

118TH CONGRESS  
1ST SESSION

# S. 1313

To amend parts B and E of title IV of the Social Security Act to improve foster and adoptive parent recruitment and retention, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 26, 2023

Mr. GRASSLEY (for himself, Ms. HASSAN, Mr. WICKER, and Mr. LUJÁN) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend parts B and E of title IV of the Social Security Act to improve foster and adoptive parent recruitment and retention, and for other purposes.

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 “Recruiting Families  
5 Using Data Act of 2023”.

6 **SEC. 2. STATE PLAN AMENDMENT.**

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

1           (1) in subsection (b)(7), by inserting “through  
2           the development and implementation of a family  
3           partnership plan which meets the requirements of  
4           subsection (d) for identification, recruitment, screen-  
5           ing, licensing, support, and retention of foster and  
6           adoptive families” after “are needed”; and

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

8           “(d) FAMILY PARTNERSHIP PLAN REQUIRE-  
9           MENTS.—For purposes of subsection (b)(7), the require-  
10          ments for a family partnership plan (in this subsection  
11          referred to as the ‘plan’) are the following:

12           “(1) The plan is developed in consultation with  
13          birth, kinship, foster and adoptive families, commu-  
14          nity-based service providers, technical assistance  
15          providers, and youth with lived experience with fos-  
16          ter care and adoption.

17           “(2) The plan describes—

18           “(A) how the State plans to identify, no-  
19          tify, engage, and support relatives (and others  
20          connected to the child) as potential placement  
21          resources for children;

22           “(B) how the State plans to develop and  
23          implement child-specific recruitment plans for  
24          every child in or entering foster care who needs  
25          a foster or adoptive family;

1           “(C) how the State plans to authentically  
2 engage children and youth in recruitment ef-  
3 forts on their behalf;

4           “(D) how the State plans to use data to  
5 establish goals, assess needs, measure progress,  
6 reduce unnecessary placements in congregate  
7 care, increase permanency, improve placement  
8 stability, increase the rate of kinship place-  
9 ments, improve recruitment and retention of  
10 families for teens, sibling groups, and other spe-  
11 cial populations, and align the composition of  
12 foster and adoptive families with the needs of  
13 children in or entering foster care; and

14           “(E) how that State will stand up or sup-  
15 port foster family advisory boards for the pur-  
16 pose of improving recruitment and retention of  
17 foster and adoptive families.

18           “(3) The plan provides that, not less than an-  
19 nually, the State shall collect and report on the  
20 State’s actual foster family capacity and congregate  
21 care utilization, including the number, demo-  
22 graphics, and characteristics of licensed foster fami-  
23 lies, including prospective adoptive families, the  
24 number of such families that haven’t received a  
25 placement or are not being fully utilized and the rea-

1 sons therefor, and the number, demographics, and  
2 characteristics of children placed in congregate care  
3 in-State and out-of-State.

4 “(4) The plan includes, and shall update not  
5 less than annually, a summary of the most recent  
6 feedback from foster and adoptive parents and youth  
7 regarding licensure, training, support, and reasons  
8 why parents stop fostering or why adoptive or legal  
9 guardianship placements out of foster care fail or  
10 foster and such adoptive of legal guardianship fami-  
11 lies struggle to meet children’s needs.

12 “(5) The plan includes, and shall update annu-  
13 ally, a report on the State’s analysis of specific chal-  
14 lenges or barriers to recruiting, licensing, and uti-  
15 lizing families who reflect the racial and ethnic back-  
16 ground of children in foster care in the State, and  
17 the State’s efforts to overcome those challenges and  
18 barriers.

19 “(6) The plan includes such other information  
20 relating to foster and adoptive parent recruitment  
21 and retention as the Secretary may require.”.

22 (b) EFFECTIVE DATE.—

23 (1) IN GENERAL.—Except as provided in para-  
24 graph (2), the amendment made by this subsection  
25 shall take effect on October 1, 2024.

1           (2) DELAY PERMITTED IF STATE LEGISLATION  
2           REQUIRED.—In the case of a State plan approved  
3           under subpart 1 of part B of title IV of the Social  
4           Security Act which the Secretary of Health and  
5           Human Services determines requires State legisla-  
6           tion (other than legislation appropriating funds) in  
7           order for the plan to meet the additional require-  
8           ments imposed by this subsection, the State plan  
9           shall not be regarded as failing to comply with the  
10          requirements of such part solely on the basis of the  
11          failure of the plan to meet such additional require-  
12          ments before the first day of the first calendar quar-  
13          ter beginning after the close of the first regular ses-  
14          sion of the State legislature that begins after the  
15          date of enactment of this subsection. For purposes  
16          of the previous sentence, in the case of a State that  
17          has a 2-year legislative session, each year of such  
18          session shall be deemed to be a separate regular ses-  
19          sion of the State legislature.

20 **SEC. 3. INCLUSION OF INFORMATION ON FOSTER AND**  
21                                   **ADOPTIVE FAMILIES IN ANNUAL CHILD WEL-**  
22                                   **FARE OUTCOMES REPORT TO CONGRESS.**

23          Section 479A(a) of the Social Security Act (42  
24          U.S.C. 679b(a)) is amended—

1           (1) in paragraph (6)(C), by striking “and”  
2 after the semicolon;

3           (2) in paragraph (7)(B), by striking the period  
4 and inserting “; and”; and

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

6           “(8) include in the report submitted pursuant  
7 to paragraph (5) for fiscal year 2025 or any suc-  
8 ceeding fiscal year—

9           “(A) State-by-State data on the number,  
10 demographics, and characteristics of foster and  
11 adoptive families in the State, and the number  
12 of potential foster and adoptive families not  
13 being utilized in the State and the reasons why;

14           “(B) a summary of the challenges of, and  
15 barriers to, being a foster or adoptive parent,  
16 including with respect to recruitment, licensure,  
17 engagement, retention, and why parents stop  
18 fostering, adoptions disrupt or dissolve, or fos-  
19 ter or adoptive families struggle, as reported by  
20 States based on surveys of foster and adoptive  
21 parents; and

22           “(C) a summary of the challenges and bar-  
23 riers States reported on efforts to recruit a pool  
24 of families that reflect the racial and ethnic

- 1 background of children in foster care in the
- 2 State, and efforts to overcome those barriers.”.

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