

115TH CONGRESS
1ST SESSION

S. 1268

To amend parts B and E of title IV of the Social Security Act to allow States to provide foster care maintenance payments for children with parents in a licensed residential family-based treatment facility for substance abuse and to reauthorize grants to improve the well-being of families affected by substance abuse.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2017

Mr. DAINES (for himself and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend parts B and E of title IV of the Social Security Act to allow States to provide foster care maintenance payments for children with parents in a licensed residential family-based treatment facility for substance abuse and to reauthorize grants to improve the well-being of families affected by substance abuse.

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 “Child Protection and
5 Family Support Act of 2017”.

1 **SEC. 2. FOSTER CARE MAINTENANCE PAYMENTS FOR CHIL-**
 2 **DREN WITH PARENTS IN A LICENSED RESI-**
 3 **DENTIAL FAMILY-BASED TREATMENT FACIL-**
 4 **ITY FOR SUBSTANCE ABUSE.**

5 (a) IN GENERAL.—Section 472 of the Social Security
 6 Act (42 U.S.C. 672) is amended—

7 (1) in subsection (a)(2)(C), by striking “or”
 8 and inserting “, with a parent residing in a licensed
 9 residential family-based treatment facility, but only
 10 to the extent permitted under subsection (j), or in
 11 a”; and

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

13 “(j) CHILDREN PLACED WITH A PARENT RESIDING
 14 IN A LICENSED RESIDENTIAL FAMILY-BASED TREAT-
 15 MENT FACILITY FOR SUBSTANCE ABUSE.—

16 “(1) IN GENERAL.—Notwithstanding the pre-
 17 ceding provisions of this section, a child who is eligi-
 18 ble for foster care maintenance payments under this
 19 section, or who would be eligible for the payments if
 20 the eligibility were determined without regard to
 21 paragraphs (1)(B) and (3) of subsection (a), shall be
 22 eligible for the payments for a period of not more
 23 than 12 months during which the child is placed
 24 with a parent who is in a licensed residential family-
 25 based treatment facility for substance abuse, but
 26 only if—

1 “(A) the recommendation for the place-
2 ment is specified in the child’s case plan before
3 the placement;

4 “(B) the treatment facility provides, as
5 part of the treatment for substance abuse, par-
6 enting skills training, parent education, and in-
7 dividual and family counseling; and

8 “(C) the substance abuse treatment, par-
9 enting skills training, parent education, and in-
10 dividual and family counseling is provided
11 under an organizational structure and treat-
12 ment framework that involves understanding,
13 recognizing, and responding to the effects of all
14 types of trauma and in accordance with recog-
15 nized principles of a trauma-informed approach
16 and trauma-specific interventions to address the
17 consequences of trauma and facilitate healing.

18 “(2) APPLICATION.—With respect to children
19 for whom foster care maintenance payments are
20 made under paragraph (1), only the children who
21 satisfy the requirements of paragraphs (1)(B) and
22 (3) of subsection (a) shall be considered to be chil-
23 dren with respect to whom foster care maintenance
24 payments are made under this section for purposes
25 of subsection (h) or section 473(b)(3)(B).”.

1 (b) CONFORMING AMENDMENT.—Section 474(a)(1)
 2 of the Social Security Act (42 U.S.C. 674(a)(1)) is amend-
 3 ed by inserting “subject to section 472(j),” before “an
 4 amount equal to the Federal”.

5 **SEC. 3. ENHANCEMENTS TO GRANTS TO IMPROVE WELL-**
 6 **BEING OF FAMILIES AFFECTED BY SUB-**
 7 **STANCE ABUSE.**

8 Section 437(f) of the Social Security Act (42 U.S.C.
 9 629g(f)) is amended—

10 (1) in the subsection heading, by striking “IN-
 11 CREASE THE WELL-BEING OF, AND TO IMPROVE
 12 THE PERMANENCY OUTCOMES FOR, CHILDREN AF-
 13 FECTED BY” and inserting “IMPLEMENT IV–E PRE-
 14 VENTION SERVICES, AND IMPROVE THE WELL-
 15 BEING OF, AND IMPROVE PERMANENCY OUTCOMES
 16 FOR, CHILDREN AND FAMILIES AFFECTED BY
 17 METHAMPHETAMINE, HEROIN, OPIOIDS, AND
 18 OTHER”;

19 (2) by striking paragraph (2) and inserting the
 20 following:

21 “(2) REGIONAL PARTNERSHIP DEFINED.—In
 22 this subsection, the term ‘regional partnership’
 23 means a collaborative agreement (which may be es-
 24 tablished on an interstate, State, or intrastate basis)
 25 entered into by the following:

1 “(A) MANDATORY PARTNERS FOR ALL
2 PARTNERSHIP GRANTS.—

3 “(i) The State child welfare agency
4 that is responsible for the administration
5 of the State plan under this part and part
6 E.

7 “(ii) The State agency responsible for
8 administering the substance abuse preven-
9 tion and treatment block grant provided
10 under subpart II of part B of title XIX of
11 the Public Health Service Act.

12 “(B) MANDATORY PARTNERS FOR PART-
13 NERSHIP GRANTS PROPOSING TO SERVE CHIL-
14 DREN IN OUT-OF-HOME PLACEMENTS.—If the
15 partnership proposes to serve children in out-of-
16 home placements, the Juvenile Court or Admin-
17 istrative Office of the Court that is most appro-
18 priate to oversee the administration of court
19 programs in the region to address the popu-
20 lation of families who come to the attention of
21 the court due to child abuse or neglect.

22 “(C) OPTIONAL PARTNERS.—At the option
23 of the partnership, any of the following:

24 “(i) An Indian tribe or tribal consor-
25 tium.

1 “(ii) Nonprofit child welfare service
2 providers.

3 “(iii) For-profit child welfare service
4 providers.

5 “(iv) Community health service pro-
6 viders, including substance abuse treat-
7 ment providers.

8 “(v) Community mental health pro-
9 viders.

10 “(vi) Local law enforcement agencies.

11 “(vii) School personnel.

12 “(viii) Tribal child welfare agencies
13 (or a consortia of the agencies).

14 “(ix) Any other providers, agencies,
15 personnel, officials, or entities that are re-
16 lated to the provision of child and family
17 services under a State plan approved under
18 this subpart.

19 “(D) EXCEPTION FOR REGIONAL PART-
20 NERSHIPS WHERE THE LEAD APPLICANT IS AN
21 INDIAN TRIBE OR TRIBAL CONSORTIA.—If an
22 Indian tribe or tribal consortium enters into a
23 regional partnership for purposes of this sub-
24 section, the Indian tribe or tribal consortium—

“(i) may (but is not required to) include the State child welfare agency as a partner in the collaborative agreement;

“(ii) may not enter into a collaborative agreement only with tribal child welfare agencies (or a consortium of the agencies); and

“(iii) if the condition described in paragraph (2)(B) applies, may include tribal court organizations in lieu of other judicial partners.”;

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking “2012 through 2016” and inserting “2018 through 2022”; and

(ii) by striking “\$500,000 and not more than \$1,000,000” and inserting “\$250,000 and not more than \$1,000,000”;

(B) in subparagraph (B)—

(i) in the subparagraph heading, by inserting “; PLANNING” after “APPROVAL”;

(ii) in clause (i), by striking “clause (ii)” and inserting “clauses (ii) and (iii)”;

and

1 (iii) by adding at the end the fol-
 2 lowing:

3 “(iii) SUFFICIENT PLANNING.—A
 4 grant awarded under this subsection shall
 5 be disbursed in 2 phases: a planning phase
 6 (not to exceed 2 years); and an implemen-
 7 tation phase. The total disbursement to a
 8 grantee for the planning phase may not ex-
 9 ceed \$250,000, and may not exceed the
 10 total anticipated funding for the implemen-
 11 tation phase.”; and

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

13 “(D) LIMITATION ON PAYMENT FOR A FIS-
 14 CAL YEAR.—No payment shall be made under
 15 subparagraph (A) or (C) for a fiscal year until
 16 the Secretary determines that the eligible part-
 17 nership has made sufficient progress in meeting
 18 the goals of the grant and that the members of
 19 the eligible partnership are coordinating to a
 20 reasonable degree with the other members of
 21 the eligible partnership.”;

22 (4) in paragraph (4)—

23 (A) in subparagraph (B)—

24 (i) in clause (i), by inserting “, par-
 25 ents, and families” after “children”;

1 (ii) in clause (ii), by striking “safety
2 and permanence for such children; and”
3 and inserting “safe, permanent caregiving
4 relationships for the children;”;

5 (iii) in clause (iii), by striking “or”
6 and inserting “increase reunification rates
7 for children who have been placed in out of
8 home care, or decrease”; and

9 (iv) by redesignating clause (iii) as
10 clause (v) and inserting after clause (ii)
11 the following:

12 “(iii) improve the substance abuse
13 treatment outcomes for parents including
14 retention in treatment and successful com-
15 pletion of treatment;

16 “(iv) facilitate the implementation, de-
17 livery, and effectiveness of prevention serv-
18 ices and programs under section 471(e);
19 and”;

20 (B) in subparagraph (D), by striking
21 “where appropriate,”; and

22 (C) by striking subparagraphs (E) and (F)
23 and inserting the following:

24 “(E) A description of a plan for sustaining
25 the services provided by or activities funded

1 under the grant after the conclusion of the
2 grant period, including through the use of pre-
3 vention services and programs under section
4 471(e) and other funds provided to the State
5 for child welfare and substance abuse preven-
6 tion and treatment services.

7 “(F) Additional information needed by the
8 Secretary to determine that the proposed activi-
9 ties and implementation will be consistent with
10 research or evaluations showing which practices
11 and approaches are most effective.”;

12 (5) in paragraph (5)(A), by striking “abuse
13 treatment” and inserting “use disorder treatment in-
14 cluding medication assisted treatment and in-home
15 substance abuse disorder treatment and recovery”;

16 (6) in paragraph (7)—

17 (A) by striking “and” at the end of sub-
18 paragraph (C); and

19 (B) by redesignating subparagraph (D) as
20 subparagraph (E) and inserting after subpara-
21 graph (C) the following:

22 “(D) demonstrate a track record of suc-
23 cessful collaboration among child welfare, sub-
24 stance abuse disorder treatment and mental
25 health agencies; and”;

1 (7) in paragraph (8)—

2 (A) in subparagraph (A)—

3 (i) by striking “establish indicators
4 that will be” and inserting “review indica-
5 tors that are”; and

6 (ii) by striking “in using funds made
7 available under such grants to achieve the
8 purpose of this subsection” and inserting
9 “and establish a set of core indicators re-
10 lated to child safety, parental recovery,
11 parenting capacity, and family well-being.
12 In developing the core indicators, to the
13 extent possible, indicators shall be made
14 consistent with the outcome measures de-
15 scribed in section 471(e)(6)”;
16

(B) in subparagraph (B)—

17 (i) in the matter preceding clause (i),
18 by inserting “base the performance meas-
19 ures on lessons learned from prior rounds
20 of regional partnership grants under this
21 subsection, and” before “consult”; and

22 (ii) by striking clauses (iii) and (iv)
23 and inserting the following:

24 “(iii) Other stakeholders or constitu-
25 encies as determined by the Secretary.”;

1 (8) in paragraph (9)(A), by striking clause (i)
2 and inserting the following:

3 “(i) SEMIANNUAL REPORTS.—Not
4 later than September 30 of each fiscal year
5 in which a recipient of a grant under this
6 subsection is paid funds under the grant,
7 and every 6 months thereafter, the grant
8 recipient shall submit to the Secretary a
9 report on the services provided and activi-
10 ties carried out during the reporting pe-
11 riod, progress made in achieving the goals
12 of the program, the number of children,
13 adults, and families receiving services, and
14 such additional information as the Sec-
15 retary determines is necessary. The report
16 due not later than September 30 of the
17 last such fiscal year shall include, at a
18 minimum, data on each of the performance
19 indicators included in the evaluation of the
20 regional partnership.”; and

21 (9) in paragraph (10), by striking “2012
22 through 2016” and inserting “2018 through 2022”.

1 **SEC. 4. EFFECTIVE DATE.**

2 The amendments made by this Act shall take effect
3 on October 1, 2017.

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