

118TH CONGRESS
1ST SESSION

H. R. 3852

To amend part E of title IV of the Social Security Act to address or assist in resolving the shortage of appropriate foster homes for children, to develop resources to keep sibling groups together, and to provide for a system of checks and balances to ensure a child's ongoing safety and well-being, by providing for the placement of a foster child in cottage family homes and making a child so placed eligible for foster care maintenance payments.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2023

Mr. DUNN of Florida (for himself, Mr. STEUBE, Mr. SOTO, Ms. WASSERMAN SCHULTZ, Mrs. CHERFILUS-McCORMICK, Mr. BEAN of Florida, Mr. RUTHERFORD, Mr. WALTZ, Mrs. CAMMACK, Mr. BILIRAKIS, Mr. C. SCOTT FRANKLIN of Florida, and Mr. MOSKOWITZ) 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 address or assist in resolving the shortage of appropriate foster homes for children, to develop resources to keep sibling groups together, and to provide for a system of checks and balances to ensure a child's ongoing safety and well-being, by providing for the placement of a foster child in cottage family homes and making a child so placed eligible for foster care maintenance payments.

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 “Create Accountable
 5 Respectful Environments (CARE) for Children Act”.

6 **SEC. 2. PLACEMENT OF FOSTER CHILDREN IN COTTAGE**

7 **FAMILY HOMES.**

8 (a) STATE PLAN REQUIREMENT.—Section
 9 471(a)(37) of the Social Security Act (42 U.S.C.
 10 671(a)(37)) is amended by inserting “or a cottage family
 11 home” before the comma.

12 (b) ELIGIBILITY OF COTTAGE FAMILY HOMES FOR
 13 FOSTER CARE MAINTENANCE PAYMENTS.—Section
 14 472(a)(2)(C) of such Act (42 U.S.C. 672(a)(2)(C)) is
 15 amended by inserting “a cottage family home,” before
 16 “with a parent”.

17 (c) DEFINITION OF COTTAGE FAMILY HOME.—Sec-
 18 tion 472(c) of such Act (42 U.S.C. 672(c)) is amended
 19 by adding at the end the following:

20 “(3) COTTAGE FAMILY HOME.—

21 “(A) IN GENERAL.—The term ‘cottage
 22 family home’ means a home—

23 “(i) that is operated by a public or
 24 private child care agency licensed or ap-
 25 proved by the State in which the home is

1 situated as an agency that meets the
2 standards established for the licensing or
3 approval;

4 “(ii) that encourages and supports the
5 child and the family of the child in main-
6 taining a strong connection through reg-
7 ular contact and involvement in a plan of
8 care, except to the extent otherwise di-
9 rected by a court of law;

10 “(iii) that is able to serve as a re-
11 source to facilitate sibling groups being
12 placed together where daily contact and
13 interaction strengthens family ties;

14 “(iv) that provides children access to
15 activities or items that are age or develop-
16 mentally-appropriate, including the ability
17 to participate in extracurricular, social, or
18 other home and community activities with
19 the same freedom afforded to their peers
20 who are living at home with their families;

21 “(v) that has and implements a trau-
22 ma-informed approach in the care of chil-
23 dren;

24 “(vi) that prohibits the use of seclu-
25 sion or mechanical or chemical restraints

1 and permits only short-term physical re-
2 straint if approved in the policies of the
3 agency to prevent injury to self or others,
4 and prohibits any prone physical restraint;

5 “(vii) that provides a system for a
6 child to alert a staff member if the child
7 has a concern, feels unfairly denied rights,
8 or is subject to a threat of mistreatment;

9 “(viii) that has a continuous quality
10 improvement methodology that regularly
11 solicits information from children con-
12 cerning their perceptions of the quality of
13 care and opinions about the strengths and
14 weaknesses of the program;

15 “(ix) that is in a single-family style
16 residence with no more than 2 children per
17 bedroom unless it is in the best interest of
18 the children; and

19 “(x) in which the children are under
20 the care of live-in parents that use the rea-
21 sonable and prudent parent standard and
22 provide 24-hour substitute care of children
23 placed away from their parents or other
24 caretakers.

1 “(B) PRESERVATION OF STATE FLEXI-
2 BILITY.—The Secretary may not prohibit, limit,
3 or penalize, by regulation or order, or bring an
4 action in any court to challenge, any action or
5 determination of a State or political subdivision
6 of a State to—

7 “(i) treat a cottage family home as a
8 foster family home for purposes of this
9 part; or

10 “(ii) treat an entity as a cottage fam-
11 ily care home for purposes of this part, as
12 the State deems necessary to serve the best
13 interests of children or families.”.

14 (d) NO TIME LIMIT ON FOSTER CARE MAINTENANCE PAYMENTS FOR CHILDREN PLACED IN A COTTAGE
15 FAMILY HOME.—Section 472(k)(2) of such Act (42
16 U.S.C. 672(k)(2)) is amended by adding at the end the
17 following:
18 following:

19 “(D) A cottage family home.”.

20 (e) EFFECTIVE DATE.—

21 (1) IN GENERAL.—The amendments made by
22 this section shall take effect on the date of the en-
23 actment of this Act, and shall apply to payments
24 under part E of title IV of the Social Security Act

1 for calendar quarters beginning on or after such
2 date.

3 (2) DELAY PERMITTED IF STATE LEGISLATION
4 REQUIRED.—If the Secretary of Health and Human
5 Services determines that State legislation (other
6 than legislation appropriating funds) is required in
7 order for a State plan under part E of title IV of
8 the Social Security Act to meet the additional re-
9 quirements imposed by the amendments made by
10 this section, the plan shall not be regarded as failing
11 to meet any of the additional requirements before
12 the date that is 6 months after the date of the en-
13 actment of this Act.

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