

114TH CONGRESS
2D SESSION

H. R. 5354

To amend title IV of the Social Security Act to improve supports for kinship caregivers in child welfare programs and the program of block grants to States for temporary assistance for needy families.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2016

Mr. DANNY K. DAVIS of Illinois introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title IV of the Social Security Act to improve supports for kinship caregivers in child welfare programs and the program of block grants to States for temporary assistance for needy families.

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 “Improving Supports
5 for Kinship Caregivers Act of 2016”.

1 **SEC. 2. EFFECTIVE DATE.**

2 The amendments made by this Act shall take effect
3 on the 1st day of the 1st fiscal year beginning on or after
4 the date of the enactment of this Act.

5 **TITLE I—TEMPORARY ASSIST-**
6 **ANCE FOR NEEDY FAMILIES**

7 **SEC. 101. STATE NOTIFICATIONS TO RELATIVE CARE-**
8 **GIVERS OF CHILD TANF RECIPIENTS.**

9 (a) REQUIREMENT.—Section 408(a) of the Social Se-
10 curity Act (42 U.S.C. 608(a)) is amended by adding at
11 the end the following:

12 “(13) STATE REQUIREMENTS REGARDING NO-
13 TICE TO RELATIVE CAREGIVERS.—A State to which
14 a grant is made under section 403 shall—

15 “(A) ensure that the State agency respon-
16 sible for administering the State program fund-
17 ed under this part employs a primary kinship
18 resource employee who is trained to provide
19 guidance to a relative caregiver of a minor child
20 if the child is a recipient of assistance under
21 the program (or under a State program funded
22 with qualified State expenditures (as defined in
23 section 409(a)(7)(B)(i))), on legal options re-
24 garding custody and guardianship of the child,
25 including explaining to the relative caregiver
26 how each legal option corresponds to the avail-

1 ability of benefits and services, and who serves
2 as a liaison with other agencies and community
3 organizations that provide resources and assist-
4 ance to relative caregivers; and

5 “(B) ensure that the State agency provides
6 to any relative caregiver of a minor child if the
7 child is a recipient of assistance under the State
8 program funded under this part (or under a
9 State program funded with qualified State ex-
10 penditures (as defined in section
11 409(a)(7)(B)(i))), written notice that—

12 “(i) explains the options of the rel-
13 ative caregiver under Federal, State, and
14 local law to participate in the care and
15 placement of the child, including the finan-
16 cial ramifications of the options and any
17 options that may be lost by choosing cer-
18 tain benefits;

19 “(ii) describes the requirements under
20 section 471(a)(10) to become a foster fam-
21 ily home and the additional services and
22 supports that are available for a child
23 placed in such a home;

24 “(iii) if the State has elected the op-
25 tion to make kinship guardianship assist-

1 ance payments under section 471(a)(28),
2 describes how the relative caregiver may
3 enter into an agreement with the State to
4 receive the payments;

5 “(iv) provides direct contact informa-
6 tion for other agencies and community or-
7 ganizations that provide resources and as-
8 sistance, such as housing, supplemental
9 nutrition assistance, health care, and child
10 care; and

11 “(v) provides direct contact informa-
12 tion for the primary kinship resource em-
13 ployee described in subparagraph (A).”.

14 (b) INCLUSION IN STATE PLAN.—Section
15 402(a)(1)(B) of such Act (42 U.S.C. 602(a)(1)(B)) is
16 amended by adding at the end the following:

17 “(vi) The document shall provide a
18 detailed explanation of how the State in-
19 tends to comply with section 408(a)(13).”.

20 (c) PENALTY.—

21 (1) IN GENERAL.—Section 409(a) of such Act
22 (42 U.S.C. 609(a)) is amended by adding at the end
23 the following:

24 “(17) FAILURE TO NOTIFY RELATIVE CARE-
25 GIVERS.—If the Secretary determines that a State

1 to which a grant is made under section 403 for a
2 fiscal year has violated section 408(a)(13) during
3 the fiscal year, the Secretary shall reduce the grant
4 payable to the State under section 403(a)(1) for the
5 immediately succeeding fiscal year by an amount
6 equal to 4 percent of the grant.”.

7 (2) NOT SUBJECT TO REASONABLE CAUSE EX-
8 CEPTION.—Section 409(b)(2) of such Act (42 U.S.C.
9 609(b)(2)) is amended by striking “or (13)” and in-
10 serting “(13), or (17)”.

11 **SEC. 102. STATE TREATMENT OF RELATIVE CAREGIVERS**
12 **OF CHILD TANF RECIPIENTS.**

13 Section 402(a)(1)(B) of the Social Security Act (42
14 U.S.C. 602(a)), as amended by section 101(b) of this Act,
15 is further amended by adding at the end the following:

16 “(vii) The document shall provide a
17 detailed explanation of the State’s treat-
18 ment of relative caregivers of minor chil-
19 dren, in cases in which the child is a re-
20 cipient of assistance under the State pro-
21 gram funded under this part (or under a
22 State program funded with qualified State
23 expenditures (as defined in section
24 409(a)(7)(B)(i))), including—

1 “(I) information regarding how
2 the State defines terms such as ‘rel-
3 ative’, ‘fictive kin’, and ‘caregiver’;

4 “(II) a description of the training
5 received by caseworkers of the State
6 agency responsible for administering
7 the program in relation to relative
8 caregivers of minor children, in cases
9 in which the child is such a recipient;
10 and

11 “(III) an explanation of the ways
12 in which assistance available under
13 the program to a relative caregiver of
14 a minor child is affected by the tem-
15 porary presence in the home of a bio-
16 logical parent of the child.”.

17 **SEC. 103. ENHANCED DATA REPORTING.**

18 Section 411(a)(7) of the Social Security Act (42
19 U.S.C. 611(a)(7)) is amended by adding at the end the
20 following: “The Secretary shall also prescribe regulations
21 to improve the reporting of data on the economic well-
22 being and circumstances of families with relative care-
23 givers of minor children, including, to the extent prac-
24 ticable, information relating to—

1 “(A) all adults in the family, including
2 whether or not such adults are recipients of as-
3 sistance under the State program funded under
4 this part (or under a State program funded
5 with qualified State expenditures (as defined in
6 section 409(a)(7)(B)(i))); and

7 “(B) all minor children in the family, in-
8 cluding whether any such minor child—

9 “(i) is required to be included in the
10 foster care reporting population for pur-
11 poses of the Adoption and Foster Care
12 Analysis Reporting System (AFCARS) es-
13 tablished pursuant to section 479; or

14 “(ii) is not required to be so included
15 in such foster care reporting population,
16 but—

17 “(I) is receiving services in the
18 home of the relative caregiver that are
19 supervised or administered by the
20 State agency responsible for admin-
21 istering the State plan approved
22 under part B;

23 “(II) was placed with the relative
24 caregiver to prevent the need for fos-
25 ter care as a result of an intervention

1 on behalf of the child which was car-
 2 ried out or supervised by the State
 3 agency administering the State plans
 4 under parts B and E; or

5 “(III) was placed with the rel-
 6 ative caregiver upon formal discharge
 7 from the care and placement responsi-
 8 bility of the State agency admin-
 9 istering the plans under part B or
 10 E.”.

11 **SEC. 104. EXEMPTION FROM CERTAIN REQUIREMENTS FOR**
 12 **RECIPIENTS AGE 60 OR OVER.**

13 (a) WORK REQUIREMENTS.—Section 407(e) of the
 14 Social Security Act (42 U.S.C. 607(e)) is amended—

15 (1) in paragraph (2)—

16 (A) in the paragraph heading, by inserting
 17 “FOR SINGLE CUSTODIAL PARENTS AND REL-
 18 ATIVE CAREGIVERS OF MINOR CHILDREN WHO
 19 HAVE NOT ATTAINED 6 YEARS OF AGE” after
 20 “EXCEPTION”; and

21 (B) by inserting “or relative caregiver” be-
 22 fore “caring for a child”; and

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

24 “(3) EXCEPTION FOR RECIPIENTS AGE 60 OR
 25 OVER.—Notwithstanding paragraph (1), a State

1 may not reduce or terminate assistance under the
2 State program funded under this part (or under a
3 State program funded with qualified State expendi-
4 tures (as defined in section 409(a)(7)(B)(i))) based
5 on a refusal of an individual to engage in work re-
6 quired in accordance with this section if the indi-
7 vidual has attained 60 years of age.”.

8 (b) TIME LIMITS.—Section 408(a)(7) of such Act (42
9 U.S.C. 608(a)(7)) is amended—

10 (1) by redesignating subparagraphs (D)
11 through (G) as subparagraphs (E) through (H), re-
12 spectively; and

13 (2) by inserting after subparagraph (C) the fol-
14 lowing:

15 “(D) AGE 60 OR OVER EXCEPTION.—Sub-
16 paragraph (A) shall not apply with respect to
17 an individual who has attained 60 years of
18 age.”.

19 (c) ASSET TESTS.—Section 408(a) of such Act (42
20 U.S.C. 608(a)), as amended by section 101(a) of this Act,
21 is further amended by adding at the end the following:

22 “(14) NO ASSET TESTS FOR RECIPIENTS AGE 60
23 OR OVER.—A State to which a grant is made under
24 section 403 may not impose any asset test in deter-
25 mining eligibility for assistance under the State pro-

1 gram funded under this part of an individual who
2 has attained 60 years of age.”.

3 (d) PENALTIES.—

4 (1) IN GENERAL.—Section 409(a) of such Act
5 (42 U.S.C. 609(a)), as amended by section
6 101(c)(1) of this Act, is further amended by adding
7 at the end the following:

8 “(18) FAILURE TO EXEMPT RECIPIENTS AGE 60
9 OR OVER FROM CERTAIN REQUIREMENTS.—If the
10 Secretary determines that a State to which a grant
11 is made under section 403 for a fiscal year has vio-
12 lated section 407(e)(3), 408(a)(7)(D), or 408(a)(14)
13 during the fiscal year, the Secretary shall reduce the
14 grant payable to the State under section 403(a)(1)
15 for the immediately succeeding fiscal year by an
16 amount equal to 4 percent of the grant.”.

17 (2) NOT SUBJECT TO REASONABLE CAUSE EX-
18 CEPTION.—Section 409(b)(2) of such Act (42 U.S.C.
19 609(b)(2)), as amended by section 101(c)(2) of this
20 Act, is further amended by striking “or (17)” and
21 inserting “(17), or (18)”.

22 **SEC. 105. EQUAL ASSISTANCE REQUIREMENT FOR FAMI-**
23 **LIES WITH MULTIPLE CHILDREN.**

24 Section 408(a) of the Social Security Act (42 U.S.C.
25 608(a)), as amended by sections 101(a) and 104(c) of this

1 Act, is further amended by adding at the end the fol-
 2 lowing:

3 “(15) EQUAL ASSISTANCE REQUIREMENT FOR
 4 FAMILIES WITH MULTIPLE CHILDREN.—The amount
 5 of cash assistance provided to a family under a State
 6 program funded under this part with respect to a
 7 child in the family shall equal the amount of the
 8 cash assistance so provided with respect to any other
 9 child in the family.”.

10 **TITLE II—CHILD WELFARE**

11 **SEC. 201. STATE NOTIFICATIONS TO RELATIVE CARE-** 12 **GIVERS OF CHILDREN REMOVED FROM** 13 **HOME.**

14 (a) STATE PLAN REQUIREMENT.—Section 471(a) of
 15 the Social Security Act (42 U.S.C. 671(a)) is amended—

16 (1) in paragraph (29)—

17 (A) by inserting “the State has a written
 18 policy outlining the steps the State shall take to
 19 ensure that” after “provides that”;

20 (B) by striking “the State shall exercise”
 21 and inserting “the State exercises”;

22 (C) by striking “provide notice” and in-
 23 serting “provides written notice”;

1 (D) in subparagraph (B), by inserting “the
2 financial benefits of the options and” after “in-
3 cluding”;

4 (E) in subparagraph (C), by striking
5 “and” at the end; and

6 (F) by adding at the end the following:

7 “(E) provides direct contact information
8 for other agencies and community organizations
9 that provide resources and assistance, such as
10 housing, supplemental nutrition assistance,
11 health care, and child care; and

12 “(F) provides direct contact information
13 for the primary kinship resource employee de-
14 scribed in paragraph (36);”;

15 (2) in paragraph (34), by striking “and” at the
16 end;

17 (3) in paragraph (35), by striking the period at
18 the end and inserting “; and”; and

19 (4) by adding at the end the following new
20 paragraph:

21 “(36) provides that the agency responsible for
22 administering the State plan employs a primary kin-
23 ship resource employee who—

24 “(A) is trained to provide guidance to a
25 relative caregiver of a minor child on legal op-

1 tions regarding custody and guardianship of the
2 child, including explaining to the relative care-
3 giver how each legal option corresponds to the
4 availability of benefits and services; and

5 “(B) serves as a liaison with other agencies
6 and community organizations that provide re-
7 sources and assistance to relative caregivers.”.

8 (b) CASE PLAN REQUIREMENT.—Section 475(1) of
9 such Act (42 U.S.C. 675(1)) is amended by adding at the
10 end the following:

11 “(H) A description of the methods used by
12 the State agency to comply with paragraphs
13 (29) and (36) of section 471(a), including the
14 methods used by the agency to identify and no-
15 tify each relative as required under such para-
16 graph (29), a copy of each written notice pro-
17 vided to such a relative, the date on which the
18 notice was provided, and a summary of each
19 relative’s response or failure to respond to the
20 notice.”.

21 **SEC. 202. STATE TREATMENT OF RELATIVE CAREGIVERS**
22 **OF FOSTER CHILDREN.**

23 Section 471(a) of the Social Security Act (42 U.S.C.
24 671(a)), as amended by section 201(a) of this Act, is fur-
25 ther amended—

1 (1) in paragraph (35), by striking “and” at the
2 end;

3 (2) in paragraph (36), by striking the period at
4 the end and inserting “; and”; and

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

6 “(37) provides a detailed explanation of the
7 State’s treatment of relative caregivers of minor chil-
8 dren with respect to whom foster care maintenance
9 payments or adoption assistance payments are made
10 under the State plan approved under this part, in-
11 cluding—

12 “(A) information regarding how the State
13 defines terms such as ‘relative’, ‘fictive kin’,
14 and ‘caregiver’;

15 “(B) a description of training related to
16 relative caregivers that is provided to case-
17 workers of the State agency responsible for ad-
18 ministering the State plan; and

19 “(C) a description of efforts by the State
20 to provide foster family home licenses to, or to
21 waive licensing requirements for, relative care-
22 givers.”.

1 **SEC. 203. FAMILY CONNECTION GRANTS.**

2 Section 427(h) of the Social Security Act (42 U.S.C.
3 627(h)) is amended by striking “2009 through 2014” and
4 inserting “2016 through 2018”.

5 **SEC. 204. STATE FOSTER FAMILY HOME LICENSING STAND-**
6 **ARDS.**

7 (a) REVIEW AND REPORT ON STATE STANDARDS.—

8 (1) INITIAL REPORT.—Not later than 1 year
9 after the date of the enactment of this Act, a State
10 with a plan approved under part E of title IV of the
11 Social Security Act shall submit to the Secretary of
12 Health and Human Services a report—

13 (A) comparing the State standards for fos-
14 ter family homes with the National Association
15 for Regulatory Administration Model Family
16 Foster Home Licensing Standards;

17 (B) explaining any barriers to the ability
18 of a relative caregiver to become a State-li-
19 censed foster parent, and assessing the role of
20 the State’s standards for foster family homes in
21 contributing to these barriers (not including
22 barriers caused by the State’s adherence to the
23 Adam Walsh Child Protection and Safety Act of
24 2006); and

25 (C) describing plans by the State to elimi-
26 nate the barriers described in subparagraph

1 (B), including plans to change any State stand-
2 ards that contribute to the barriers, and ex-
3 plaining the State’s reasoning for not changing
4 any such standards.

5 (2) ADDITIONAL REPORT.—Not later than 1
6 year after the date on which a State submits the re-
7 port required by paragraph (1), the State shall sub-
8 mit to the Secretary an additional report describing
9 any progress made by the State to eliminate the bar-
10 riers described in paragraph (1)(B).

11 (b) STATE PLAN REQUIREMENT.—Section
12 471(a)(11) of the Social Security Act (42 U.S.C.
13 671(a)(11)) is amended to read as follows:

14 “(11)(A) provides that the State shall review
15 the standards referred to in paragraph (10) and
16 amounts paid as foster care maintenance payments
17 and adoption assistance to assure their continuing
18 appropriateness, and shall update the standards not
19 less than once every 3 years, taking into account
20 model foster family home standards recommended
21 by national organizations, such as the National As-
22 sociation for Regulatory Administration Model Fam-
23 ily Foster Home Licensing Standards; and

24 “(B) describes the State’s efforts to ensure that
25 relative caregivers are able to meet the standards,

1 including a description of the procedures used by the
2 State to waive nonsafety standards, as provided in
3 paragraph (10)(D);”.

4 **SEC. 205. ASSISTANCE FOR RELATIVE CAREGIVER FAMI-**
5 **LIES APPLYING FOR FOSTER CARE ASSIST-**
6 **ANCE.**

7 Section 422(b) of the Social Security Act (42 U.S.C.
8 622(b)) is amended—

9 (1) in paragraph (18), by striking “and” at the
10 end;

11 (2) in paragraph (19), by striking the period
12 and inserting a semicolon; and

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

14 “(20) provide assurances that—

15 “(A) on behalf of each minor child with re-
16 spect to whom an application is filed with the
17 State for foster care maintenance payments
18 under the State plan approved under part E,
19 the State shall promptly initiate an application
20 for assistance under the State program funded
21 under part A (if the State operates such a pro-
22 gram), and shall make every reasonable effort
23 to expedite the application and determination
24 process for assistance for each such child under
25 the program;

1 “(B) before the State makes a determina-
2 tion that a minor child residing in the home of,
3 and under the care of, a relative is ineligible for
4 foster care maintenance payments under the
5 State plan approved under part E, the State
6 shall first make every reasonable effort to li-
7 cense the home of the relative as a foster family
8 home or to waive such licensing requirements,
9 to the extent that doing so is in the best inter-
10 est of the child; and

11 “(C) in any case in which a State makes
12 such a determination, the State shall explain to
13 the relative the specific basis for the determina-
14 tion; and”.

15 **SEC. 206. COLLABORATIVE TRAINING FOR STATE EMPLOY-**
16 **EES.**

17 Section 422(b) of the Social Security Act (42 U.S.C.
18 622(b)), as amended by section 205, is further amended
19 by adding at the end the following:

20 “(21) provide that the State will conduct col-
21 laborative training for State employees responsible
22 for advising relative caregivers and the minor chil-
23 dren under the care of such caregivers who receive
24 assistance under the State program funded under
25 part A, under the State plans approved under sub-

1 part 1 or 2 of this part, or under the State plan ap-
2 proved under part E, to ensure that such employees
3 are aware of all such assistance for which such chil-
4 dren and relative caregivers may be eligible.”.

5 **SEC. 207. PROMOTING SAFE AND STABLE FAMILIES PRO-**
6 **GRAM.**

7 (a) FAMILY SUPPORT SERVICES TRAINING.—Section
8 431(a)(2)(B) of the Social Security Act (42 U.S.C.
9 629a(a)(2)(B)) is amended by adding at the end the fol-
10 lowing:

11 “(vii) To support adoptive, foster, and
12 extended families, including families with
13 relative caregivers of minor children, by
14 providing such families with training on
15 the range of Federal, State, and local pub-
16 lic assistance programs available to such
17 families and children.”.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
19 436(a) of such Act (42 U.S.C. 629f(a)) is amended—

20 (1) by striking “345,000,000” and inserting
21 “\$355,000,000”; and

22 (2) by striking “2012 through 2016” and in-
23 serting “2016 through 2020”.

1 **SEC. 208. ADOPTION AND FOSTER CARE ANALYSIS AND RE-**
2 **PORTING SYSTEM.**

3 Section 479(c)(3)(D) of such Act (42 U.S.C.
4 679(c)(3)(D)) is amended by inserting “, including infor-
5 mation on a range of Federal financial and medical assist-
6 ance that supports children in out-of-home placements,”
7 after “programs”.

8 **TITLE III—CHILD SUPPORT**

9 **SEC. 301. CHILD SUPPORT COOPERATION REQUIREMENT.**

10 (a) IN GENERAL.—Section 454 of the Social Security
11 Act (42 U.S.C. 654) is amended—

12 (1) by redesignating paragraphs (30) through
13 (34) as paragraphs (31) through (35), respectively;
14 and

15 (2) by inserting after paragraph (29) the fol-
16 lowing:

17 “(30) include a description of—

18 “(A) the methods used by the State to de-
19 termine whether an individual who has applied
20 for or is receiving assistance under the State
21 program funded under part A, the State pro-
22 gram under part E, the State program under
23 title XIX, or the supplemental nutrition assist-
24 ance program, as defined under section 3(h) of
25 the Food and Nutrition Act of 2008 (7 U.S.C.
26 2012(h)), is cooperating in good faith with the

1 State in establishing paternity or in estab-
2 lishing, modifying, or enforcing a support order,
3 as provided in paragraph (29);

4 “(B) the State’s process for determining in
5 a timely manner whether such an individual
6 satisfies the cooperation requirement described
7 in subparagraph (A) due to the individual’s
8 participation in another State or Federal assist-
9 ance program;

10 “(C) the good cause or other exceptions to
11 the cooperation requirement that the State rec-
12 ognizes, including an explanation of any special
13 requirements or considerations for a relative
14 caregiver seeking to apply for such an excep-
15 tion; and

16 “(D) how the State makes clear to an indi-
17 vidual who has applied for or is receiving assist-
18 ance under a program referred to in subpara-
19 graph (A)—

20 “(i) what, if anything, the individual
21 needs to do in order to satisfy the coopera-
22 tion requirement, including explaining to
23 the individual how the individual might
24 satisfy the requirement through participa-

1 tion in another State or Federal assistance
2 program;

3 “(ii) the effect on the individual’s eli-
4 gibility to receive assistance under a pro-
5 gram referred to in subparagraph (A), and
6 under other State or Federal assistance
7 programs, if the individual fails to satisfy
8 the cooperation requirement; and

9 “(iii) the good cause or other excep-
10 tions to the cooperation requirement for
11 which the individual may be eligible, in-
12 cluding the standard of proof required to
13 qualify for each exception and an expla-
14 nation of any special requirements or con-
15 siderations for relative caregivers;”.

16 (b) CONFORMING AMENDMENTS.—Title IV of such
17 Act (42 U.S.C. 601 et seq.) is further amended—

18 (1) in section 452(k)(1), by striking “section
19 454(31)” and inserting “section 454(32)”;

20 (2) in section 454, in the matter following para-
21 graph (35) (as redesignated by subsection (a)(1) of
22 this section) by striking “paragraph (33)” and in-
23 serting “paragraph (34)”;

24 (3) in section 457(a)—

1 (A) in paragraph (2)(B), by striking “sec-
2 tion 454(34)” and inserting “section 454(35)”;
3 and

4 (B) in paragraph (5), by striking “section
5 454(33)” and inserting “section 454(34)”.

6 **SEC. 302. CHILD SUPPORT ASSIGNMENT REQUIREMENTS**
7 **APPLIED TO ALL FOSTER CHILDREN IN**
8 **STATE.**

9 (a) STATE PLAN FOR CHILD AND SPOUSAL SUP-
10 PORT.—Section 454(4)(A)(i) of the Social Security Act
11 (42 U.S.C. 654(4)) is amended—

12 (1) by striking “for whom (I)” and inserting
13 “(I) for whom”;

14 (2) by amending subclause (II) to read as fol-
15 lows: “(II) in foster care under the responsibility of
16 the State,”;

17 (3) in clause (III), by inserting “for whom” be-
18 fore “medical assistance”; and

19 (4) in clause (IV), by inserting “for whom” be-
20 fore “cooperation”.

21 (b) STATE PLAN FOR FOSTER CARE AND ADOPTION
22 ASSISTANCE.—Section 471(a)(17) of such Act (42 U.S.C.
23 671(a)(17)) is amended by striking “each child receiving
24 foster care maintenance payments under this part” and

- 1 inserting “each child in foster care under the responsibility
- 2 of the State”.

