the child, to the extent the total cost does not exceed \$2,000.

**(C) Interstate applicability**

The agreement shall provide that the agreement shall remain in effect without regard to the State residency of the relative guardian.

**(D) No effect on Federal reimbursement**

Nothing in subparagraph (B)(iv) shall be construed as affecting the ability of the State to obtain reimbursement from the Federal Government for costs described in that subparagraph.

**(2) Limitations on amount of kinship guardianship assistance payment**

A kinship guardianship assistance payment on behalf of a child shall not exceed the foster care maintenance payment which would have been paid on behalf of the child if the child had remained in a foster family home.

**(3) Child's eligibility for a kinship guardianship assistance payment**

**(A) In general**

A child is eligible for a kinship guardianship assistance payment under this subsection if the State agency determines the following:

- (i) The child has been—
  - (I) removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and
  - (II) eligible for foster care maintenance payments under section 672 of this title while residing for at least 6 consecutive months in the home of the prospective relative guardian.
- (ii) Being returned home or adopted are not appropriate permanency options for the child.
- (iii) The child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child.
- (iv) With respect to a child who has attained 14 years of age, the child has been consulted regarding the kinship guardianship arrangement.

**(B) Treatment of siblings**

With respect to a child described in subparagraph (A) whose sibling or siblings are not so described—

- (i) the child and any sibling of the child may be placed in the same kinship guardianship arrangement, in accordance with section 671(a)(31) of this title, if the State agency and the relative agree on the appropriateness of the arrangement for the siblings; and
- (ii) kinship guardianship assistance payments may be paid on behalf of each sibling so placed.

**(e) Applicable child defined**

**(1) On the basis of age**

**(A) In general**

Subject to paragraphs (2) and (3), in this section, the term “applicable child” means a child for whom an adoption assistance agreement is entered into under this section during any fiscal year described in subparagraph (B) if the child attained the applicable age for that fiscal year before the end of that fiscal year.

**(B) Applicable age**

For purposes of subparagraph (A), the applicable age for a fiscal year is as follows:

In the case of fiscal year:	The applicable age is:
2010 .....	16
2011 .....	14
2012 .....	12
2013 .....	10
2014 .....	8

In the case of fiscal year:	The applicable age is:
2015 .....	6
2016 .....	4
2017 .....	2
2018 or thereafter .....	any age.

**(2) Exception for duration in care**

Notwithstanding paragraph (1) of this subsection, beginning with fiscal year 2010, such term shall include a child of any age on the date on which an adoption assistance agreement is entered into on behalf of the child under this section if the child—

(A) has been in foster care under the responsibility of the State for at least 60 consecutive months; and

(B) meets the requirements of subsection (a)(2)(A)(ii).

**(3) Exception for member of a sibling group**

Notwithstanding paragraphs (1) and (2) of this subsection, beginning with fiscal year 2010, such term shall include a child of any age on the date on which an adoption assistance agreement is entered into on behalf of the child under this section without regard to whether the child is described in paragraph (2)(A) of this subsection if the child—

(A) is a sibling of a child who is an applicable child for the fiscal year under paragraph (1) or (2) of this subsection;

(B) is to be placed in the same adoption placement as an applicable child for the fiscal year who is their sibling; and

(C) meets the requirements of subsection (a)(2)(A)(ii).

(Aug. 14, 1935, ch. 531, title IV, §473, as added and amended Pub. L. 96-272, title I, §§101(a)(1), 102(a)(3), June 17, 1980, 94 Stat. 504, 514; Pub. L. 99-272, title XII, §12305(a), (b)(1), Apr. 7, 1986, 100 Stat. 293; Pub. L. 99-514, title XVII, §1711(a), (b), (c)(3)-(5), Oct. 22, 1986, 100 Stat. 2783, 2784; Pub. L. 99-603, title II, §201(b)(2)(B), Nov. 6, 1986, 100 Stat. 3403; Pub. L. 100-203, title IX, §§9133(b)(3), (4), 9139(b), Dec. 22, 1987, 101 Stat. 1330-314, 1330-321; Pub. L. 103-432, title II, §§265(b), 266(a), Oct. 31, 1994, 108 Stat. 4469; Pub. L. 104-193, title I, §108(d)(5), (6), Aug. 22, 1996, 110 Stat. 2167; Pub. L. 105-33, title V, §5513(b)(3), (4), Aug. 5, 1997, 111 Stat. 620; Pub. L. 105-89, title III, §307(a), Nov. 19, 1997, 111 Stat. 2133; Pub. L. 109-171, title VII, §7404(b), Feb. 8, 2006, 120 Stat. 153; Pub. L. 110-351, title I, §101(b), (c)(1), (5), (f), title II, §201(c), title IV, §402, Oct. 7, 2008, 122 Stat. 3950, 3951, 3953, 3958, 3975; Pub. L. 111-148, title VI, §6703(d)(2)(B), Mar. 23, 2010, 124 Stat. 803.)

REFERENCES IN TEXT

The Adoption and Safe Families Act of 1997, referred to in subsec. (a)(2)(C)(ii), is Pub. L. 105-89, Nov. 19, 1997, 111 Stat. 2115. For complete classification of this Act to the Code, see Short Title of 1997 Amendment note set out under section 1305 of this title and Tables.

Part B, referred to in subsec. (a)(8), is classified to section 620 et seq. of this title.

Part A of this subchapter, referred to in subsec. (b)(1), (2), is classified to section 601 et seq. of this title.

Division A of subchapter XX, referred to in subsec. (b)(2), was in the original a reference to subtitle 1 of title XX, which was translated as if referring to subtitle A of title XX of the Social Security Act, to reflect

the probable intent of Congress. Title XX of the Act, enacting subchapter XX of this chapter, does not contain a subtitle 1.

AMENDMENTS

2010—Subsec. (b)(2). Pub. L. 111-148 inserted “division A of” before “subchapter XX”.

2008—Pub. L. 110-351, §101(c)(5), inserted “and guardianship” after “Adoption” in section catchline.

Subsec. (a)(2)(A). Pub. L. 110-351, §402(1)(A)(i), substituted “if—” for “if the child—” in introductory provisions, inserted cl. (i) designation and introductory provisions, redesignated former cls. (i) and (ii) as subcls. (I) and (II), respectively, of cl. (i) and substituted “subsection (c)(1)” for “subsection (c)” in subcl. (II), redesignated former subcls. (I) to (III) of cl. (i) as items (aa) to (cc), respectively, of cl. (i)(I), redesignated former items (aa) and (bb) of cl. (i)(I) as subitems (AA) and (BB), respectively, of cl. (i)(I)(aa) and substituted “subitem (AA) of this item” for “item (aa) of this subclause” in subitem (BB), realigned margins, and added cl. (ii).

Subsec. (a)(2)(C). Pub. L. 110-351, §402(1)(A)(ii), substituted “if—” for “if the child—” in introductory provisions, inserted cl. (i) designation and introductory provisions, redesignated former cls. (i) to (iv) as subcls. (I) to (IV), respectively, of cl. (i) and substituted “subparagraph (A)(i)(II)” for “subparagraph (A)(ii)” in subcl. (I) and “subparagraph (A)(i)” for “subparagraph (A)” in subcl. (IV), redesignated former subcls. (I) and (II) of cl. (iii) as items (aa) and (bb), respectively, of cl. (i)(III), redesignated former subcls. (I) and (II) of cl. (iv) as items (aa) and (bb), respectively, of cl. (i)(IV), realigned margins, and added cl. (ii).

Subsec. (a)(2)(D). Pub. L. 110-351, §101(c)(1), added subpar. (D).

Subsec. (a)(4). Pub. L. 110-351, §201(c), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “Notwithstanding the preceding paragraph, (A) no payment may be made to parents with respect to any child who has attained the age of eighteen (or, where the State determines that the child has a mental or physical handicap which warrants the continuation of assistance, the age of twenty-one), and (B) no payment may be made to parents with respect to any child if the State determines that the parents are no longer legally responsible for the support of the child or if the State determines that the child is no longer receiving any support from such parents. Parents who have been receiving adoption assistance payments under this section shall keep the State or local agency administering the program under this section informed of circumstances which would, pursuant to this subsection, make them ineligible for such assistance payments, or eligible for assistance payments in a different amount.”

Subsec. (a)(7), (8). Pub. L. 110-351, §402(1)(B), added pars. (7) and (8).

Subsec. (b)(3)(C). Pub. L. 110-351, §101(f), added subpar. (C).

Subsec. (c). Pub. L. 110-351, §402(2), substituted “this section—” for “this section, a child shall not be considered a child with special needs unless—” in introductory provisions, inserted par. (1) designation and introductory provisions, redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), realigned margins, and added par. (2).

Subsec. (d). Pub. L. 110-351, §101(b), added subsec. (d).

Subsec. (e). Pub. L. 110-351, §402(3), added subsec. (e).

2006—Subsec. (a)(2). Pub. L. 109-171 amended par. (2) generally. Prior to amendment, par. (2) contained provisions relating to criteria used for determining whether a child met the requirements of par. (2) for purposes of par. (1)(B)(ii).

1997—Subsec. (a)(2). Pub. L. 105-89 inserted at end “Any child who meets the requirements of subparagraph (C), who was determined eligible for adoption assistance payments under this part with respect to a prior adoption, who is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or



because the child's adoptive parents have died, and who fails to meet the requirements of subparagraphs (A) and (B) but would meet such requirements if the child were treated as if the child were in the same financial and other circumstances the child was in the last time the child was determined eligible for adoption assistance payments under this part and the prior adoption were treated as never having occurred, shall be treated as meeting the requirements of this paragraph for purposes of paragraph (1)(B)(ii)."

Pub. L. 105-33, §5513(b)(3), substituted "July 16, 1996" for "June 1, 1995" wherever appearing.

Subsec. (b)(1). Pub. L. 105-33, §5513(b)(4), substituted "July 16, 1996" for "June 1, 1995".

1996—Subsec. (a)(2)(A)(i). Pub. L. 104-193, §108(d)(5)(A), inserted "(as such sections were in effect on June 1, 1995)" after "section 607 of this title", "(as so in effect)" after "specified in section 606(a) of this title", and "(as such section was in effect on June 1, 1995)" after "603".

Subsec. (a)(2)(B)(i). Pub. L. 104-193, §108(d)(5)(B), inserted "would have" before "received aid under the State plan" and "(as in effect on June 1, 1995)" after "602 of this title".

Subsec. (a)(2)(B)(ii)(II). Pub. L. 104-193, §108(d)(5)(C), inserted "(as in effect on June 1, 1995)" after "606(a) of this title".

Subsec. (b). Pub. L. 104-193, §108(d)(6), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "For purposes of subchapters XIX and XX of this chapter, any child—

"(1)(A) who is a child described in subsection (a)(2) of this section, and

"(B) with respect to whom an adoption assistance agreement is in effect under this section (whether or not adoption assistance payments are provided under the agreement or are being made under this section), including any such child who has been placed for adoption in accordance with applicable State and local law (whether or not an interlocutory or other judicial decree of adoption has been issued), or

"(2) with respect to whom foster care maintenance payments are being made under section 672 of this title,

shall be deemed to be a dependent child as defined in section 606 of this title and shall be deemed to be a recipient of aid to families with dependent children under part A of this subchapter in the State where such child resides. For purposes of the preceding sentence, a child whose costs in a foster family home or child-care institution are covered by the foster care maintenance payments being made with respect to his or her minor parent, as provided in section 675(4)(B) of this title, shall be considered a child with respect to whom foster care maintenance payments are being made under section 672 of this title."

1994—Subsec. (a)(6)(B). Pub. L. 103-432, §266(a), substituted "section 674(a)(3)(E) of this title" for "section 674(a)(3)(C) of this title".

Pub. L. 103-432, §265(b), substituted "section 674(a)(3)(C) of this title" for "section 674(a)(3)(B) of this title".

1987—Subsec. (a)(2). Pub. L. 100-203, §9139(b), made technical amendment to Pub. L. 99-603. See 1986 Amendment note below.

Subsec. (a)(2)(A)(iii). Pub. L. 100-203, §9133(b)(3)(A), added cl. (iii).

Subsec. (a)(2)(B)(iii). Pub. L. 100-203, §9133(b)(3)(B), inserted "or (A)(iii)" after "(A)(ii)".

Subsec. (b). Pub. L. 100-203, §9133(b)(4), inserted sentence at end.

1986—Subsec. (a)(2). Pub. L. 99-603, as amended Pub. L. 100-203, §9139(b), inserted at end "The last sentence of section 672(a) of this title shall apply, for purposes of subparagraph (B), in any case where the child is an alien described in that sentence."

Pub. L. 99-514, §1711(a), substituted par. (1) and introductory text of par. (2) for former introductory text of par. (1) which read as follows: "Each State with a plan approved under this part shall, directly through the

State agency or through another public or nonprofit private agency, make adoption assistance payments pursuant to an adoption assistance agreement in amounts determined under paragraph (2) of this subsection to parents who, after June 17, 1980, adopt a child who—". Former par. (2) redesignated (3).

Subsec. (a)(3). Pub. L. 99-514, §1711(a)(1), (c)(3), redesignated par. (2) as (3), substituted "payments to be made in any case under clauses (i) and (ii) of paragraph (1)(B)" for "adoption assistance payments", and inserted "made under clause (ii) of paragraph (1)(B)". Former par. (3) redesignated (4).

Subsec. (a)(4). Pub. L. 99-514, §1711(a)(1), redesignated par. (3) as (4). Former par. (4) redesignated (5).

Subsec. (a)(5). Pub. L. 99-514, §1711(a)(1), (c)(4), redesignated par. (4) as (5) and substituted "in accordance with applicable State and local law shall be eligible for such payments" for " , pursuant to an interlocutory decree, shall be eligible for adoption assistance payments under this subsection".

Subsec. (a)(6). Pub. L. 99-514, §1711(b), added par. (6).

Subsec. (b). Pub. L. 99-272, §12305(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "For purposes of subchapters XIX and XX of this chapter, any child with respect to whom adoption assistance payments are made under this section shall be deemed to be a dependent child as defined in section 606 of this title and shall be deemed to be a recipient of aid to families with dependent children under part A of this subchapter."

Subsec. (b)(1)(A). Pub. L. 99-514, §1711(c)(5), substituted "subsection (a)(2)" for "subsection (a)(1)".

Subsec. (c)(2). Pub. L. 99-272, §12305(b)(1), substituted "without providing adoption assistance under this section or medical assistance under subchapter XIX of this chapter" for "without providing adoption assistance", and inserted "or medical assistance under subchapter XIX of this chapter" after "appropriate adoptive parents without providing adoption assistance under this section".

1980—Subsec. (a)(1). Pub. L. 96-272, §102(a)(3), inserted references to voluntary placement agreements in subpars. (A)(i) and (B)(i), (ii).

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by section 201(c) of Pub. L. 110-351 effective Oct. 1, 2010, see section 201(d) of Pub. L. 110-351, set out as a note under section 672 of this title.

Amendment by Pub. L. 110-351 effective Oct. 7, 2008, except as otherwise provided, and applicable to payments under this part and part B of this subchapter for quarters beginning on or after effective date of amendment, with delay permitted if State legislation is required to meet additional requirements, see section 601 of Pub. L. 110-351, set out as a note under section 671 of this title.

#### EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-171 effective as if enacted on Oct. 1, 2005, except as otherwise provided, see section 7701 of Pub. L. 109-171, set out as a note under section 603 of this title.

#### EFFECTIVE DATE OF 1997 AMENDMENTS

Section 307(b) of Pub. L. 105-89 provided that: "The amendment made by subsection (a) [amending this section] shall only apply to children who are adopted on or after October 1, 1997."

Amendment by Pub. L. 105-33 effective as if included in section 108 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104-193, at the time such section 108 became law, see section 5518(b) of Pub. L. 105-33, set out as a note under section 652 of this title.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-193 effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and

proceedings commenced before such date, rules relating to closing out of accounts for terminated or substantially modified programs and continuance in office of Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104-193, set out as an Effective Date note under section 601 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 265(d) of Pub. L. 103-432 provided that: "Each amendment made by this section [amending this section and sections 608 and 675 of this title] shall take effect as if the amendment had been included in the provision of OBRA-1989 [Pub. L. 101-239] to which the amendment relates, at the time the provision became law."

Section 266(b) of Pub. L. 103-432 provided that: "The amendment made by this section [amending this section] shall take effect as if the amendment had been included in the provision of OBRA-1993 [Pub. L. 103-66] to which the amendment relates, at the time the provision became law."

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by section 9133(b)(3), (4) of Pub. L. 100-203 effective Apr. 1, 1988, see section 9133(c) of Pub. L. 100-203, set out as a note under section 672 of this title.

EFFECTIVE DATE OF 1986 AMENDMENTS

Amendment by Pub. L. 99-514 applicable only with respect to expenditures made after Dec. 31, 1986, see section 1711(d) of Pub. L. 99-514, set out as a note under section 670 of this title.

Section 12305(c) of Pub. L. 99-272 provided that: "The amendments made by this section [amending this section and sections 675 and 1396a of this title] shall apply to medical assistance furnished in or after the first calendar quarter beginning more than 90 days after the date of the enactment of this Act [Apr. 7, 1986]."

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 102(a)(3) of Pub. L. 96-272 effective only with respect to expenditures made after Sept. 30, 1979, see section 102(c) of Pub. L. 96-272, set out as a note under section 672 of this title.

**§ 673a. Interstate compacts**

The Secretary of Health and Human Services shall take all possible steps to encourage and assist the various States to enter into interstate compacts (which are hereby approved by the Congress) under which the interests of any adopted child with respect to whom an adoption assistance agreement has been entered into by a State under section 673 of this title will be adequately protected, on a reasonable and equitable basis which is approved by the Secretary, if and when the child and his or her adoptive parent (or parents) move to another State.

(Pub. L. 96-272, title I, §101(a)(4)(B), June 17, 1980, 94 Stat. 512.)

CODIFICATION

Section was enacted as part of the Adoption Assistance and Child Welfare Act of 1980, and not as part of the Social Security Act which comprises this chapter.

CHANGE OF NAME

"Secretary of Health and Human Services" was substituted for "Secretary of Health, Education, and Welfare" in text, pursuant to Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695, which is classified to section 3508(b) of Title 20, Education.

**§ 673b. Adoption incentive payments**

**(a) Grant authority**

Subject to the availability of such amounts as may be provided in advance in appropriations Acts for this purpose, the Secretary shall make a grant to each State that is an incentive-eligible State for a fiscal year in an amount equal to the adoption incentive payment payable to the State under this section for the fiscal year, which shall be payable in the immediately succeeding fiscal year.

**(b) Incentive-eligible State**

A State is an incentive-eligible State for a fiscal year if—

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

(2)(A) the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year;

(B) the number of older child adoptions in the State during the fiscal year exceeds the base number of older child adoptions for the State for the fiscal year; or

(C) the State's foster child adoption rate for the fiscal year exceeds the highest ever foster child adoption rate determined for the State;

(3) the State is in compliance with subsection (c) of this section for the fiscal year;

(4) the State provides health insurance coverage to any child with special needs (as determined under section 673(c) of this title) for whom there is in effect an adoption assistance agreement between a State and an adoptive parent or parents; and

(5) the fiscal year is any of fiscal years 2008 through 2012.

**(c) Data requirements**

**(1) In general**

A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary the data described in paragraph (2)—

(A) for fiscal years 1995 through 1997 (or, if the first fiscal year for which the State seeks a grant under this section is after fiscal year 1998, the fiscal year that precedes such first fiscal year); and

(B) for each succeeding fiscal year that precedes the fiscal year.

**(2) Determination of numbers of adoptions based on AFCARS data**

The Secretary shall determine the numbers of foster child adoptions, of special needs adoptions that are not older child adoptions, and of older child adoptions in a State during a fiscal year, and the foster child adoption rate for the State for the fiscal year, for purposes of this section, on the basis of data meeting the requirements of the system established pursuant to section 679 of this title, as reported by the State and approved by the Secretary by August 1 of the succeeding fiscal year.

**(3) No waiver of AFCARS requirements**

This section shall not be construed to alter or affect any requirement of section 679 of this

# IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

## 16.06.01 - CHILD AND FAMILY SERVICES

DOCKET NO. 16-0601-1501

### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 16-1629, 16-2102, 39-1209 through 1211, 39-5603, 39-7501, 56-202(b), 56-204A, 56-803, 56-1003, 56-1004, 56-1004A, and 56-1007, Idaho Code; Public Law 113-183 (the Preventing Sex Trafficking and Strengthening Families Act); 42 U.S.C. 673(a)(1)(B)(ii), and 42 U.S.C. 673(a)(3).

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking is needed to align this chapter of rules with federal requirements for guardianships and adoption assistance programs, as well as relative notification for foster care.

Specifically, these rule changes:

- 1) Clarify the requirements regarding adoption assistance and notification to relatives of children who are placed in foster care; and
- 2) Allow the transfer of relative guardianship assistance benefits to a child's new guardian upon the death or incapacitation of the child's guardian.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: NA

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This rulemaking has no fiscal impact to the state general fund, or any other funds.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because these rules are being amended to align with federal requirements and so are nonnegotiable.

**INCORPORATION BY REFERENCE:** No materials are being incorporated by reference into these rules.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Stephanie Miller at (208) 334-5697 or email at [MillerS2@dhw.idaho.gov](mailto:MillerS2@dhw.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2015.

DATED this 7th Day of August, 2015.

Tamara Prisock, DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036

Phone: (208) 334-5500  
Fax: (208) 334-6558  
E-mail: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0601-1501**  
**(Only Those Sections With Amendments Are Shown.)**

**013. DEFINITIONS AND ABBREVIATIONS S THROUGH Z.**

For the purposes of these rules, the following terms are used: (5-8-09)

**01. SSI (Supplemental Security Income).** Income maintenance grants for eligible persons who are aged, blind, or disabled. These grants are provided under Title VI of the Social Security Act and are administered by the Social Security Administration and local Social Security Offices. (3-18-99)

**02. Safety Assessment.** A process and standardized tool for contact between a family services worker and a family to objectively determine if safety threats, or immediate service needs exist that require further Child and Family Services response. (4-7-11)

**03. Safety Plan.** Plan developed by the Department and a family which assures the immediate safety of a child who has been determined to be conditionally safe or unsafe. (3-30-01)

**04. Sibling.** One of two (2) or more persons who shares the same biological or adoptive mother or father, or both. Siblings may be full-siblings or half-siblings. Siblings include those children who would be considered a sibling if not for the disruption in parental rights due to termination of parental rights or the death of a parent. ( )

**045. State-Funded Guardianship Assistance.** Benefits described in Subsection 702.04 and Section 704 of these rules provided to a legal guardian for the support of a child who meets the eligibility criteria. (4-7-11)

**056. TAFI.** Temporary Assistance to Families in Idaho. (3-18-99)

**067. Title IV-E.** Title under the Social Security Act which provides funding for foster care maintenance and adoption assistance payments for certain eligible children. (3-20-04)

**078. Title IV-E Foster Care.** Child care provided in lieu of parental care in a foster home, children's agency, or institution eligible to receive Aid to Dependent Children under Title IV-E of the Social Security Act. (5-8-09)

**089. Title XIX (Medicaid).** Title under the Social Security Act which provides "Grants to States for Medical Assistance Programs." (3-18-99)

**109. Title XXI.** (Children's Health Insurance Program). Title under the Social Security Act which provides access to health care for uninsured children under the age of nineteen (19). (3-18-99)

**101. Tribal Court.** A court with jurisdiction over child custody proceedings and which is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe which is vested with authority over child custody proceedings. (3-18-99)

**112. Unmarried Parents' Services.** Services aimed at achieving or maintaining self-reliance or self-support for unmarried parents. These services include counseling for any unmarried parents who need such service in relation to their plans for their children and arranging for and paying for prenatal and confinement care for the well-being of the parent and infant. Services for unmarried parents are provided in accordance with Section 56-204A, Idaho Code. (5-8-09)

**123. Voluntary Services Agreement.** A written and executed agreement between the Department and parents or legal guardians regarding the goal, areas of concern, desired results, and task responsibility, including payment. (5-8-09)

**(BREAK IN CONTINUITY OF SECTIONS)**

**702. CONDITIONS FOR GUARDIANSHIP ASSISTANCE.**

The following conditions must be met for a child to be eligible for federally-funded or state-funded guardianship assistance. (4-7-11)

**01. Assessment of Suitability.** The Department or its contractor will determine the suitability of an individual to become a legal guardian for a specific child or sibling group through a guardianship study. (4-7-11)

**02. Eligibility for Guardianship Assistance.** The Department will determine eligibility for guardianship assistance for each child placed in the legal custody of the Department prior to the finalization of the guardianship. The child will first be considered for eligibility for a federally-funded subsidy. Should the child be found ineligible for a federally-funded subsidy, the child will then be considered for a state-funded subsidy. (4-7-11)

**03. Guardianship and Foster Care Licensure.** To receive guardianship assistance, a potential legal guardian must apply for and receive a foster care license. (4-7-11)

**04. Guardianship Assistance Agreements and Payments.** The Department and the prospective legal guardian must enter into a written agreement prior to the finalization of the guardianship. Benefits may include both a monthly cash payment and Medicaid benefits. The cash payment may not exceed the published foster care rate a child would receive if living in family foster care in Idaho. Eligibility for guardianship assistance is based on the child's needs. No means test may be applied to the prospective legal guardian family's income or resources in a determination of eligibility. The Department will provide the prospective legal guardian with a copy of the agreement. All Guardianship Assistance Agreements must contain the following: (4-7-11)

**a.** The amount and manner in which the guardianship assistance payment will be provided to the prospective legal guardian; (4-7-11)

**b.** The manner in which the payment may be adjusted periodically in consultation with the legal guardian, based on the circumstances of the legal guardian and the needs of the child; (4-7-11)

**c.** Any additional services and assistance for which the child and legal guardian will be eligible under the agreement; (4-7-11)

**d.** The procedure by which the legal guardian may apply for additional services; (4-7-11)

**e.** A statement that the agreement will remain in effect without regard to the state of residency of the legal guardian; (4-7-11)

**f.** The procedure by which the Department will make a mandatory annual evaluation of the need for continued assistance and the amount of the assistance; and (4-7-11)

**g.** Guardianship assistance payments are prospective only. There will be no retroactive benefits or payments. (4-7-11)

**h.** In Title IV-E Relative Guardianship Assistance Agreements, the prospective relative guardian may identify a successor legal guardian to be appointed guardianship of the child due to the death or incapacitation of the relative legal guardian. ( )

**05. Termination of Guardianship Assistance.** Federally-funded or state-funded guardianship assistance benefits and cash payments are automatically terminated when: (4-7-11)

**a.** A court terminates the legal guardianship or removes the legal guardian; (4-7-11)

- b.** The child no longer resides in the home of the legal guardian, and the legal guardian no longer provides financial support for the child; (4-7-11)
- c.** The child has reached the age of eighteen (18) years, regardless of the child's educational status or physical or developmental delays; or (4-7-11)
- d.** The child marries, dies, or enters the military. (4-7-11)
- e.** Title IV-E relative guardianship assistance benefits do not end upon the death or incapacitation of the relative legal guardian if the relative legal guardian identified a successor legal guardian in the child's Title IV-E Relative Guardianship Assistance Agreement and the successor legal guardian assumes legal responsibility for the child. ( )

**06. Administrative Review for Guardianship Assistance.** The prospective legal guardian has twenty-eight (28) days from the date of the Department's notification of the guardianship assistance determination, to request an administrative review. The determination will be reviewed by the FACS Division Administrator, and a decision will be rendered to either affirm, reverse, or modify, the decision. The Department will notify the individual, by mail, of the FACS Division Administrator's decision, of his right to appeal, and procedures for filing an appeal according to requirements in IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (4-7-11)

**703. FEDERALLY-FUNDED GUARDIANSHIP ASSISTANCE ELIGIBILITY, REQUIREMENTS, AND BENEFITS.**

In addition to Section 702 of these rules, the following requirements and benefits are applicable to a federally-funded guardianship assistance for an eligible child and a relative guardian. (4-7-11)

- 01. Eligibility.** A child is eligible for a federally-funded guardianship if the Department determines the child meets the following: (4-7-11)

  - a.** Is fourteen (14) years of age, or older, sometime during the consecutive six- (6) month residence with the prospective relative legal guardian as specified in Subsection 703.01.c. of this rule; (4-7-11)
  - b.** Has been removed from his or her home pursuant to a voluntary placement agreement, or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child; (4-7-11)
  - c.** Being returned home or adopted are not appropriate permanency options for the child; (4-7-11)
  - d.** Has been eligible for Title IV-E foster care maintenance payments during at least six (6) consecutive months during which the child resided in the home of the prospective relative legal guardian who was licensed or approved as meeting the licensure requirements as a foster family home. While it is not required that Title IV-E foster care maintenance payments have been paid on behalf of the child during the six-month timeframe, it is required the child meet all Title IV-E foster care maintenance payment eligibility criteria in the home of the fully licensed or approved relative foster parent for a consecutive six- (6) month period to be eligible for Title IV-E guardianship assistance payment with that prospective relative legal guardian; (4-7-11)
  - e.** Has been consulted regarding the legal guardianship arrangement; and (4-7-11)
  - f.** Has demonstrated a strong attachment to the prospective relative legal guardian, and the relative legal guardian has a strong commitment to caring permanently for the child. (4-7-11)
  - g.** When a successor legal guardian has been named in the child's most recent Title IV-E Relative Guardianship Assistance Agreement, the child remains eligible for guardianship assistance benefits upon the death or incapacitation of the relative legal guardian with any cash assistance paid to the successor legal guardian. ( )

**02. Siblings of an Eligible Child.** (4-7-11)

- a.** The Department may make guardianship assistance payments in accordance with a guardianship

assistance agreement on behalf of each sibling of an eligible child, under the age of eighteen (18), who is placed with the same relative under the same legal guardianship arrangement if the Department and the relative legal guardian agree that the placement is appropriate. (4-7-11)

**b.** Nonrecurring expenses associated with obtaining legal guardianship of the eligible child's siblings are available to the extent the total cost does not exceed two thousand dollars (\$2,000). (4-7-11)

**c.** The agency is not required to place siblings with the relative legal guardian of the child at the same time with the eligible child for the siblings to qualify for a cash payment. (4-7-11)

**d.** A sibling of the eligible child does not have to meet the eligibility criteria for the relative legal guardian to receive a guardianship assistance payment or for the relative legal guardian to receive nonrecurring expenses. (4-7-11)

**03. Medicaid.** A child who is eligible for federally-funded relative guardianship assistance is eligible for Title XIX Medicaid in the state where the child resides. (4-7-11)

**04. Case Plan Requirements.** A child who is eligible for federally-funded relative guardianship assistance must have a case plan that includes: (4-7-11)

**a.** How the child meets the eligibility requirements; (4-7-11)

**b.** Steps the agency has taken to determine that return to the home or adoption is not appropriate; (4-7-11)

**c.** The efforts the agency has made to discuss adoption with the child's relative foster parent and the reason why adoption is not an option; (4-7-11)

**d.** The efforts the agency has made to discuss the legal guardianship and the guardianship assistance with the child's parent or parents, or the reason the efforts were not made; (4-7-11)

**e.** The reason why a permanent placement with a prospective relative legal guardian and receipt of a guardianship assistance payment is in the child's best interests; and (4-7-11)

**f.** If the child is not placed with siblings, a statement as to why the child is separated from his siblings. (4-7-11)

**05. Criminal History and Background Checks.** To be eligible for a federally-funded guardianship assistance payment, all prospective legal guardians and other adult members of the household must receive a criminal history and background check clearance, according to the provisions in IDAPA 16.05.06, "Criminal History and Background Checks." As a licensed foster parent, if the prospective relative legal guardian has already received a clearance, another check is not necessary. (4-7-11)

**06. Nonrecurring Expenses.** The Department will reimburse the cost, up to two thousand dollars (\$2,000), of nonrecurring expenses associated with obtaining a federally-funded legal guardianship for an eligible child. (4-7-11)

**(BREAK IN CONTINUITY OF SECTIONS)**

**911. ADOPTION ASSISTANCE PROGRAM AGREEMENT.**

A written agreement must be negotiated and fully executed between the Department and adopting family prior to the finalization of adoption and implementation of benefits. (5-8-09)

**01. Agreement Specifications.** The agreement specifies the following: (5-8-09)

- a. The type and amount of assistance to be provided; (5-8-09)
- b. That there will be an annual review of each agreement by the Department to evaluate the need for continued subsidy and the amount of the subsidy; (5-8-09)
- c. That the agreed upon type and amount of assistance may be adjusted only with the concurrence of the adoptive parent(s) based upon changes in the needs of the child or changes in the circumstances of the adoptive family; (5-8-09)
- ~~d. That assistance is subject to the continuing availability of funds; and (5-8-09)~~
- ed.** That the adoptive parent(s) are required to inform the Department of any circumstances which would make them ineligible for adoption assistance payments, or eligible for adoption assistance payments in a different amount. (5-8-09)

**02. Termination of Adoption Assistance.** Adoption assistance will be terminated if the adoptive parent(s) no longer have legal responsibility for the child as a result of termination of parental rights, the child is no longer receiving any financial support from the parents, or the child has reached the age of eighteen (18) years regardless of the child's educational status. (4-11-06)

**03. Adoption Assistance Follows the Child.** If the adoptive parents are located in a state other than Idaho, or move out of Idaho with the child, the adoption assistance payments initiated by Idaho will continue for the child. If the child is IV-E or state-funded adoption assistance eligible, referral for Medicaid or other state medical insurance and social service benefits will be forwarded to the new state of residence through the Interstate Compact on Adoption and Medical Assistance. Non IV-E eligible children receiving a state adoption subsidy, may not be eligible for Medicaid in a state other than Idaho. (5-3-03)



Public Law 113–183  
113th Congress

An Act

To prevent and address sex trafficking of children in foster care, to extend and improve adoption incentives, and to improve international child support recovery.

Sept. 29, 2014  
[H.R. 4980]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Preventing Sex Trafficking and Strengthening Families Act”.

Preventing Sex  
Trafficking and  
Strengthening  
Families Act.  
42 USC 1305  
note.

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

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

**TITLE I—PROTECTING CHILDREN AND YOUTH AT RISK OF SEX  
TRAFFICKING**

**Subtitle A—Identifying and Protecting Children and Youth at Risk of Sex  
Trafficking**

- Sec. 101. Identifying, documenting, and determining services for children and youth at risk of sex trafficking.
- Sec. 102. Reporting instances of sex trafficking.
- Sec. 103. Including sex trafficking data in the Adoption and Foster Care Analysis and Reporting System.
- Sec. 104. Locating and responding to children who run away from foster care.
- Sec. 105. Increasing information on children in foster care to prevent sex trafficking.

**Subtitle B—Improving Opportunities for Children in Foster Care and Supporting  
Permanency**

- Sec. 111. Supporting normalcy for children in foster care.
- Sec. 112. Improving another planned permanent living arrangement as a permanency option.
- Sec. 113. Empowering foster children age 14 and older in the development of their own case plan and transition planning for a successful adulthood.
- Sec. 114. Ensuring foster children have a birth certificate, Social Security card, health insurance information, medical records, and a driver’s license or equivalent State-issued identification card.
- Sec. 115. Information on children in foster care in annual reports using AFCARS data; consultation.

**Subtitle C—National Advisory Committee**

- Sec. 121. Establishment of a national advisory committee on the sex trafficking of children and youth in the United States.

**TITLE II—IMPROVING ADOPTION INCENTIVES AND EXTENDING FAMILY  
CONNECTION GRANTS**

**Subtitle A—Improving Adoption Incentive Payments**

- Sec. 201. Extension of program through fiscal year 2016.

- Sec. 202. Improvements to award structure.
- Sec. 203. Renaming of program.
- Sec. 204. Limitation on use of incentive payments.
- Sec. 205. Increase in period for which incentive payments are available for expenditure.
- Sec. 206. State report on calculation and use of savings resulting from the phase-out of eligibility requirements for adoption assistance; requirement to spend 30 percent of savings on certain services.
- Sec. 207. Preservation of eligibility for kinship guardianship assistance payments with a successor guardian.
- Sec. 208. Data collection on adoption and legal guardianship disruption and dissolution.
- Sec. 209. Encouraging the placement of children in foster care with siblings.
- Sec. 210. Effective dates.

Subtitle B—Extending the Family Connection Grant Program

- Sec. 221. Extension of family connection grant program.

TITLE III—IMPROVING INTERNATIONAL CHILD SUPPORT RECOVERY

- Sec. 301. Amendments to ensure access to child support services for international child support cases.
- Sec. 302. Child support enforcement programs for Indian tribes.
- Sec. 303. Sense of the Congress regarding offering of voluntary parenting time arrangements.
- Sec. 304. Data exchange standardization for improved interoperability.
- Sec. 305. Report to Congress.
- Sec. 306. Required electronic processing of income withholding.

TITLE IV—BUDGETARY EFFECTS

- Sec. 401. Determination of budgetary effects.

**SEC. 3. REFERENCES.**

Except as otherwise expressly provided in this Act, wherever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the amendment shall be considered to be made to a section or other provision of the Social Security Act.

## TITLE I—PROTECTING CHILDREN AND YOUTH AT RISK OF SEX TRAFFICKING

### Subtitle A—Identifying and Protecting Children and Youth at Risk of Sex Trafficking

**SEC. 101. IDENTIFYING, DOCUMENTING, AND DETERMINING SERVICES FOR CHILDREN AND YOUTH AT RISK OF SEX TRAFFICKING.**

(a) IN GENERAL.—Section 471(a)(9) (42 U.S.C. 671(a)(9)) is amended—

- (1) in subparagraph (A), by striking “and”;
- (2) in subparagraph (B), by inserting “and” after the semicolon; and
- (3) by adding at the end the following:

“(C) not later than—

“(i) 1 year after the date of enactment of this subparagraph, demonstrate to the Secretary that the State agency has developed, in consultation with State and local law enforcement, juvenile justice systems, health care providers, education agencies, and organizations with experience in dealing with at-risk

Deadlines.

children and youth, policies and procedures (including relevant training for caseworkers) for identifying, documenting in agency records, and determining appropriate services with respect to—

“(I) any child or youth over whom the State agency has responsibility for placement, care, or supervision and who the State has reasonable cause to believe is, or is at risk of being, a sex trafficking victim (including children for whom a State child welfare agency has an open case file but who have not been removed from the home, children who have run away from foster care and who have not attained 18 years of age or such older age as the State has elected under section 475(8) of this Act, and youth who are not in foster care but are receiving services under section 477 of this Act); and

“(II) at the option of the State, any individual who has not attained 26 years of age, without regard to whether the individual is or was in foster care under the responsibility of the State; and

“(ii) 2 years after such date of enactment, demonstrate to the Secretary that the State agency is implementing the policies and procedures referred to in clause (i).”.

(b) DEFINITION OF SEX TRAFFICKING VICTIM.—Section 475 (42 U.S.C. 675) is amended by adding at the end the following:

“(9) The term ‘sex trafficking victim’ means a victim of—  
 “(A) sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000); or  
 “(B) a severe form of trafficking in persons described in section 103(9)(A) of such Act.”.

**SEC. 102. REPORTING INSTANCES OF SEX TRAFFICKING.**

(a) STATE PLAN REQUIREMENTS.—Section 471(a) (42 U.S.C. 671(a)) is amended—

(1) by striking “and” at the end of paragraph (32);

(2) by striking the period at the end of paragraph (33) and inserting a semicolon; and

(3) by adding at the end the following:

“(34) provides that, for each child or youth described in paragraph (9)(C)(i)(I), the State agency shall—

“(A) not later than 2 years after the date of the enactment of this paragraph, report immediately, and in no case later than 24 hours after receiving information on children or youth who have been identified as being a sex trafficking victim, to the law enforcement authorities; and

“(B) not later than 3 years after such date of enactment and annually thereafter, report to the Secretary the total number of children and youth who are sex trafficking victims.”.

(b) DUTIES OF THE SECRETARY.—Section 471 (42 U.S.C. 671) is amended by adding at the end the following:

“(d) ANNUAL REPORTS BY THE SECRETARY ON NUMBER OF CHILDREN AND YOUTH REPORTED BY STATES TO BE SEX TRAFFICKING VICTIMS.—Not later than 4 years after the date of the enactment

of this subsection and annually thereafter, the Secretary shall report to the Congress and make available to the public on the Internet website of the Department of Health and Human Services the number of children and youth reported in accordance with subsection (a)(34)(B) of this section to be sex trafficking victims (as defined in section 475(9)(A)).”

**SEC. 103. INCLUDING SEX TRAFFICKING DATA IN THE ADOPTION AND FOSTER CARE ANALYSIS AND REPORTING SYSTEM.**

Section 479(c)(3) (42 U.S.C. 679(c)(3)) is amended—

(1) in subparagraph (C)(iii), by striking “and” after the comma; and

(2) by adding at the end the following:

“(E) the annual number of children in foster care who are identified as sex trafficking victims—

“(i) who were such victims before entering foster care; and

“(ii) who were such victims while in foster care; and”.

**SEC. 104. LOCATING AND RESPONDING TO CHILDREN WHO RUN AWAY FROM FOSTER CARE.**

Section 471(a) (42 U.S.C. 671(a)), as amended by section 102(a) of this Act, is amended—

(1) by striking the period at the end of paragraph (34) and inserting “; and”; and

(2) by adding at the end the following:

“(35) provides that—

“(A) not later than 1 year after the date of the enactment of this paragraph, the State shall develop and implement specific protocols for—

“(i) expeditiously locating any child missing from foster care;

“(ii) determining the primary factors that contributed to the child’s running away or otherwise being absent from care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements;

“(iii) determining the child’s experiences while absent from care, including screening the child to determine if the child is a possible sex trafficking victim (as defined in section 475(9)(A)); and

“(iv) reporting such related information as required by the Secretary; and

“(B) not later than 2 years after such date of enactment, for each child and youth described in paragraph (9)(C)(i)(I) of this subsection, the State agency shall report immediately, and in no case later than 24 hours after receiving, information on missing or abducted children or youth to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code, and to the National Center for Missing and Exploited Children.”.

Deadlines.  
Protocols.

Reports.

**SEC. 105. INCREASING INFORMATION ON CHILDREN IN FOSTER CARE TO PREVENT SEX TRAFFICKING.**

Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Congress a written report which summarizes the following: Deadline.  
Reports.

(1) Information on children who run away from foster care and their risk of becoming sex trafficking victims, using data reported by States under section 479 of the Social Security Act and information collected by States related to section 471(a)(35) of such Act, including—

(A) characteristics of children who run away from foster care;

(B) potential factors associated with children running away from foster care (such as reason for entry into care, length of stay in care, type of placement, and other factors that contributed to the child’s running away);

(C) information on children’s experiences while absent from care; and

(D) trends in the number of children reported as run-aways in each fiscal year (including factors that may have contributed to changes in such trends).

(2) Information on State efforts to provide specialized services, foster family homes, child care institutions, or other forms of placement for children who are sex trafficking victims.

(3) Information on State efforts to ensure children in foster care form and maintain long-lasting connections to caring adults, even when a child in foster care must move to another foster family home or when the child is placed under the supervision of a new caseworker.

## **Subtitle B—Improving Opportunities for Children in Foster Care and Supporting Permanency**

**SEC. 111. SUPPORTING NORMALCY FOR CHILDREN IN FOSTER CARE.**

(a) REASONABLE AND PRUDENT PARENT STANDARD.—

(1) DEFINITIONS RELATING TO THE STANDARD.—Section 475 (42 U.S.C. 675), as amended by section 101(b) of this Act, is amended by adding at the end the following:

“(10)(A) The term ‘reasonable and prudent parent standard’ means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities.

“(B) For purposes of subparagraph (A), the term ‘caregiver’ means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.

“(11)(A) The term ‘age or developmentally-appropriate’ means—

“(i) activities or items that are generally accepted as suitable for children of the same chronological age or level

of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and

“(ii) in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

“(B) In the event that any age-related activities have implications relative to the academic curriculum of a child, nothing in this part or part B shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State or local educational agency, or the specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction of a school.”.

(2) STATE PLAN REQUIREMENT.—Section 471(a)(24) (42 U.S.C. 671(a)(24)) is amended—

(A) by striking “include” and inserting “includes”;

(B) by striking “and that such preparation” and inserting “that the preparation”; and

(C) by inserting “, and that the preparation shall include knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally-appropriate activities, including knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child, and knowledge and skills relating to applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting 1 or more days, and to decisions involving the signing of permission slips and arranging of transportation for the child to and from extracurricular, enrichment, and social activities” before the semicolon.

42 USC 671 note.

(3) TECHNICAL ASSISTANCE.—The Secretary of Health and Human Services shall provide assistance to the States on best practices for devising strategies to assist foster parents in applying a reasonable and prudent parent standard in a manner that protects child safety, while also allowing children to experience normal and beneficial activities, including methods for appropriately considering the concerns of the biological parents of a child in decisions related to participation of the child in activities (with the understanding that those concerns should not necessarily determine the participation of the child in any activity).

(b) NORMALCY FOR CHILDREN IN CHILD CARE INSTITUTIONS.—Section 471(a)(10) (42 U.S.C. 671(a)(10)) is amended to read as follows:

“(10) provides—

“(A) for the establishment or designation of a State authority or authorities that shall be responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for the institutions or homes,

including standards related to admission policies, safety, sanitation, and protection of civil rights, and which shall permit use of the reasonable and prudent parenting standard;

“(B) that the standards established pursuant to subparagraph (A) shall be applied by the State to any foster family home or child care institution receiving funds under this part or part B and shall require, as a condition of each contract entered into by a child care institution to provide foster care, the presence on-site of at least 1 official who, with respect to any child placed at the child care institution, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally-appropriate activities, and who is provided with training in how to use and apply the reasonable and prudent parent standard in the same manner as prospective foster parents are provided the training pursuant to paragraph (24);

Applicability.

“(C) that the standards established pursuant to subparagraph (A) shall include policies related to the liability of foster parents and private entities under contract by the State involving the application of the reasonable and prudent parent standard, to ensure appropriate liability for caregivers when a child participates in an approved activity and the caregiver approving the activity acts in accordance with the reasonable and prudent parent standard; and

“(D) that a waiver of any standards established pursuant to subparagraph (A) may be made only on a case-by-case basis for nonsafety standards (as determined by the State) in relative foster family homes for specific children in care;”

(c) SUPPORTING PARTICIPATION IN AGE-APPROPRIATE ACTIVITIES.—

(1) Section 477(a) (42 U.S.C. 677(a)) is amended—

(A) by striking “and” at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting “; and”; and

(C) by adding at the end the following:

“(8) to ensure children who are likely to remain in foster care until 18 years of age have regular, ongoing opportunities to engage in age or developmentally-appropriate activities as defined in section 475(11).”

(2) Section 477(h)(1) (42 U.S.C. 677(h)(1)) is amended by inserting “or, beginning in fiscal year 2020, \$143,000,000” after “\$140,000,000”.

(d) EFFECTIVE DATE.—

42 USC 671 note.

(1) IN GENERAL.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

(2) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by

Determination.

this section, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

**SEC. 112. IMPROVING ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT AS A PERMANENCY OPTION.**

(a) **ELIMINATION OF ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT FOR CHILDREN UNDER AGE 16.—**

(1) **IN GENERAL.—**Section 475(5)(C)(i) (42 U.S.C. 675(5)(C)(i)) is amended by inserting “only in the case of a child who has attained 16 years of age” before “(in cases where”.

(2) **CONFORMING AMENDMENT.—**Section 422(b)(8)(A)(iii)(II) (42 U.S.C. 622(b)(8)(A)(iii)(II)) is amended by inserting “, subject to the requirements of sections 475(5)(C) and 475A(a)” after “arrangement”.

42 USC 622 note.

(3) **DELAYED APPLICABILITY WITH RESPECT TO CERTAIN CHILDREN.—**In the case of children in foster care under the responsibility of an Indian tribe, tribal organization, or tribal consortium (either directly or under supervision of a State), the amendments made by this subsection shall not apply until the date that is 3 years after the date of the enactment of this Act.

(b) **ADDITIONAL REQUIREMENTS.—**

(1) **IN GENERAL.—**Part E of title IV (42 U.S.C. 670 et seq.) is amended by inserting after section 475 the following:

42 USC 675a.

**“SEC. 475A. ADDITIONAL CASE PLAN AND CASE REVIEW SYSTEM REQUIREMENTS.**

Applicability.

“(a) **REQUIREMENTS FOR ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT.—**In the case of any child for whom another planned permanent living arrangement is the permanency plan determined for the child under section 475(5)(C), the following requirements shall apply for purposes of approving the case plan for the child and the case system review procedure for the child:

“(1) **DOCUMENTATION OF INTENSIVE, ONGOING, UNSUCCESSFUL EFFORTS FOR FAMILY PLACEMENT.—**At each permanency hearing held with respect to the child, the State agency documents the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made by the State agency to return the child home or secure a placement for the child with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including through efforts that utilize search technology (including social media) to find biological family members for the children.

Procedures.

“(2) **REDETERMINATION OF APPROPRIATENESS OF PLACEMENT AT EACH PERMANENCY HEARING.—**The State agency shall implement procedures to ensure that, at each permanency hearing held with respect to the child, the court or administrative body appointed or approved by the court conducting the hearing on the permanency plan for the child does the following:

“(A) Ask the child about the desired permanency outcome for the child.

“(B) Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the



child and provide compelling reasons why it continues to not be in the best interests of the child to—

- “(i) return home;
- “(ii) be placed for adoption;
- “(iii) be placed with a legal guardian; or
- “(iv) be placed with a fit and willing relative.

“(3) DEMONSTRATION OF SUPPORT FOR ENGAGING IN AGE OR DEVELOPMENTALLY-APPROPRIATE ACTIVITIES AND SOCIAL EVENTS.—At each permanency hearing held with respect to the child, the State agency shall document the steps the State agency is taking to ensure that—

“(A) the child’s foster family home or child care institution is following the reasonable and prudent parent standard; and

“(B) the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities (including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities).”.

(2) CONFORMING AMENDMENTS.—

(A) STATE PLAN REQUIREMENTS.—

(i) PART B.—Section 422(b)(8)(A)(ii) (42 U.S.C. 622(b)(8)(A)(ii)) is amended by inserting “and in accordance with the requirements of section 475A” after “section 475(5)”.

(ii) PART E.—Section 471(a)(16) (42 U.S.C. 671(a)(16)) is amended—

(I) by inserting “and in accordance with the requirements of section 475A” after “section 475(1)”; and

(II) by striking “section 475(5)(B)” and inserting “sections 475(5) and 475A”.

(B) DEFINITIONS.—Section 475 (42 U.S.C. 675) is amended—

(i) in paragraph (1), in the matter preceding subparagraph (A), by inserting “meets the requirements of section 475A and” after “written document which”; and

(ii) in paragraph (5)—

(I) in subparagraph (B), by adding at the end the following “and, for a child for whom another planned permanent living arrangement has been determined as the permanency plan, the steps the State agency is taking to ensure the child’s foster family home or child care institution is following the reasonable and prudent parent standard and to ascertain whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities (including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities);”; and

(II) in subparagraph (C)—

(aa) by inserting “, as of the date of the hearing,” after “compelling reason for determining”; and

(bb) by inserting “subject to section 475A(a),” after “another planned permanent living arrangement,”.

42 USC 622 note.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

Determination.

(2) **DELAY PERMITTED IF STATE LEGISLATION REQUIRED.**—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this section, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

**SEC. 113. EMPOWERING FOSTER CHILDREN AGE 14 AND OLDER IN THE DEVELOPMENT OF THEIR OWN CASE PLAN AND TRANSITION PLANNING FOR A SUCCESSFUL ADULTHOOD.**

(a) **IN GENERAL.**—Section 475(1)(B) (42 U.S.C. 675(1)(B)) is amended by adding at the end the following: “With respect to a child who has attained 14 years of age, the plan developed for the child in accordance with this paragraph, and any revision or addition to the plan, shall be developed in consultation with the child and, at the option of the child, with up to 2 members of the case planning team who are chosen by the child and who are not a foster parent of, or caseworker for, the child. A State may reject an individual selected by a child to be a member of the case planning team at any time if the State has good cause to believe that the individual would not act in the best interests of the child. One individual selected by a child to be a member of the child’s case planning team may be designated to be the child’s advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child.”.

(b) **CONFORMING AMENDMENTS TO INCLUDE CHILDREN 14 AND OLDER IN TRANSITION PLANNING.**—Section 475 (42 U.S.C. 675) is amended—

(1) in paragraph (1)(D), by striking “Where appropriate, for a child age 16” and inserting “For a child who has attained 14 years of age”; and

(2) in paragraph (5)—

(A) in subparagraph (C)—

(i) in clause (i), by striking “16” and inserting “14”;

(ii) by striking “and” at the end of clause (ii); and

(iii) by adding at the end the following: “and (iv) if a child has attained 14 years of age, the permanency plan developed for the child, and any revision or addition to the plan, shall be developed in consultation with the child and, at the option of the child, with

not more than 2 members of the permanency planning team who are selected by the child and who are not a foster parent of, or caseworker for, the child, except that the State may reject an individual so selected by the child if the State has good cause to believe that the individual would not act in the best interests of the child, and 1 individual so selected by the child may be designated to be the child's advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent standard to the child;"; and

(B) in subparagraph (I), by striking "16" and inserting "14".

(c) **TRANSITION PLANNING FOR A SUCCESSFUL ADULTHOOD.**—Paragraphs (1)(D), (5)(C)(i), and (5)(C)(iii) of section 475 (42 U.S.C. 675) are each amended by striking "independent living" and inserting "a successful adulthood".

(d) **LIST OF RIGHTS.**—Section 475A, as added by section 112(b)(1) of this Act, is amended by adding at the end the following:

*Ante*, p. 1926.

"(b) **LIST OF RIGHTS.**—The case plan for any child in foster care under the responsibility of the State who has attained 14 years of age shall include—

"(1) a document that describes the rights of the child with respect to education, health, visitation, and court participation, the right to be provided with the documents specified in section 475(5)(I) in accordance with that section, and the right to stay safe and avoid exploitation; and

"(2) a signed acknowledgment by the child that the child has been provided with a copy of the document and that the rights contained in the document have been explained to the child in an age-appropriate way."

(e) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress regarding the implementation of the amendments made by this section. The report shall include—

(1) an analysis of how States are administering the requirements of paragraphs (1)(B) and (5)(C) of section 475 of the Social Security Act, as amended by subsections (a) and (b) of this section, that a child in foster care who has attained 14 years of age be permitted to select up to 2 members of the case planning team or permanency planning team for the child from individuals who are not a foster parent of, or caseworker for, the child; and

(2) a description of best practices of States with respect to the administration of the requirements.

(f) **EFFECTIVE DATE.**—

42 USC 675 note.

(1) **IN GENERAL.**—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

(2) **DELAY PERMITTED IF STATE LEGISLATION REQUIRED.**—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this section, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the

Determination.

1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

**SEC. 114. ENSURING FOSTER CHILDREN HAVE A BIRTH CERTIFICATE, SOCIAL SECURITY CARD, HEALTH INSURANCE INFORMATION, MEDICAL RECORDS, AND A DRIVER'S LICENSE OR EQUIVALENT STATE-ISSUED IDENTIFICATION CARD.**

(a) CASE REVIEW SYSTEM REQUIREMENT.—Section 475(5)(I) (42 U.S.C. 675(5)(I)) is amended—

(1) by striking “and receives assistance” and inserting “receives assistance”; and

(2) by inserting “, and, if the child is leaving foster care by reason of having attained 18 years of age or such greater age as the State has elected under paragraph (8), unless the child has been in foster care for less than 6 months, is not discharged from care without being provided with (if the child is eligible to receive such document) an official or certified copy of the United States birth certificate of the child, a social security card issued by the Commissioner of Social Security, health insurance information, a copy of the child’s medical records, and a driver’s license or identification card issued by a State in accordance with the requirements of section 202 of the REAL ID Act of 2005” before the period.

42 USC 675 note.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

Determination.

(2) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this section, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

**SEC. 115. INFORMATION ON CHILDREN IN FOSTER CARE IN ANNUAL REPORTS USING AFCARS DATA; CONSULTATION.**

Section 479A (42 U.S.C. 679b) is amended—

(1) by striking “The Secretary” and inserting the following: “(a) IN GENERAL.—The Secretary”;

(2) in paragraph (5), by striking “and” after the semicolon;

(3) in paragraph (6)(C), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(7) include in the report submitted pursuant to paragraph (5) for fiscal year 2016 or any succeeding fiscal year, State-by-State data on—

“(A) children in foster care who have been placed in a child care institution or other setting that is not a foster family home, including—

“(i) the number of children in the placements and their ages, including separately, the number and ages of children who have a permanency plan of another planned permanent living arrangement;

“(ii) the duration of the placement in the settings (including for children who have a permanency plan of another planned permanent living arrangement);

“(iii) the types of child care institutions used (including group homes, residential treatment, shelters, or other congregate care settings);

“(iv) with respect to each child care institution or other setting that is not a foster family home, the number of children in foster care residing in each such institution or non-foster family home;

“(v) any clinically diagnosed special need of such children; and

“(vi) the extent of any specialized education, treatment, counseling, or other services provided in the settings; and

“(B) children in foster care who are pregnant or parenting.

“(b) CONSULTATION ON OTHER ISSUES.—The Secretary shall consult with States and organizations with an interest in child welfare, including organizations that provide adoption and foster care services, and shall take into account requests from Members of Congress, in selecting other issues to be analyzed and reported on under this section using data available to the Secretary, including data reported by States through the Adoption and Foster Care Analysis and Reporting System and to the National Youth in Transition Database.”.

## Subtitle C—National Advisory Committee

### SEC. 121. ESTABLISHMENT OF A NATIONAL ADVISORY COMMITTEE ON THE SEX TRAFFICKING OF CHILDREN AND YOUTH IN THE UNITED STATES.

Title XI (42 U.S.C. 1301 et seq.) is amended by inserting after section 1114 the following:

#### “NATIONAL ADVISORY COMMITTEE ON THE SEX TRAFFICKING OF CHILDREN AND YOUTH IN THE UNITED STATES

“SEC. 1114A. (a) OFFICIAL DESIGNATION.—This section relates to the National Advisory Committee on the Sex Trafficking of Children and Youth in the United States (in this section referred to as the ‘Committee’).

42 USC 1314b.

“(b) AUTHORITY.—Not later than 2 years after the date of enactment of this section, the Secretary shall establish and appoint all members of the Committee.

Deadline.

“(c) MEMBERSHIP.—

“(1) COMPOSITION.—The Committee shall be composed of not more than 21 members whose diverse experience and background enable them to provide balanced points of view with regard to carrying out the duties of the Committee.

Consultation.

“(2) SELECTION.—The Secretary, in consultation with the Attorney General and National Governors Association, shall appoint the members to the Committee. At least 1 Committee member shall be a former sex trafficking victim. 2 Committee members shall be a Governor of a State, 1 of whom shall be a member of the Democratic Party and 1 of whom shall be a member of the Republican Party.

“(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Committee. A vacancy in the Committee shall be filled in the manner in which the original appointment was made and shall not affect the powers or duties of the Committee.

“(4) COMPENSATION.—Committee members shall serve without compensation or per diem in lieu of subsistence.

“(d) DUTIES.—

“(1) NATIONAL RESPONSE.—The Committee shall advise the Secretary and the Attorney General on practical and general policies concerning improvements to the Nation’s response to the sex trafficking of children and youth in the United States.

“(2) POLICIES FOR COOPERATION.—The Committee shall advise the Secretary and the Attorney General on practical and general policies concerning the cooperation of Federal, State, local, and tribal governments, child welfare agencies, social service providers, physical health and mental health providers, victim service providers, State or local courts with responsibility for conducting or supervising proceedings relating to child welfare or social services for children and their families, Federal, State, and local police, juvenile detention centers, and runaway and homeless youth programs, schools, the gaming and entertainment industry, and businesses and organizations that provide services to youth, on responding to sex trafficking, including the development and implementation of—

“(A) successful interventions with children and youth who are exposed to conditions that make them vulnerable to, or victims of, sex trafficking; and

Recommendations.

“(B) recommendations for administrative or legislative changes necessary to use programs, properties, or other resources owned, operated, or funded by the Federal Government to provide safe housing for children and youth who are sex trafficking victims and provide support to entities that provide housing or other assistance to the victims.

Deadline.

“(3) BEST PRACTICES AND RECOMMENDATIONS FOR STATES.—

“(A) IN GENERAL.—Within 2 years after the establishment of the Committee, the Committee shall develop 2 tiers (referred to in this subparagraph as ‘Tier I’ and ‘Tier II’) of recommended best practices for States to follow in combating the sex trafficking of children and youth. Tier I shall provide States that have not yet substantively addressed the sex trafficking of children and youth with an idea of where to begin and what steps to take. Tier II shall provide States that are already working to address the sex trafficking of children and youth with examples of policies that are already being used effectively by other States to address sex trafficking.

“(B) DEVELOPMENT.—The best practices shall be based on multidisciplinary research and promising, evidence-

based models and programs as reflected in State efforts to meet the requirements of sections 101 and 102 of the Preventing Sex Trafficking and Strengthening Families Act.

“(C) CONTENT.—The best practices shall be user-friendly, incorporate the most up-to-date technology, and include the following:

“(i) Sample training materials, protocols, and screening tools that, to the extent possible, accommodate for regional differences among the States, to prepare individuals who administer social services to identify and serve children and youth who are sex trafficking victims or at-risk of sex trafficking.

“(ii) Multidisciplinary strategies to identify victims, manage cases, and improve services for all children and youth who are at risk of sex trafficking, or are sex trafficking victims, in the United States.

“(iii) Sample protocols and recommendations based on current States’ efforts, accounting for regional differences between States that provide for effective, cross-system collaboration between Federal, State, local, and tribal governments, child welfare agencies, social service providers, physical health and mental health providers, victim service providers, State or local courts with responsibility for conducting or supervising proceedings relating to child welfare or social services for children and their families, the gaming and entertainment industry, Federal, State, and local police, juvenile detention centers and runaway and homeless youth programs, housing resources that are appropriate for housing child and youth victims of trafficking, schools, and businesses and organizations that provide services to children and youth. These protocols and recommendations should include strategies to identify victims and collect, document, and share data across systems and agencies, and should be designed to help agencies better understand the type of sex trafficking involved, the scope of the problem, the needs of the population to be served, ways to address the demand for trafficked children and youth and increase prosecutions of traffickers and purchasers of children and youth, and the degree of victim interaction with multiple systems.

“(iv) Developing the criteria and guidelines necessary for establishing safe residential placements for foster children who have been sex trafficked as well as victims of trafficking identified through interaction with law enforcement.

“(v) Developing training guidelines for caregivers that serve children and youth being cared for outside the home.

“(D) INFORMING STATES OF BEST PRACTICES.—The Committee, in coordination with the National Governors Association, Secretary and Attorney General, shall ensure that State Governors and child welfare agencies are notified and informed on a quarterly basis of the best practices and recommendations for States, and notified 6 months

Notifications.  
Deadlines.

in advance that the Committee will be evaluating the extent to which States adopt the Committee's recommendations.

Public  
information.  
Web posting.

“(E) REPORT ON STATE IMPLEMENTATION.—Within 3 years after the establishment of the Committee, the Committee shall submit to the Secretary and the Attorney General, as part of its final report as well as for online and publicly available publication, a description of what each State has done to implement the recommendations of the Committee.

“(e) REPORTS.—

“(1) IN GENERAL.—The Committee shall submit an interim and a final report on the work of the Committee to—

“(A) the Secretary;

“(B) the Attorney General;

“(C) the Committee on Finance of the Senate; and

“(D) the Committee on Ways and Means of the House of Representatives.

“(2) REPORTING DATES.—The interim report shall be submitted not later than 3 years after the establishment of the Committee. The final report shall be submitted not later than 4 years after the establishment of the Committee.

“(f) ADMINISTRATION.—

“(1) AGENCY SUPPORT.—The Secretary shall direct the head of the Administration for Children and Families of the Department of Health and Human Services to provide all necessary support for the Committee.

“(2) MEETINGS.—

“(A) IN GENERAL.—The Committee will meet at the call of the Secretary at least twice each year to carry out this section, and more often as otherwise required.

“(B) ACCOMMODATION FOR COMMITTEE MEMBERS UNABLE TO ATTEND IN PERSON.—The Secretary shall create a process through which Committee members who are unable to travel to a Committee meeting in person may participate remotely through the use of video conference, teleconference, online, or other means.

“(3) SUBCOMMITTEES.—The Committee may establish subcommittees or working groups, as necessary and consistent with the mission of the Committee. The subcommittees or working groups shall have no authority to make decisions on behalf of the Committee, nor shall they report directly to any official or entity listed in subsection (d).

“(4) RECORDKEEPING.—The records of the Committee and any subcommittees and working groups shall be maintained in accordance with appropriate Department of Health and Human Services policies and procedures and shall be available for public inspection and copying, subject to the Freedom of Information Act (5 U.S.C. 552).

Web site.

“(g) TERMINATION.—The Committee shall terminate 5 years after the date of its establishment, but the Secretary shall continue to operate and update, as necessary, an Internet website displaying the State best practices, recommendations, and evaluation of State-by-State implementation of the Secretary's recommendations.

“(h) DEFINITION.—For the purpose of this section, the term ‘sex trafficking’ includes the definition set forth in section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C.



7102(10)) and ‘severe form of trafficking in persons’ described in section 103(9)(A) of such Act.”.

## **TITLE II—IMPROVING ADOPTION INCENTIVES AND EXTENDING FAMILY CONNECTION GRANTS**

### **Subtitle A—Improving Adoption Incentive Payments**

#### **SEC. 201. EXTENSION OF PROGRAM THROUGH FISCAL YEAR 2016.**

Section 473A (42 U.S.C. 673b) is amended—

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

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

#### **SEC. 202. IMPROVEMENTS TO AWARD STRUCTURE.**

(a) **ELIGIBILITY FOR AWARD.**—Section 473A(b) (42 U.S.C. 673b(b)) is amended by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(b) **DATA REQUIREMENTS.**—Section 473A(c)(2) (42 U.S.C. 673b(c)(2)) is amended—

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

(2) by striking “the numbers” and all that follows through “section,” and inserting “each of the rates required to be determined under this section with respect to a State and a fiscal year,”; and

(3) by inserting before the period the following: “, and, with respect to the determination of the rates related to foster child guardianships, on the basis of information reported to the Secretary under paragraph (12) of subsection (g)”.

(c) **AWARD AMOUNT.**—Section 473A(d) (42 U.S.C. 673b(d)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) through (C) and inserting the following:

“(A) \$5,000, multiplied by the amount (if any) by which—

“(i) the number of foster child adoptions in the State during the fiscal year; exceeds

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

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

“(II) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year;

“(B) \$7,500, multiplied by the amount (if any) by which—

“(i) the number of pre-adolescent child adoptions and pre-adolescent foster child guardianships in the State during the fiscal year; exceeds

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

“(I) the base rate of pre-adolescent child adoptions and pre-adolescent foster child guardianships for the State for the fiscal year; and

“(II) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year who have attained 9 years of age but not 14 years of age; and

“(C) \$10,000, multiplied by the amount (if any) by which—

“(i) the number of older child adoptions and older foster child guardianships in the State during the fiscal year; exceeds

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

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

“(II) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year who have attained 14 years of age; and

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

“(i) the number of foster child guardianships in the State during the fiscal year; exceeds

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

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

“(II) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year.”; and

(2) by striking paragraph (3) and inserting the following:

“(3) INCREASED ADOPTION AND LEGAL GUARDIANSHIP INCENTIVE PAYMENT FOR TIMELY ADOPTIONS.—

Determination.

“(A) IN GENERAL.—If for any of fiscal years 2013 through 2015, the total amount of adoption and legal guardianship incentive payments payable under paragraph (1) of this subsection are less than the amount appropriated under subsection (h) for the fiscal year, then, from the remainder of the amount appropriated for the fiscal year that is not required for such payments (in this paragraph referred to as the ‘timely adoption award pool’), the Secretary shall increase the adoption incentive payment determined under paragraph (1) for each State that the Secretary determines is a timely adoption award State for the fiscal year by the award amount determined for the fiscal year under subparagraph (C).

“(B) TIMELY ADOPTION AWARD STATE DEFINED.—A State is a timely adoption award State for a fiscal year if the Secretary determines that, for children who were in foster care under the supervision of the State at the time of

adoptive placement, the average number of months from removal of children from their home to the placement of children in finalized adoptions is less than 24 months.

“(C) AWARD AMOUNT.—For purposes of subparagraph (A), the award amount determined under this subparagraph with respect to a fiscal year is the amount equal to the timely adoption award pool for the fiscal year divided by the number of timely adoption award States for the fiscal year.”.

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

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

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

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

“(2) BASE RATE OF FOSTER CHILD ADOPTIONS.—The term ‘base rate of foster child adoptions’ means, with respect to a State and a fiscal year, the lesser of—

“(A) the foster child adoption rate for the State for the then immediately preceding fiscal year; or

“(B) the foster child adoption rate for the State for the average of the then immediately preceding 3 fiscal years.

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

“(4) PRE-ADOLESCENT CHILD ADOPTION AND PRE-ADOLESCENT FOSTER CHILD GUARDIANSHIP RATE.—The term ‘pre-adolescent child adoption and pre-adolescent foster child guardianship rate’ means, with respect to a State and a fiscal year, the percentage determined by dividing—

“(A) the number of pre-adolescent child adoptions and pre-adolescent foster child guardianships finalized in the State during the fiscal year; by

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

“(5) BASE RATE OF PRE-ADOLESCENT CHILD ADOPTIONS AND PRE-ADOLESCENT FOSTER CHILD GUARDIANSHIPS.—The term ‘base rate of pre-adolescent child adoptions and pre-adolescent foster child guardianships’ means, with respect to a State and a fiscal year, the lesser of—

“(A) the pre-adolescent child adoption and pre-adolescent foster child guardianship rate for the State for the then immediately preceding fiscal year; or

“(B) the pre-adolescent child adoption and pre-adolescent foster child guardianship rate for the State for the average of the then immediately preceding 3 fiscal years.

“(6) PRE-ADOLESCENT CHILD ADOPTION AND PRE-ADOLESCENT FOSTER CHILD GUARDIANSHIP.—The term ‘pre-adolescent

child adoption and pre-adolescent foster child guardianship' means the final adoption, or the placement into foster child guardianship (as defined in paragraph (12)) of a child who has attained 9 years of age but not 14 years of age if—

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

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

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

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

“(B) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year, who have attained 14 years of age.

“(8) BASE RATE OF OLDER CHILD ADOPTIONS AND OLDER FOSTER CHILD GUARDIANSHIPS.—The term ‘base rate of older child adoptions and older foster child guardianships’ means, with respect to a State and a fiscal year, the lesser of—

“(A) the older child adoption and older foster child guardianship rate for the State for the then immediately preceding fiscal year; or

“(B) the older child adoption and older foster child guardianship rate for the State for the average of the then immediately preceding 3 fiscal years.

“(9) OLDER CHILD ADOPTION AND OLDER FOSTER CHILD GUARDIANSHIP.—The term ‘older child adoption and older foster child guardianship’ means the final adoption, or the placement into foster child guardianship (as defined in paragraph (12)) of a child who has attained 14 years of age if—

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

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

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

“(A) the number of foster child guardianships occurring in the State during the fiscal year; by

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

“(11) BASE RATE OF FOSTER CHILD GUARDIANSHIPS.—The term ‘base rate of foster child guardianships’ means, with respect to a State and a fiscal year, the lesser of—

“(A) the foster child guardianship rate for the State for the then immediately preceding fiscal year; or

“(B) the foster child guardianship rate for the State for the average of the then immediately preceding 3 fiscal years.

“(12) FOSTER CHILD GUARDIANSHIP.—The term ‘foster child guardianship’ means, with respect to a State, the exit of a

child from foster care under the responsibility of the State to live with a legal guardian, if the State has reported to the Secretary—

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

“(i) the child has been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child;

“(ii) being returned home or adopted are not appropriate permanency options for the child;

“(iii) the child demonstrates a strong attachment to the prospective legal guardian, and the prospective legal guardian has a strong commitment to caring permanently for the child; and

“(iv) if the child has attained 14 years of age, the child has been consulted regarding the legal guardianship arrangement; or

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

**SEC. 203. RENAMING OF PROGRAM.**

(a) **IN GENERAL.**—The section heading of section 473A (42 U.S.C. 673b) is amended to read as follows:

**“SEC. 473A. ADOPTION AND LEGAL GUARDIANSHIP INCENTIVE PAYMENTS.”.**

(b) **CONFORMING AMENDMENTS.**—

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

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

**SEC. 204. LIMITATION ON USE OF INCENTIVE PAYMENTS.**

Section 473A(f) (42 U.S.C. 673b(f)) is amended in the 1st sentence by inserting “, and shall use the amount to supplement, and not supplant, any Federal or non-Federal funds used to provide any service under part B or E” before the period.

**SEC. 205. INCREASE IN PERIOD FOR WHICH INCENTIVE PAYMENTS ARE AVAILABLE FOR EXPENDITURE.**

Section 473A(e) (42 U.S.C. 673b(e)) is amended—

(1) in the subsection heading, by striking “24-MONTH” and inserting “36-MONTH”; and

(2) by striking “24-month” and inserting “36-month”.

**SEC. 206. STATE REPORT ON CALCULATION AND USE OF SAVINGS RESULTING FROM THE PHASE-OUT OF ELIGIBILITY REQUIREMENTS FOR ADOPTION ASSISTANCE; REQUIREMENT TO SPEND 30 PERCENT OF SAVINGS ON CERTAIN SERVICES.**

Section 473(a)(8) (42 U.S.C. 673(a)(8)) is amended to read as follows:

“(8)(A) A State shall calculate the savings (if any) resulting from the application of paragraph (2)(A)(ii) to all applicable children for a fiscal year, using a methodology specified by the Secretary or an alternate methodology proposed by the State and approved by the Secretary.

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

“(i) the methodology used to make the calculation described in subparagraph (A), without regard to whether any savings are found;

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

“(iii) how any such savings are spent, accounting for and reporting the spending separately from any other spending reported to the Secretary under part B or this part.

“(C) The Secretary shall make all information reported pursuant to subparagraph (B) available on the website of the Department of Health and Human Services in a location easily accessible to the public.

“(D)(i) A State shall spend an amount equal to the amount of the savings (if any) in State expenditures under this part resulting from the application of paragraph (2)(A)(ii) to all applicable children for a fiscal year, to provide to children of families any service that may be provided under part B or this part. A State shall spend not less than 30 percent of any such savings on post-adoption services, post-guardianship services, and services to support and sustain positive permanent outcomes for children who otherwise might enter into foster care under the responsibility of the State, with at least  $\frac{2}{3}$  of the spending by the State to comply with such 30 percent requirement being spent on post-adoption and post-guardianship services.

“(ii) Any State spending required under clause (i) shall be used to supplement, and not supplant, any Federal or non-Federal funds used to provide any service under part B or this part.”.

**SEC. 207. PRESERVATION OF ELIGIBILITY FOR KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS WITH A SUCCESSOR GUARDIAN.**

Section 473(d)(3) (42 U.S.C. 673(d)(3)) is amended by adding at the end the following:

“(C) ELIGIBILITY NOT AFFECTED BY REPLACEMENT OF GUARDIAN WITH A SUCCESSOR GUARDIAN.—In the event of the death or incapacity of the relative guardian, the eligibility of a child for a kinship guardianship assistance payment under this subsection shall not be affected by reason of the replacement of the relative guardian with a successor legal guardian named in the kinship guardianship assistance agreement referred to in paragraph (1) (including in any amendment to the agreement), notwithstanding subparagraph (A) of this paragraph and section 471(a)(28).”.

**SEC. 208. DATA COLLECTION ON ADOPTION AND LEGAL GUARDIANSHIP DISRUPTION AND DISSOLUTION.**

Section 479 (42 U.S.C. 679) is amended by adding at the end the following:

Public  
information.  
Web posting.

“(d) To promote improved knowledge on how best to ensure strong, permanent families for children, the Secretary shall promulgate regulations providing for the collection and analysis of information regarding children who enter into foster care under the supervision of a State after prior finalization of an adoption or legal guardianship. The regulations shall require each State with a State plan approved under this part to collect and report as part of such data collection system the number of children who enter foster care under supervision of the State after finalization of an adoption or legal guardianship and may include information concerning the length of the prior adoption or guardianship, the age of the child at the time of the prior adoption or guardianship, the age at which the child subsequently entered foster care under supervision of the State, the type of agency involved in making the prior adoptive or guardianship placement, and any other factors determined necessary to better understand factors associated with the child’s post-adoption or post-guardianship entry to foster care.”.

Regulations.

Reports.

**SEC. 209. ENCOURAGING THE PLACEMENT OF CHILDREN IN FOSTER CARE WITH SIBLINGS.**

(a) STATE PLAN AMENDMENT.—

(1) NOTIFICATION OF PARENTS OF SIBLINGS.—Section 471(a)(29) (42 U.S.C. 671(a)(29)) is amended by striking “all adult grandparents” and inserting “the following relatives: all adult grandparents, all parents of a sibling of the child, where such parent has legal custody of such sibling,”.

(2) SIBLING DEFINED.—Section 475 (42 U.S.C. 675), as amended by sections 101(b) and 111(a)(1) of this Act, is amended by adding at the end the following:

“(12) The term ‘sibling’ means an individual who satisfies at least one of the following conditions with respect to a child:

“(A) The individual is considered by State law to be a sibling of the child.

“(B) The individual would have been considered a sibling of the child under State law but for a termination or other disruption of parental rights, such as the death of a parent.”.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as subordinating the rights of foster or adoptive parents of a child to the rights of the parents of a sibling of that child.

42 USC 671 note.

**SEC. 210. EFFECTIVE DATES.**

42 USC 671 note.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this subtitle shall take effect as if enacted on October 1, 2013.

(b) RESTRUCTURING AND RENAMING OF PROGRAM.—

(1) IN GENERAL.—The amendments made by sections 202 and 203 shall take effect on October 1, 2014, subject to paragraph (2).

(2) TRANSITION RULE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the total amount payable to a State under section 473A of the Social Security Act for fiscal year 2014 shall be an amount equal to ½ of the sum of—

(i) the total amount that would be payable to the State under such section for fiscal year 2014 if the amendments made by section 202 of this Act had not taken effect; and

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

(B) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount otherwise payable under subparagraph (A) for fiscal year 2014 exceeds the amount appropriated pursuant to section 473A(h) of the Social Security Act (42 U.S.C. 673b(h)) for that fiscal year, the amount payable to each State under subparagraph (A) for fiscal year 2014 shall be—

(i) the amount that would otherwise be payable to the State under subparagraph (A) for fiscal year 2014; multiplied by

(ii) the percentage represented by the amount so appropriated for fiscal year 2014, divided by the total amount otherwise payable under subparagraph (A) to all States for that fiscal year.

(c) USE OF INCENTIVE PAYMENTS; ELIGIBILITY FOR KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS WITH A SUCCESSOR GUARDIAN; DATA COLLECTION.—The amendments made by sections 204, 207, and 208 shall take effect on the date of enactment of this Act.

(d) CALCULATION AND USE OF SAVINGS RESULTING FROM THE PHASE-OUT OF ELIGIBILITY REQUIREMENTS FOR ADOPTION ASSISTANCE.—The amendment made by section 206 shall take effect on October 1, 2014.

(e) NOTIFICATION OF PARENTS OF SIBLINGS.—

(1) IN GENERAL.—The amendments made by section 209 shall take effect on the date of enactment of this Act, subject to paragraph (2).

Determination.

(2) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan approved under part 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 section 209, 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 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that ends after the 1-year period beginning with the date of enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

## **Subtitle B—Extending the Family Connection Grant Program**

### **SEC. 221. EXTENSION OF FAMILY CONNECTION GRANT PROGRAM.**

(a) IN GENERAL.—Section 427(h) (42 U.S.C. 627(h)) is amended by striking “2013” and inserting “2014”.

(b) ELIGIBILITY OF UNIVERSITIES FOR MATCHING GRANTS.—Section 427(a) (42 U.S.C. 627(a)) is amended, in the matter preceding paragraph (1)—



(1) by striking “and” before “private”; and

(2) by inserting “and institutions of higher education (as defined under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)),” after “arrangements,”.

(c) FINDING FAMILIES FOR FOSTER CHILDREN WHO ARE PARENTS.—Section 427(a)(1)(E) (42 U.S.C. 627(a)(1)(E)) is amended by inserting “and other individuals who are willing and able to be foster parents for children in foster care under the responsibility of the State who are themselves parents” after “kinship care families”.

(d) RESERVATION OF FUNDS.—Section 427(g) (42 U.S.C. 627(g)) is amended—

(1) by striking paragraph (1); and

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

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on October 1, 2013. 42 USC 627 note.

## TITLE III—IMPROVING INTERNATIONAL CHILD SUPPORT RECOVERY

### SEC. 301. AMENDMENTS TO ENSURE ACCESS TO CHILD SUPPORT SERVICES FOR INTERNATIONAL CHILD SUPPORT CASES.

(a) AUTHORITY OF THE SECRETARY OF HHS TO ENSURE COMPLIANCE WITH MULTILATERAL CHILD SUPPORT CONVENTIONS.—

(1) IN GENERAL.—Section 452 (42 U.S.C. 652) is amended—

(A) by redesignating the second subsection (1) (as added by section 7306 of the Deficit Reduction Act of 2005) as subsection (m); and

(B) by adding at the end the following:

“(n) The Secretary shall use the authorities otherwise provided by law to ensure the compliance of the United States with any multilateral child support convention to which the United States is a party.”.

(2) CONFORMING AMENDMENT.—Section 453(k)(3) (42 U.S.C. 653(k)(3)) is amended by striking “452(l)” and inserting “452(m)”.

(b) ACCESS TO THE FEDERAL PARENT LOCATOR SERVICE.—Section 453(c) (42 U.S.C. 653(c)) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) an entity designated as a Central Authority for child support enforcement in a foreign reciprocating country or a foreign treaty country for purposes specified in section 459A(c)(2).”.

(c) STATE OPTION TO REQUIRE INDIVIDUALS IN FOREIGN COUNTRIES TO APPLY THROUGH THEIR COUNTRY’S APPROPRIATE CENTRAL AUTHORITY.—Section 454 (42 U.S.C. 654) is amended—

(1) in paragraph (4)(A)(ii), by inserting before the semicolon “(except that, if the individual applying for the services resides in a foreign reciprocating country or foreign treaty country, the State may opt to require the individual to request the services through the Central Authority for child support enforcement in the foreign reciprocating country or the foreign

treaty country, and if the individual resides in a foreign country that is not a foreign reciprocating country or a foreign treaty country, a State may accept or reject the application”; and (2) in paragraph (32)—

(A) in subparagraph (A), by inserting “, a foreign treaty country,” after “a foreign reciprocating country”; and

(B) in subparagraph (C), by striking “or foreign obligee” and inserting “, foreign treaty country, or foreign individual”.

(d) AMENDMENTS TO INTERNATIONAL SUPPORT ENFORCEMENT PROVISIONS.—Section 459A (42 U.S.C. 659a) is amended—

(1) by adding at the end the following:

“(e) REFERENCES.—In this part:

“(1) FOREIGN RECIPROCATING COUNTRY.—The term ‘foreign reciprocating country’ means a foreign country (or political subdivision thereof) with respect to which the Secretary has made a declaration pursuant to subsection (a).

“(2) FOREIGN TREATY COUNTRY.—The term ‘foreign treaty country’ means a foreign country for which the 2007 Family Maintenance Convention is in force.

“(3) 2007 FAMILY MAINTENANCE CONVENTION.—The term ‘2007 Family Maintenance Convention’ means the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance.”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “foreign countries that are the subject of a declaration under this section” and inserting “foreign reciprocating countries or foreign treaty countries”; and

(B) in paragraph (2), by inserting “and foreign treaty countries” after “foreign reciprocating countries”; and

(3) in subsection (d), by striking “the subject of a declaration pursuant to subsection (a)” and inserting “foreign reciprocating countries or foreign treaty countries”.

(e) COLLECTION OF PAST-DUE SUPPORT FROM FEDERAL TAX REFUNDS.—Section 464(a)(2)(A) (42 U.S.C. 664(a)(2)(A)) is amended by striking “under section 454(4)(A)(ii)” and inserting “under paragraph (4)(A)(ii) or (32) of section 454”.

(f) STATE LAW REQUIREMENT CONCERNING THE UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA).—

(1) IN GENERAL.—Section 466(f) (42 U.S.C. 666(f)) is amended—

(A) by striking “on and after January 1, 1998,”;

(B) by striking “and as in effect on August 22, 1996,”;

and

(C) by striking “adopted as of such date” and inserting “adopted as of September 30, 2008”.

(2) CONFORMING AMENDMENTS TO TITLE 28, UNITED STATES CODE.—Section 1738B of title 28, United States Code, is amended—

(A) in subsection (d), by striking “individual contestant” and inserting “individual contestant or the parties have consented in a record or open court that the tribunal of the State may continue to exercise jurisdiction to modify its order,”;

(B) in subsection (e)(2)(A), by striking “individual contestant” and inserting “individual contestant and the

parties have not consented in a record or open court that the tribunal of the other State may continue to exercise jurisdiction to modify its order”; and

(C) in subsection (b)—

(i) by striking “‘child’ means” and inserting “(1) The term ‘child’ means”;

(ii) by striking “‘child’s State’ means” and inserting “(2) The term ‘child’s State’ means”;

(iii) by striking “‘child’s home State’ means” and inserting “(3) The term ‘child’s home State’ means”;

(iv) by striking “‘child support’ means” and inserting “(4) The term ‘child support’ means”;

(v) by striking “‘child support order’” and inserting “(5) The term ‘child support order’”;

(vi) by striking “‘contestant’ means” and inserting “(6) The term ‘contestant’ means”;

(vii) by striking “‘court’ means” and inserting “(7) The term ‘court’ means”;

(viii) by striking “‘modification’ means” and inserting “(8) The term ‘modification’ means”; and

(ix) by striking “‘State’ means” and inserting “(9) The term ‘State’ means”.

(3) EFFECTIVE DATE; GRACE PERIOD FOR STATE LAW CHANGES.—

(A) PARAGRAPH (1).—(i) The amendments made by paragraph (1) shall take effect with respect to a State no later than the effective date of laws enacted by the legislature of the State implementing such paragraph, but in no event later than 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 the enactment of this Act.

42 USC 666 note.

(ii) For purposes of clause (i), in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

(B) PARAGRAPH (2).—(i) The amendments made by subparagraphs (A) and (B) of paragraph (2) shall take effect on the date on which the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance enters into force for the United States.

28 USC 1738B note.

(ii) The amendments made by subparagraph (C) of paragraph (2) shall take effect on the date of the enactment of this Act.

### SEC. 302. CHILD SUPPORT ENFORCEMENT PROGRAMS FOR INDIAN TRIBES.

(a) TRIBAL ACCESS TO THE FEDERAL PARENT LOCATOR SERVICE.—Section 453(c)(1) (42 U.S.C. 653(c)(1)) is amended by inserting “or Indian tribe or tribal organization (as defined in subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)),” after “any State”.

(b) WAIVER AUTHORITY FOR INDIAN TRIBES OR TRIBAL ORGANIZATIONS OPERATING CHILD SUPPORT ENFORCEMENT PROGRAMS.—Section 1115(b) (42 U.S.C. 1315(b)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and realigning the left margin of subparagraph (C) so as to align with subparagraphs (A) and (B) (as so redesignated);

(2) by inserting “(1)” after “(b)”; and

(3) by adding at the end the following:

“(2) An Indian tribe or tribal organization operating a program under section 455(f) shall be considered a State for purposes of authority to conduct an experimental, pilot, or demonstration project under subsection (a) to assist in promoting the objectives of part D of title IV and receiving payments under the second sentence of that subsection. The Secretary may waive compliance with any requirements of section 455(f) or regulations promulgated under that section to the extent and for the period the Secretary finds necessary for an Indian tribe or tribal organization to carry out such project. Costs of the project which would not otherwise be included as expenditures of a program operating under section 455(f) and which are not included as part of the costs of projects under section 1110, shall, to the extent and for the period prescribed by the Secretary, be regarded as expenditures under a tribal plan or plans approved under such section, or for the administration of such tribal plan or plans, as may be appropriate. An Indian tribe or tribal organization applying for or receiving start-up program development funding pursuant to section 309.16 of title 45, Code of Federal Regulations, shall not be considered to be an Indian tribe or tribal organization operating a program under section 455(f) for purposes of this paragraph.”.

Waiver authority.

(c) CONFORMING AMENDMENTS.—Section 453(f) (42 U.S.C. 653(f)) is amended by inserting “and tribal” after “State” each place it appears.

**SEC. 303. SENSE OF THE CONGRESS REGARDING OFFERING OF VOLUNTARY PARENTING TIME ARRANGEMENTS.**

(a) FINDINGS.—The Congress finds as follows:

(1) The separation of a child from a parent does not end the financial or other responsibilities of the parent toward the child.

(2) Increased parental access and visitation not only improve parent-child relationships and outcomes for children, but also have been demonstrated to result in improved child support collections, which creates a double win for children—a more engaged parent and improved financial security.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) establishing parenting time arrangements when obtaining child support orders is an important goal which should be accompanied by strong family violence safeguards; and

(2) States should use existing funding sources to support the establishment of parenting time arrangements, including child support incentives, Access and Visitation Grants, and Healthy Marriage Promotion and Responsible Fatherhood Grants.

**SEC. 304. DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY.**

(a) IN GENERAL.—Section 452 (42 U.S.C. 652), as amended by section 301(a)(1) of this Act, is amended by adding at the end the following:

“(o) DATA EXCHANGE STANDARDS FOR IMPROVED INTEROPERABILITY.—

“(1) DESIGNATION.—The Secretary shall, in consultation with an interagency work group established by the Office of Management and Budget and considering State government perspectives, by rule, designate data exchange standards to govern, under this part—

Consultation.

“(A) necessary categories of information that State agencies operating programs under State plans approved under this part are required under applicable Federal law to electronically exchange with another State agency; and

“(B) Federal reporting and data exchange required under applicable Federal law.

“(2) REQUIREMENTS.—The data exchange standards required by paragraph (1) shall, to the extent practicable—

“(A) incorporate a widely accepted, non-proprietary, searchable, computer-readable format, such as the eXtensible Markup Language;

“(B) contain interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model;

“(C) incorporate interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance;

“(D) be consistent with and implement applicable accounting principles;

“(E) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness; and

“(F) be capable of being continually upgraded as necessary.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require a change to existing data exchange standards found to be effective and efficient.”.

(b) EFFECTIVE DATE.—The Secretary of Health and Human Services shall issue a proposed rule within 24 months after the date of the enactment of this section. The rule shall identify federally required data exchanges, include specification and timing of exchanges to be standardized, and address the factors used in determining whether and when to standardize data exchanges. It should also specify State implementation options and describe future milestones.

Regulations.  
Deadline.  
42 USC 652 note.

**SEC. 305. REPORT TO CONGRESS.**

The Secretary of Health and Human Services shall—

(1) in conjunction with the strategic plan, review and provide recommendations for cost-effective improvements to the child support enforcement program under part D of title IV of the Social Security Act, and ensure that the plan addresses the effectiveness and performance of the program, analyzes program practices, identifies possible new collection tools and approaches, and identifies strategies for holding parents accountable for supporting their children and for building the

Review.  
Recommendations.

capacity of parents to pay child support, with specific attention given to matters including front-end services, on-going case management, collections, Tribal-State partnerships, interstate and intergovernmental interactions, program performance, data analytics, and information technology;

Consultation.

(2) in carrying out paragraph (1), consult with and include input from—

(A) State, tribal, and county child support directors;

(B) judges who preside over family courts or other State or local courts with responsibility for conducting or supervising proceedings relating to child support enforcement, child welfare, or social services for children and their families, and organizations that represent the judges;

(C) custodial parents and organizations that represent them;

(D) noncustodial parents and organizations that represent them; and

(E) organizations that represent fiduciary entities that are affected by child support enforcement policies; and

(3) in developing the report required by paragraph (4), solicit public comment;

(4) not later than June 30, 2015, submit to the Congress a report that sets forth policy options for improvements in child support enforcement, which report shall include the following:

(A) A review of the effectiveness of State child support enforcement programs, and the collection practices employed by State agencies administering programs under such part, and an analysis of the extent to which the practices result in unintended consequences or performance issues associated with the programs and practices.

(B) Recommendations for methods to enhance the effectiveness of child support enforcement programs and collection practices.

(C) A review of State best practices in regards to establishing and operating State and multistate lien registries.

(D) A compilation of State recovery and distribution policies.

(E) Options, with analysis, for methods to engage non-custodial parents in the lives of their children through consideration of parental time and visitation with children.

(F) An analysis of the role of alternative dispute resolution in making child support determinations.

(G) Identification of best practices for—

(i) determining which services and support programs available to custodial and noncustodial parents are non-duplicative, evidence-based, and produce quality outcomes, and connecting custodial and non-custodial parents to those services and support programs;

(ii) providing employment support, job training, and job placement for custodial and noncustodial parents; and

(iii) establishing services, supports, and child support payment tracking for noncustodial parents,

including options for the prevention of, and intervention on, uncollectible arrearages, such as retroactive obligations.

(H) Options, with analysis, for methods for States to use to collect child support payments from individuals who owe excessive arrearages as determined under section 454(31) of such Act.

(I) A review of State practices under 454(31) of such Act used to determine which individuals are excluded from the requirements of section 452(k) of such Act, including the extent to which individuals are able to successfully contest or appeal decisions.

(J) Options, with analysis, for actions as are determined to be appropriate for improvement in child support enforcement.

**SEC. 306. REQUIRED ELECTRONIC PROCESSING OF INCOME WITHHOLDING.**

(a) **IN GENERAL.**—Section 454A(g)(1) (42 U.S.C. 654a(g)(1)(A)) is amended—

(1) by striking “, to the maximum extent feasible,”; and

(2) in subparagraph (A)—

(A) by striking “and” at the end of clause (i);

(B) by adding “and” at the end of clause (ii); and

(C) by adding at the end the following:

“(iii) at the option of the employer, using the electronic transmission methods prescribed by the Secretary;”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 2015.

42 USC 654a  
note.

## **TITLE IV—BUDGETARY EFFECTS**

**SEC. 401. DETERMINATION OF BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the

128 STAT. 1950

PUBLIC LAW 113-183—SEPT. 29, 2014

Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved September 29, 2014.

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LEGISLATIVE HISTORY—H.R. 4980:

CONGRESSIONAL RECORD, Vol. 160 (2014):  
July 23, considered and passed House.  
Sept. 18, considered and passed Senate.





**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.06.02 - RULES GOVERNING STANDARDS FOR CHILD CARE LICENSING**  
**DOCKET NO. 16-0602-1501**  
**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 39-1111, 39-1209, 39-1210, 39-1211, 39-1213, 56-1003, 56-1004A, and 56-1005(8), Idaho Code, and Public Law 113-183 (the Preventing Sex Trafficking and Strengthening Families Act).

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking is being done to align this chapter of rules with federal requirements regarding foster care and the application of the “reasonable and prudent parent standard.”

In this rulemaking:

- 1) The term “reasonable and prudent parent standard” is being defined for the purpose of the Department’s child welfare program. The definition is required in accordance with Public Law 113-183 and the proposed definition utilizes wording acceptable to the federal Department of Health and Human Services.
- 2) Public Law 113-183 requires child care institutions providing foster care to have the presence of at least one on-site official who, with respect to any child placed at the child care institution, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: NA

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This rulemaking has no fiscal impact to the state general fund, or any other funds.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because these rules are being amended to align with federal requirements and so are nonnegotiable. Failure to make these rule changes will result in loss of funding.

**INCORPORATION BY REFERENCE:** No materials are being incorporated by reference into these rules.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Sabrina Brown at (208) 334-5648 or email at [BrownS5@dhw.idaho.gov](mailto:BrownS5@dhw.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2015.

DATED this 7th Day of August, 2015.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
(208) 334-5500 phone; (208) 334-6558 fax  
E-mail: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0602-1501  
(Only Those Sections With Amendments Are Shown.)**

**457. REASONABLE AND PRUDENT PARENT STANDARD.**

A caregiver must follow the reasonable and prudent parent standard. ( )

**01. Reasonable and Prudent Parent Standard Defined.** The reasonable and prudent parent standard means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child that a caregiver must use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural, or social activities. ( )

**a.** “Caregiver” means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed. ( )

**b.** “Age or developmentally appropriate” means: ( )

**i.** Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and ( )

**ii.** In the case of specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child. ( )

**02. Training.** Each caregiver will complete training to include knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities, including knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child, and applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting one (1) or more days, and involving the signing of permission slips and arranging transportation for the child to and from extracurricular enrichment and social activities. ( )

~~457~~8. -- 469. (RESERVED)

**(BREAK IN CONTINUITY OF SECTIONS)**

**583. REASONABLE AND PRUDENT PARENT STANDARD FOR AN ORGANIZATION PROVIDING SERVICES TO CHILDREN PLACED BY THE DEPARTMENT.**

An organization providing services to children placed by the Department’s Child and Family Service Program must designate at least one (1) on-site official who is authorized to apply the reasonable and prudent parent standard as described in Section 457 of these rules. ( )

~~583~~4. -- 599. (RESERVED)