

116TH CONGRESS 1ST SESSION H.R. 4472

To eliminate the requirement that, to be eligible for foster care maintenance payments, a child would have been eligible for aid under the former program of Aid to Families with Dependent Children at the time of removal from the home.

IN THE HOUSE OF REPRESENTATIVES

September 24, 2019

Mr. Lewis introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To eliminate the requirement that, to be eligible for foster care maintenance payments, a child would have been eligible for aid under the former program of Aid to Families with Dependent Children at the time of removal from the home.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Look-back Elimination
- 5 Act of 2019".
- 6 SEC. 2. FINDINGS.
- 7 The Congress finds as follows:

- 1 (1) As part of President Franklin Delano Roo2 sevelt's New Deal, the Social Security Act of 1935
 3 included the creation of the Aid to Dependent Chil4 dren program as a way to provide Federal support
 5 to poor children. Over time, this program became
 6 the Aid to Families with Dependent Children
 7 (AFDC) program and provided assistance to strug8 gling families for over 60 years.
 - (2) Part E of title IV of the Social Security Act provides primary Federal funding for child welfare services. Under that part, the Federal Government pays a portion of the cost of providing Federal foster care and adoption assistance benefits for eligible children.
 - (3) In 1996, when Congress replaced the AFDC program with the Temporary Assistance for Needy Families (TANF) program, Congress also fixed the income eligibility requirement for Federal foster care and adoption assistance benefits at a level based on the income thresholds established by the States under their former AFDC programs. This income eligibility requirement is now commonly referred to as the "AFDC look-back standard".
 - (4) At that time, many States had established very strict household income requirements in order

- for children to be eligible for AFDC benefits. As a result of this very strict requirement, many children in the Federal foster care and adoption assistance programs are ineligible to receive a wide range of Federal benefits, services, and activities. For example, this outdated, restrictive standard prevents the State of Georgia from providing assistance to more than half of the children in the child welfare system.
 - (5) Forced to adhere to a stagnant standard, States increasingly struggle to administer Federal foster care and adoption assistance programs and provide services to those children most in need. As inflation increases, fewer children are eligible to receive Federal benefits, and States struggle to provide services from other, limited local and State resources.
 - (6) Although the AFDC look-back standard still applies to the Federal foster care program, the Fostering Connections to Success and Increasing Adoptions Act of 2008 completely eliminated the AFDC look-back standard in the Federal adoption assistance program in 2018.

1	SEC. 3. ELIMINATION OF THE AFDC ELIGIBILITY REQUIRE-
2	MENT IN THE FOSTER CARE MAINTENANCE
3	PAYMENTS PROGRAM.
4	(a) In General.—Section 472(a) of the Social Secu-
5	rity Act (42 U.S.C. 672(a)) is amended—
6	(1) in paragraph (1), by striking "specified"
7	and all that follows and inserting "or caretaker into
8	foster care if the removal and foster care placement
9	met, and continues to meet, the requirements of
10	paragraph (2)."; and
11	(2) by striking paragraphs (3) and (4).
12	(b) Conforming Amendment.—Section 470 of
13	such Act (42 U.S.C. 670) is amended by striking "who
14	otherwise would have been eligible for assistance under the
15	State's plan approved under part A (as such plan was in
16	effect on June 1, 1995)".
17	SEC. 4. SENSE OF THE CONGRESS.
18	It is the sense of the Congress that—
19	(1) the AFDC eligibility requirement for Fed-
20	eral foster care and adoption assistance benefits
21	should be eliminated and replaced with income eligi-
22	bility standards that are based on modern, balanced
23	criteria that treat all children equally; and
24	(2) the Secretary of Health and Human Serv-
25	ices should collaborate with Members of Congress

- 1 and child welfare advocates in developing any modi-
- 2 fied standards.

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