

103^D CONGRESS
2^D SESSION

H. R. 3884

To amend part E of title IV of the Social Security Act to require, as a condition of receiving Federal funds for foster care and adoption assistance, that States require State agencies, in considering applications to adopt certain foster children, to give preference to applications of a foster parent or caretaker relative of the child.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1994

Mrs. MALONEY introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To amend part E of title IV of the Social Security Act to require, as a condition of receiving Federal funds for foster care and adoption assistance, that States require State agencies, in considering applications to adopt certain foster children, to give preference to applications of a foster parent or caretaker relative of the child.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. FEDERAL FUNDS FOR FOSTER CARE AND**
2 **ADOPTION ASSISTANCE AVAILABLE ONLY TO**
3 **STATES THAT REQUIRE STATE AGENCIES, IN**
4 **CONSIDERING APPLICATIONS TO ADOPT**
5 **CERTAIN FOSTER CHILDREN, TO GIVE PREF-**
6 **ERENCE TO APPLICATIONS OF A FOSTER**
7 **PARENT OR CARETAKER RELATIVE OF THE**
8 **CHILD.**

9 Section 474 of the Social Security Act (42 U.S.C.
10 674) is amended by adding at the end the following:

11 “(f) Notwithstanding any other provision of this sec-
12 tion, the Secretary may not make any payment to a State
13 under this section, for any calendar quarter ending after
14 the 5-year period that begins with the date of the enact-
15 ment of this subsection, unless the State has in effect laws
16 and procedures requiring a State agency to complete the
17 processing of an application to adopt a child who is in
18 foster care under the responsibility of the State that has
19 been submitted by a foster parent or caretaker relative of
20 the child, before completing the processing of any other
21 application to adopt the child if—

22 “(1) a court has approved a permanent plan for
23 adoption of the child, or the child has been freed for
24 adoption; and

25 “(2) the agency with authority to place the
26 child for adoption determines that—

1 “(A) the child has substantial emotional
2 ties to the foster parent or caretaker relative, as
3 the case may be; and

4 “(B) removal of the child from the foster
5 parent or caretaker relative, as the case may be,
6 would be seriously detrimental to the well-being
7 of the child.”.

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