

115TH CONGRESS
1ST SESSION

H. R. 2682

To support foster youth in successful parenting by reducing unintended pregnancies and promoting the well-being of expectant or parenting foster youth and their children.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2017

Mr. DANNY K. DAVIS of Illinois introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To support foster youth in successful parenting by reducing unintended pregnancies and promoting the well-being of expectant or parenting foster youth and their children.

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 “Supporting Foster
5 Youth in Successful Parenting Act of 2017”.

1 **SEC. 2. REQUIREMENT THAT STATES REPORT ON STEPS**
2 **TAKEN TO ADDRESS PREGNANCY AND PAR-**
3 **ENTHOOD AMONG FOSTER YOUTH.**

4 (a) IN GENERAL.—Section 432(a) of the Social Secu-
5 rity Act (42 U.S.C. 629b(a)) is amended—

6 (1) by striking “and” at the end of paragraph
7 (9);

8 (2) by striking the period at the end of para-
9 graph (10) and inserting “; and”; and

10 (3) by adding at the end the following:

11 “(11) provides that the State agency shall sub-
12 mit to the Secretary such reports as the Secretary
13 may require not more frequently than annually, on
14 the steps being taken by the State agency to—

15 “(A) identify youth in foster care under
16 the responsibility of the State who are expect-
17 ant or parenting (including as a noncustodial
18 parent);

19 “(B) increase access to sexual health care
20 information and services, including all methods
21 of contraception for youth in foster care;

22 “(C) prevent unintended pregnancies
23 among youth in foster care under the responsi-
24 bility of the State;

25 “(D) promote the well-being of foster
26 youth under the responsibility of the State who

1 are expectant or parenting (including as a non-
2 custodial parent), and their children, by pro-
3 viding coordinated services to the youth that
4 support their development and the development
5 of their children, including assistance to ob-
6 tain—

7 “(i) an education (including by main-
8 taining or restoring a connection to an
9 educational institution);

10 “(ii) Medicaid coverage for both pre-
11 natal care and postpartum health care;

12 “(iii) mental and behavioral health
13 care;

14 “(iv) appropriate housing;

15 “(v) employment and job training;
16 and

17 “(vi) other services that support pa-
18 rental and child well-being (such as home
19 visiting services, early intervention services,
20 early childhood education, child care, and
21 child care assistance);

22 “(E) train caseworkers, foster parents, and
23 other foster care facility caregivers and staff on
24 how to support foster youth in preventing unin-
25 tended pregnancies and to promote the well-

1 being of foster youth who are expectant or par-
2 enting (including as a noncustodial parent), and
3 their children;

4 “(F) improve supports for foster youth
5 who are expectant or parenting (including as a
6 noncustodial parent) by minimizing the number
7 of placements, both during pregnancy and after
8 delivery, for foster youth who become pregnant
9 and by implementing specialized recruitment,
10 training, retention, and support for foster par-
11 ents who mentor and care for young parents
12 and their children together;

13 “(G) monitor the well-being of the children
14 of youth in foster care, including their enroll-
15 ment in early education programs, access to ap-
16 propriate developmental assessments and inter-
17 ventions if needed, and their involvement in the
18 child welfare system (such as in child abuse and
19 neglect investigations or foster care place-
20 ments); and

21 “(H) train caseworkers to promote coordi-
22 nated efforts with the courts to support foster
23 youth who are expectant or parenting (including
24 as a noncustodial parent), and recognize that
25 services for young parents and their children

1 can be provided without bringing their children
2 into the child welfare system.”.

3 (b) EFFECTIVE DATE.—

4 (1) IN GENERAL.—The amendments made by
5 subsection (a) shall take effect on the first day of
6 the first fiscal year that begins one year or more
7 after the date of the enactment of this Act, and shall
8 apply to payments under subpart 2 of part B of title
9 IV of the Social Security Act for calendar quarters
10 beginning on or after such date.

11 (2) DELAY PERMITTED IF STATE LEGISLATION
12 REQUIRED.—If the Secretary of Health and Human
13 Services determines that State legislation (other
14 than legislation appropriating funds) is required in
15 order for a State plan developed pursuant to subpart
16 2 of part B of title IV of the Social Security Act to
17 meet the additional requirements imposed by the
18 amendments made by subsection (a), the plan shall
19 not be regarded as failing to meet any of the addi-
20 tional requirements before the first day of the first
21 calendar quarter beginning after the first regular
22 session of the State legislature that begins after the
23 date of the enactment of this Act. For purposes of
24 the preceding sentence, if the State has a 2-year leg-
25 islative session, each year of the session is deemed

1 to be a separate regular session of the State legisla-
2 ture.

3 **SEC. 3. COMPETITIVE RESEARCH AND DEMONSTRATION**
4 **GRANTS TO DEVELOP EVIDENCE-BASED AP-**
5 **PROACHES TO SUPPORT FOSTER YOUTH IN**
6 **SUCCESSFUL PARENTING.**

7 (a) IN GENERAL.—Subpart 2 of part B of title IV
8 of the Social Security Act (42 U.S.C. 629–629i) is amend-
9 ed—

10 (1) in section 437—

11 (A) in subsection (a), by striking
12 “\$200,000,000” and inserting “\$250,000,000”;
13 and

14 (B) in subsection (b), by adding at the end
15 the following:

16 “(4) COMPETITIVE RESEARCH AND DEM-
17 ONSTRATION GRANTS TO DEVELOP EVIDENCE-BASED
18 APPROACHES TO SUPPORT FOSTER YOUTH IN SUC-
19 CESSFUL PARENTING.—For any fiscal year for
20 which the amount made available to carry out this
21 section exceeds \$60,000,000, the Secretary shall re-
22 serve the lesser of 50 percent of such excess or
23 \$50,000,000 for grants under section 439A.”; and

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

1 **“SEC. 439A. COMPETITIVE RESEARCH AND DEMONSTRATION**
2 **GRANTS TO DEVELOP EVIDENCE-BASED**
3 **APPROACHES TO SUPPORT FOSTER YOUTH**
4 **IN SUCCESSFUL PARENTING.**

5 “(a) IN GENERAL.—The Secretary shall make grants
6 to States to identify and implement approaches to support
7 foster youth in successful parenting that are age-appropriate,
8 medically accurate, trauma-informed, culturally relevant,
9 gender-responsive, and evidence-informed, and
10 that focus on either or both of the following:

11 “(1) Developing strategies that focus on preventing
12 unintended pregnancies among foster youth.

13 “(2) Promoting the well-being of foster youth
14 who are expectant or parenting (including as a noncustodial
15 parent), and their children.

16 “(b) PROGRAM QUALIFICATIONS.—In making grants
17 under this section, the Secretary shall—

18 “(1) provide support for—

19 “(A) approaches that help identify, develop, replicate, and
20 evaluate evidence-informed approaches to preventing unintended
21 pregnancies among foster youth and promoting the well-being of
22 foster youth who are expectant or parenting (including as a
23 noncustodial parent), and their children, including ways to improve
24 training for foster parents, child welfare staff,

1 and other foster care facility caregivers and
2 staff;

3 “(B) approaches that address the specific
4 needs and circumstances of different groups of
5 foster youth, such as older youth preparing to
6 exit care, those living in a variety of settings,
7 those who are already parents, those in rural
8 areas, those who identify across the sexual ori-
9 entation and gender-identity spectrum (includ-
10 ing gay, lesbian, bisexual, or transgender),
11 youth of color, youth with disabilities, and non-
12 custodial parents;

13 “(C) approaches that coordinate with other
14 Federal, State, or local programs and related
15 research on addressing the prevention of unin-
16 tended pregnancies among foster youth (or
17 other relevant youth) or the promotion of the
18 well-being of foster youth (or other relevant
19 youth) who are expectant or parenting (includ-
20 ing as a noncustodial parent) and their chil-
21 dren, including—

22 “(i) the Teen Pregnancy Prevention
23 program of the Office of Adolescent
24 Health;

1 “(ii) the Personal Responsibility Edu-
2 cation Program under section 513; and

3 “(iii) the Pregnancy Assistance Fund
4 established under section 10212 of Public
5 Law 111–148;

6 “(D) approaches that coordinate with
7 other Federal, State, or local programs that
8 successfully connect foster youth (or other rel-
9 evant youth) to important services that support
10 their development and the development of their
11 children, including services described in clauses
12 (i) through (vi) of section 432(a)(11)(D);

13 “(E) approaches that focus on specialized
14 recruitment and training of foster families who
15 are committed to supporting foster youth who
16 are expectant or parenting (including as a non-
17 custodial parent), and their children;

18 “(F) approaches that identify and imple-
19 ment a sexual health curriculum aimed at edu-
20 cating foster youth on pregnancy and parenting
21 services, healthy romantic relationships, and,
22 for expectant youth, education on healthy devel-
23 opment of babies, including prenatal and
24 postpartum care and parent training to prepare
25 to care for their children; and

1 “(G) approaches that promote collabora-
2 tion among key public and private stakeholders
3 (such as child welfare and juvenile justice sys-
4 tems, courts, health and mental health pro-
5 viders, higher education institutions, hospitals,
6 and philanthropic organizations) to identify ef-
7 fective ways to reduce unintended pregnancies
8 among youth in foster care and to promote the
9 well-being of foster youth who are expectant or
10 parenting (including as a noncustodial parent);
11 and

12 “(2) take into account input from current and
13 former foster youth who have experienced unin-
14 tended pregnancies or parented as foster youth.

15 “(c) APPLICATION.—To be eligible for a grant under
16 this section, a State shall submit an application to the Sec-
17 retary describing the activities the State intends to carry
18 out using grant funds consistent with the requirements of
19 this section and providing an assurance that the State will
20 cooperate fully with any evaluation provided for by the
21 Secretary under this section.

22 “(d) SELECTION OF GRANTEEES.—In awarding grants
23 under this section, the Secretary shall ensure that the
24 grants are distributed to a diversity of States based on
25 region, population size, racial or ethnic minority represen-

1 tation, economic well-being, or other factors that may in-
2 form how the activities to be carried out using such grants
3 address the needs of the country. No State may be award-
4 ed more than 25 percent of the amounts reserved under
5 section 437(b)(4) for a fiscal year unless such reserved
6 amounts for such fiscal year exceed \$10,000,000.

7 “(e) AMOUNT OF GRANT.—The Secretary shall deter-
8 mine the amount of each grant to be made under this sec-
9 tion on the basis of the scope of the activities to be carried
10 out using the grant.

11 “(f) EVALUATIONS.—The Secretary shall conduct
12 evaluations of the activities carried out using each grant
13 made under this section to build evidence of the effective-
14 ness of the activities, with evidence ranging from emerg-
15 ing, to promising, and to best practice. The evaluations
16 shall—

17 “(1) determine the lessons learned (including
18 barriers to success) as a result of the activities car-
19 ried out using all such grants;

20 “(2) include research designs that encourage in-
21 novation and reflect the nature of the activities un-
22 dertaken, successful implementation efforts, and the
23 needs of the communities, without prioritizing effi-
24 cacy research over effectiveness research;

1 “(3) recognize that both efficacy and effective-
2 ness research (including statistical modeling re-
3 search) using rigorous designs are needed over time
4 to understand the success of activities with the tar-
5 get populations in real-world circumstances; and

6 “(4) to the extent practicable, help to build
7 local evaluation capacity, including the capacity to
8 use evaluation data to inform continuous program
9 improvement.

10 “(g) REPORTS.—

11 “(1) STATE REPORTS.—Each State to which a
12 grant is made under this section for a fiscal year
13 shall submit to the Secretary a report on the use of
14 the grant.

15 “(2) REPORT TO THE CONGRESS.—Not later
16 than September 30, 2022, and every 5 years there-
17 after, the Secretary shall submit to the Congress a
18 report on the activities supported by the grants
19 made under this section. The report shall include the
20 evaluation conducted under subsection (d) and the
21 recommendations of the Secretary for policy changes
22 to decrease unintended pregnancies among foster
23 youth and to promote the well-being of foster youth
24 who are expectant or parenting (including as a non-
25 custodial parent), and their children.

1 “(h) RESERVATIONS OF FUNDS.—Of the amounts re-
2 served under section 437(b)(4) for a fiscal year:

3 “(1) Not more than 10 percent shall be re-
4 served for evaluation of the programs funded under
5 this section during the fiscal year.

6 “(2) Not more than 10 percent shall be re-
7 served to administer this section and provide tech-
8 nical assistance to the States in using grants made
9 under this section during the fiscal year.

10 “(3) Five percent shall be reserved for grants
11 to Indian tribes under this section for the fiscal
12 year.

13 “(4) Three percent shall be reserved for grants
14 to territories under this section for the fiscal year.”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect on October 1, 2017.

17 **SEC. 4. CLARIFYING EXISTING SUPPORTS IN CURRENT**
18 **LAW.**

19 (a) CLARIFICATION THAT PREGNANCY AND PAR-
20 ENTING ARE SUFFICIENT REASONS TO REMAIN IN FOS-
21 TER CARE UNTIL AGE 21.—Section 475(8)(B)(iv) of the
22 Social Security Act (42 U.S.C. 675(8)(B)(iv)) is amend-
23 ed—

24 (1) by striking “or” at the end of subclause
25 (IV);

1 (2) by striking the period at the end of sub-
2 clause (V) and inserting “; or”; and

3 (3) by adding at the end the following:

4 “(VI) expectant or parenting (in-
5 cluding as a noncustodial parent).”.

6 (b) CLARIFICATION THAT STATES, BEFORE REMOV-
7 ING CHILDREN FROM FOSTER YOUTH, MUST MAKE AC-
8 TIVE EFFORTS TO KEEP THE PARENTS WITH THEIR
9 CHILDREN, AND MUST PROTECT THE RIGHTS OF THE
10 PARENTS.—Section 471(a)(15) of such Act (42 U.S.C.
11 671(a)(15)) is amended—

12 (1) by striking “and” at the end of subpara-
13 graph (E);

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

15 “(G) before removing a child from parents
16 who are in foster care, the State shall obtain a
17 judicial finding that the State—

18 “(i) has made, and documented, active
19 efforts to keep the parents with the child;
20 and

21 “(ii) has protected the rights of the
22 parents with respect to the child; and

23 “(H) if a child is removed from parents
24 who are in foster care, the State shall ensure
25 that the following accommodations are made to

1 support the healthy attachment and eventual
2 reunification of the parent and child:

3 “(i) frequent visitation to match the
4 recommended guidelines by national ex-
5 perts in early child development;

6 “(ii) regular coordination between the
7 case worker for the child and the case-
8 worker for the parents; and

9 “(iii) long-term planning to ensure
10 that placement setting does not present a
11 barrier to reunification;”.

12 (c) CLARIFY THAT THE LAW DOES NOT REQUIRE
13 CHILDREN BORN TO FOSTER YOUTH TO ENTER FOSTER
14 CARE, AND THAT SUCH CHILDREN CAN RECEIVE SERV-
15 ICES FOR FOSTER CHILDREN WITHOUT ENTERING FOS-
16 TER CARE; PROHIBIT STATES FROM REQUIRING FOSTER
17 YOUTH TO PUT THEIR CHILDREN IN FOSTER CARE IN
18 ORDER TO REMAIN TOGETHER OR RECEIVE ASSIST-
19 ANCE.—

20 (1) IN GENERAL.—Section 471(a) of such Act
21 (42 U.S.C. 671(a)) is amended—

22 (A) by striking “and” at the end of para-
23 graph (34);

24 (B) by striking the period at the end of
25 paragraph (35) and inserting a semicolon; and

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

2 “(36) provides that the State shall have in
3 place such laws and procedures as are necessary—

4 “(A) to ensure that a child born to one or
5 more parents in foster care under the responsi-
6 bility of the State—

7 “(i) is not placed in foster care under
8 the responsibility of the State solely be-
9 cause of the age or foster youth status of
10 the parents; and

11 “(ii) is placed in a setting that accom-
12 modates the child and the parents;

13 “(B) to prohibit the State from requiring
14 a foster youth who is expectant or parenting
15 (including as a noncustodial parent) to place
16 their children into foster care in order for the
17 foster youth to remain together with the chil-
18 dren or to receive services provided to, or for
19 the benefit of, foster youth.”.

20 (2) EFFECTIVE DATE.—

21 (A) IN GENERAL.—The amendments made
22 by this subsection shall take effect on the first
23 day of the first fiscal year that begins one year
24 or more after the date of the enactment of this
25 Act, and shall apply to payments under part E

1 of title IV of the Social Security Act for cal-
2 endar quarters beginning on or after such date.

3 (B) DELAY PERMITTED IF STATE LEGISLA-
4 TION REQUIRED.—If the Secretary of Health
5 and Human Services determines that State leg-
6 islation (other than legislation appropriating
7 funds) is required in order for a State plan de-
8 veloped pursuant to part E of title IV of the
9 Social Security Act to meet the additional re-
10 quirements imposed by the amendments made
11 by this subsection, the plan shall not be re-
12 garded as failing to meet any of the additional
13 requirements before the first day of the first
14 calendar quarter beginning after the first reg-
15 ular session of the State legislature that begins
16 after the date of the enactment of this Act. For
17 purposes of the preceding sentence, if the State
18 has a 2-year legislative session, each year of the
19 session is deemed to be a separate regular ses-
20 sion of the State legislature.

21 (d) CLARIFY THAT THE TRANSITION PLANS FOR
22 PARENTS IN FOSTER CARE AND THEIR CHILDREN
23 SHOULD BE INDIVIDUALIZED TO MEET THE UNIQUE
24 NEEDS OF THE YOUNG FAMILY.—Section 475(5)(H) of
25 such Act (42 U.S.C. 675(5)(H)) is amended by inserting

1 “, and if the youth is expectant or parenting (including
2 as a noncustodial parent), covers the period beginning at
3 least 12 months before the youth is scheduled to leave fos-
4 ter care, focuses on developing and maintaining support
5 networks for foster youth who are parents through com-
6 munity, family, and others, ensuring adequate family in-
7 come, including through referrals to State programs fund-
8 ed under part A, and promoting the developmental needs
9 of their children, identifies specific programs and services
10 that will help support the unique needs of such a youth
11 and their children, is developed in collaboration with the
12 youth and other stakeholders from areas such as edu-
13 cation, health care services, mental and behavioral health
14 services, housing, employment and training, and other
15 services that support parental and child well-being (such
16 as home visiting services, early intervention services, early
17 childhood education, child care, and child care assist-
18 ance)” before the semicolon.

19 (e) OUTREACH TO ENSURE THAT YOUTH LEAVING
20 FOSTER CARE ARE PROVIDED INFORMATION ABOUT
21 THEIR HEALTH INSURANCE OPTIONS.—The Secretary of
22 Health and Human Services shall conduct outreach to in-
23 form each State that section 475(5)(H) of the Social Secu-
24 rity Act requires a caseworker for a youth who is due to
25 age out of foster care within 90 days to provide the youth

1 with assistance and support in developing a transition plan
2 that includes specific options on health insurance for the
3 youth (including enrollment in the State plan under title
4 XIX of the Social Security Act pursuant to section
5 1902(a)(10)(A)(i)(IX) of such Act) and any documenta-
6 tion needed to secure such insurance.

7 **SEC. 5. REQUIREMENT THAT THE FEDERAL INTERAGENCY**
8 **WORK GROUP ON CHILD ABUSE AND NE-**
9 **GLECT ADDRESS ISSUES FACING FOSTER**
10 **YOUTH WHO ARE EXPECTANT OR PAR-**
11 **ENTING.**

12 The Federal Interagency Work Group on Child Abuse
13 and Neglect shall identify, and seek ways to address,
14 issues facing foster youth who are expectant or parenting
15 (including as a noncustodial parent), including consider-
16 ation of data collected pursuant to section 479A(7)(B) of
17 the Social Security Act, educating child welfare staff and
18 agencies about the rights of the youth and the permanent
19 negative limits on the youth's employability and volunteer
20 work with minors when placing the children of foster
21 youth in care, and consulting with current and former fos-
22 ter youth with relevant experience to inform recommenda-
23 tions.

1 **SEC. 6. ENCOURAGEMENT TO SHARE INFORMATION ON**
2 **HOW TO PREVENT UNINTENDED PREGNANCY**
3 **AMONG FOSTER YOUTH, AND TO SUPPORT**
4 **FOSTER YOUTH WHO ARE PARENTS.**

5 The Secretary of Health and Human Services is en-
6 couraged to promote the sharing of emerging lessons, re-
7 search, and best practices about preventing teen preg-
8 nancy among foster youth, and enable foster youth who
9 are parents to receive support from those working in the
10 fields of teen pregnancy prevention and child welfare.

11 **SEC. 7. CONNECTING FOSTER YOUTH WHO ARE EXPECT-**
12 **ANT OR PARENTING WITH RELEVANT PRO-**
13 **GRAMS AND SERVICES.**

14 Section 475(1) of such Act (42 U.S.C. 675(1)) is
15 amended by adding at the end the following:

16 “(H) In the case of a foster youth who is
17 expectant or parenting (including as a non-cus-
18 todial parent), a written plan to address the
19 safety and developmental well-being of any chil-
20 dren of the foster youth, regardless of whether
21 such children are under the care of the State,
22 that includes—

23 “(i) a description of the programs and
24 services available to assist a youth who is
25 expectant or parenting (including as a non-
26 custodial parent) in supporting the healthy

development of their young children, including, as applicable, high-quality early childhood programs (including the Child Care Development Block Grant, child care assistance, Early Head Start, Head Start, programs under the Individuals with Disabilities Education Act, including early intervention services, and home visiting services), the Medicaid program and programs through which participants may access a pediatric medical home or receive regular health, mental health, or behavioral health care, food security programs (including the Supplemental Nutrition Assistance Program and the Special Supplemental Nutrition Program for Women, Infants, and Children), homelessness programs (including HUD transitional housing and the Supportive Housing Program), and other relevant Federal or State programs, and

“(ii) assurances that the State agency will provide the foster youth with assistance with enrolling in the programs and services described in clause (i) and will

1 provide any children of the foster youth
2 with assistance without requiring the child
3 to enter foster care.”.

4 **SEC. 8. STATE CERTIFICATIONS UNDER THE JOHN H.**
5 **CHAFEE FOSTER CARE INDEPENDENCE PRO-**
6 **GRAM.**

7 Section 477(b)(3) of the Social Security Act (42
8 U.S.C. 677(b)(3)) is amended—

9 (1) in subparagraph (F)—

10 (A) by inserting “pregnancy prevention
11 programs,” before “local housing”; and

12 (B) by striking “and” the last place it ap-
13 pears; and

14 (C) by inserting before the period the fol-
15 lowing: “, and with other prevention and sup-
16 port programs for youth who are expectant or
17 parenting (including as a noncustodial parent),
18 including high-quality early childhood learning
19 programs, the Special Supplemental Nutrition
20 Program for Women, Infants, and Children, the
21 Early Head Start program, the Medicaid pro-
22 gram, programs providing subsidies for child
23 care, programs offering early intervention serv-
24 ices, programs through which participants may
25 access a pediatric medical home or receive reg-

ular health care visits, and other relevant Federal programs”; and

(2) by adding at the end the following:

“(L) A certification by the chief executive officer of the State that the State will ensure that each youth participating in the program under this section who is expectant or parenting (including as a noncustodial parent) will receive independent and transition planning services that can support them in raising a child, including financial literacy, budgeting, asset-building, housing assistance, employment and job training, education, health care, and mental health care services, (including through the State Medicaid program), and information on parenting and services for their children (including home visiting, early childhood education, early intervention services, child care, and child care assistance).”.

SEC. 9. IDENTIFICATION OF MINOR PARENTS IN THE ANNUAL REPORT.

Section 479A(a)(7)(B) of the Social Security Act (42 U.S.C. 679b(a)(7)(B)) is amended by inserting before the period at the end the following: “, including the number of such children of each age who are 18 or older and the

- 1 number of such children of each age who are under the
- 2 age of 18”.

