

105TH CONGRESS  
1ST SESSION

# H. R. 3004

To amend part E of title IV of the Social Security Act to require States to administer qualifying examinations to all State employees with new authority to make decisions regarding child welfare services, to expedite the permanent placement of foster children, to facilitate the placement of foster children in permanent kinship care arrangements, and to 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.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 1997

Mrs. MALONEY of New York (for herself, Mr. DELLUMS, Mr. MANTON, and Mr. PETERSON of Minnesota) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend part E of title IV of the Social Security Act to require States to administer qualifying examinations to all State employees with new authority to make decisions regarding child welfare services, to expedite the permanent placement of foster children, to facilitate the placement of foster children in permanent kinship care arrangements, and to 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,*

3 **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Omnibus Foster Care  
5 Improvement Act of 1997”.

6 **SEC. 2. REQUIREMENT THAT STATES ADMINISTER QUALI-**  
7 **FYING EXAMINATIONS TO ALL STATE EM-**  
8 **PLOYEES WITH NEW AUTHORITY TO MAKE**  
9 **DECISIONS REGARDING CHILD WELFARE**  
10 **SERVICES.**

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

13        “(e) The Secretary may not make a payment to a  
14 State under subsection (a) for any calendar quarter begin-  
15 ning after the 18-month period that begins with the date  
16 of the enactment of this subsection, unless the State has  
17 in effect procedures to ensure that, before the State pro-  
18 vides to a prospective child welfare decisionmaker the au-  
19 thority to make decisions regarding child welfare services,  
20 the individual must take and pass an examination, admin-  
21 istered by the State, that tests knowledge of such subjects  
22 as child development, family dynamics, dysfunctional be-  
23 havior, substance abuse, child abuse, and community ad-  
24 vocacy. As used in the preceding sentence, the term ‘pro-  
25 spective child welfare decisionmaker’ means an individual

1 who, on the date of the enactment of this subsection, does  
2 not have any authority to make a decision regarding child  
3 welfare services.”.

4 **SEC. 3. PROCEDURES TO EXPEDITE THE PERMANENT**  
5 **PLACEMENT OF FOSTER CHILDREN.**

6 (a) IN GENERAL.—Section 474 of the Social Security  
7 Act (42 U.S.C. 674), as amended by section 2 of this Act,  
8 is amended by adding at the end the following:

9 “(f) The Secretary may not make a payment to a  
10 State for a calendar quarter under subsection (a) unless  
11 the State has in effect procedures requiring the State  
12 agency, at the time a child is removed from a home and  
13 placed in foster care under the supervision of the State,  
14 to locate any parent of the child who is not living at the  
15 home, and evaluate the ability of the parent to provide  
16 a suitable home for the child.”.

17 (b) APPLICABILITY.—The amendment made by sub-  
18 section (a) of this section shall not apply with respect to  
19 any child who, on the date of the enactment of this Act,  
20 is in foster care under the supervision of a State (as de-  
21 fined in section 1101(a)(1) of the Social Security Act for  
22 purposes of title IV of such Act).

1 **SEC. 4. PLACEMENT OF FOSTER CHILDREN IN PERMANENT**  
2 **KINSHIP CARE ARRANGEMENTS.**

3 (a) STATE OPTION TO DEEM KINSHIP PLACEMENT  
4 AS ADOPTION.—Section 473(a) of the Social Security Act  
5 (42 U.S.C. 673(a)) is amended by adding at the end the  
6 following:

7 “(7) If a State places a child (who has been in foster  
8 care under the supervision of the State) with a blood rel-  
9 ative of the child or of a half-sibling of the child, and  
10 transfers legal custody of the child to the relative, pursu-  
11 ant to a written agreement, entered into between the State  
12 and the relative, that contains provisions of the type de-  
13 scribed in section 475(3), then, at the option of the State,  
14 for purposes of this part—

15 “(A) the placement is deemed an adoption;

16 “(B) the initiation of the proceeding to so place  
17 the child is deemed an adoption proceeding;

18 “(C) the relative is deemed the adoptive parent  
19 of the child;

20 “(D) the agreement is deemed an adoption as-  
21 sistance agreement;

22 “(E) the payments made under the agreement  
23 are deemed to be adoption assistance payments; and

24 “(F) any reasonable and necessary court costs,  
25 attorneys fees, and other expenses which are directly  
26 related to the placement or the transfer of legal cus-

1           today and are not in violation of State or Federal law  
2           are deemed nonrecurring adoption expenses.”.

3           (b) CONSIDERATION OF KINSHIP PLACEMENT OP-  
4           TION AT DISPOSITIONAL HEARING.—Section 475(5)(C) of  
5           such Act (42 U.S.C. 675(5)(C)) is amended by inserting  
6           “should be placed with a relative of the child as provided  
7           in section 473(a)(7),” before “should be placed for adop-  
8           tion”.

9           **SEC. 5. FEDERAL FUNDS FOR FOSTER CARE AND ADOPT-**  
10                                   **ION ASSISTANCE AVAILABLE ONLY TO**  
11                                   **STATES THAT REQUIRE STATE AGENCIES, IN**  
12                                   **CONSIDERING APPLICATIONS TO ADOPT**  
13                                   **CERTAIN FOSTER CHILDREN, TO GIVE PREF-**  
14                                   **ERENCE TO APPLICATIONS OF A FOSTER**  
15                                   **PARENT OR CARETAKER RELATIVE OF THE**  
16                                   **CHILD.**

17           Section 474 of the Social Security Act (42 U.S.C.  
18           674), as amended by sections 2 and 3 of this Act, is  
19           amended by adding at the end the following:

20           “(g) Notwithstanding any other provision of this sec-  
21           tion, the Secretary may not make any payment to a State  
22           under this section, for any calendar quarter ending after  
23           the 5-year period that begins with the date of the enact-  
24           ment of this subsection, unless the State has in effect laws  
25           and procedures requiring a State agency to complete the

1 processing of an application to adopt a child who is in  
2 foster care under the responsibility of the State that has  
3 been submitted by a foster parent or caretaker relative of  
4 the child, before completing the processing of any other  
5 application to adopt the child if—

6           “(1) a court has approved a permanent plan for  
7 adoption of the child, or the child has been freed for  
8 adoption; and

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

11           “(A) the child has substantial emotional  
12 ties to the foster parent or caretaker relative, as  
13 the case may be; and

14           “(B) removal of the child from the foster  
15 parent or caretaker relative, as the case may be,  
16 would be seriously detrimental to the well-being  
17 of the child.”.

18 **SEC. 6. EFFECTIVE DATE.**

19       The amendments made by this Act shall apply to pay-  
20 ments under part E of title IV of the Social Security Act  
21 for quarters beginning after the date of the enactment of  
22 this Act.

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