

2000 District of Columbia Laws 13-136 (Act 13–315)

DISTRICT OF COLUMBIA 2000 SESSION LAWS  
THIRTEENTH COUNCIL SESSION (1999 - 2000)

Additions and deletions are not identified in this document.

Law 13–136

Act 13–315

ADOPTION—SAFE FAMILIES

AN ACT to amend An Act To provide for the Care of Dependent Children in the District of Columbia and to Create a Board of Children's Guardians to allow adoption subsidy payments to children eligible with regard to prior adoptions where the prior adoption was disrupted because of the death or severance of the adoption relationship; to amend the Prevention of Child Abuse and Neglect Act of 1977 to create a new definitional section, to define programs which the federal Adoption and Safe Families Act requires the District to operate as well as a definition of kinship caregiver as a type of permanent placement option that may be made by the Court; to require that abused and neglected children have a case plan that is reviewed periodically to determine the child's safety and the progress made toward achieving permanency, to require that reasonable efforts be made to reunify children with their families unless contrary to the child's safety, to require the Department of Human Services to expeditiously investigate and take appropriate action to adjudicate reports of neglect, to provide the necessary services for families of abused and neglected children to ameliorate the problem and, where possible, reunite children with their family, and to devise a plan outlining the available services and the educational programs concerning the detection, treatment, and prevention of child abuse/neglect and to make that plan available to the public; to require the Department of Human Services to provide family preservation services or rehabilitative services to a child's family where child abuse or neglect has occurred and where these efforts are unsuccessful to require quick action to implement a permanency plan of adoption or alternative placement plan; to require criminal records checks for individuals seeking to be approved or licensed as adoptive parents, foster parents, legal guardians, or kinship caregivers, for other individuals with whom a child is placed by court order, and for adults residing in the homes of these individuals; to repeal the Criminal Records Check for the Protection of Children Temporary Act of 1998 and the Criminal Background Investigation for the Protection of Children Act of 1998; to amend Chapter 23 of Title 16 of the District of Columbia Code to require that certain individuals be given notice and an opportunity to be heard in neglect and parental termination cases; to require that a shelter care order include a determination whether reasonable efforts were made to prevent a child's removal from the home or alternatively that reasonable efforts are not required, to require the Division to include in its dispositional order a determination regarding the acceptability of the plan submitted pursuant to section 16–2319(c) of the District of Columbia Code and whether reasonable efforts were made to prevent a child's removal from the home or alternatively that reasonable efforts are not required, to require timely review and permanency hearings for all children adjudicated neglected, to establish rules and procedures for filing motions to terminate parental rights; to establish procedures related to interstate adoption and medical assistance; and to permit the Mayor to enter into an interstate compact on adoption and medical assistance.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That  
this act may be cited as the “Adoption and Safe Families Amendment Act of 2000”.

TITLE I. ELIGIBILITY FOR ADOPTION SUBSIDIES.

Sec. 101. Section 3(f) of An Act To provide for the Care of Dependent Children in the District of Columbia and to Create a Board of Children's Guardians is amended to read as follows:

“(f)(1) A child who was eligible for adoption assistance payments under this section during an initial adoption, which occurred on or after October 1, 1997, is eligible for the subsidy in a subsequent adoption if the initial adoption was disrupted because:

“(A) The parental rights of the adoptive parents have been terminated or relinquished; or

“(B) The adoptive parents have died.

“(2) The Mayor is authorized to make payments under this section from appropriations for the care of children in foster homes and institutions, and to seek and accept funds from other sources including federal, private, and other public funding sources, to carry out the purposes of this section. The amount expended by the Mayor for any subsidy may not exceed the highest amount the Mayor would be authorized to spend in providing or securing support and special services for the child if a child were in the legal custody or guardianship of the Mayor.

“(3) There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.”.

TITLE II. ADOPTION AND FAMILY REUNIFICATION PLAN  
AND REVIEW; BACKGROUND CRIMINAL RECORDS CHECK.

Sec. 201. The Prevention of Child Abuse and Neglect Act of 1977 is amended as follows:

(a) Section 102 is amended to read as follows:

“Sec. 102. Definitions.

“For the purposes of this act:

“(1) “Abused”, when used in reference to a child, means a child whose parent, guardian, or custodian inflicts, or fails to make reasonable efforts to prevent the infliction of, physical or mental injury upon the child, including excessive corporal punishment, an act of sexual abuse, molestation, or exploitation, or an injury that results from exposure to drug-related activity.

“(2) “Adoption promotion and support services” means services and activities designed to encourage more adoptions of committed children, when such adoptions promote the best interest of the children, including such activities as pre- and post-adoptive services and activities designed to expedite the adoption process and support adoptive families.

“(3) “Case plan” means a written document concerning a child that includes at least the following:

“(A) A description of the type of home or institution in which the child is to be placed, including a discussion of the safety and appropriateness of the placement and how the agency that is responsible for the child plans to carry out the voluntary placement agreement or judicial determination made with respect to the child;

“(B) A plan for assuring that the child receives safe and proper care and that services are available to the parents, child, and foster parents in order to improve conditions in the parents' home, facilitate return of the child to his or her own safe home or to the child's permanent placement, and address the child's needs while a committed child, including the appropriateness of services provided to the child under the plan;

“(C) To the extent available and accessible, the child's health and education records;

“(D) Where appropriate, for a child 16 years of age or over, a written description of the programs and services which will help the child prepare for the transition from being a committed child to independent living; and

“(E) If the child's permanent plan is adoption or placement in another permanent home, documentation of the steps (including child specific recruitment efforts) taken to accomplish the following:

“(i) Find an adoptive family or other permanent living arrangement, such as with a legal custodian, with a kinship caregiver, or in independent living;

“(ii) Place the child with an adoptive family, a kinship caregiver, a legal custodian, or in another planned permanent living arrangement; and

“(iii) Finalize the adoption or legal custody or guardianship.

“(4) “Child Protection Register” means the confidential index of all reports established pursuant to section 201.

“(5) “Credible evidence” means any evidence that indicates that a child is an abused or neglected child, including the statement of any person worthy of belief.

“(6) “Division” except where used in title IV, means the Child Protective Services Division of the District of Columbia Department of Human Services.

“(7) “Drug” shall have the same meaning as the term “controlled substance” has in section 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981.

“(8) “Drug-related activity” means the use, sale, distribution, or manufacture of a drug or drug paraphernalia without a legally valid license or medical prescription.

“(9) “Entry into foster care” means the earlier of:

“(A) The date of the first judicial finding that the child has been neglected; or

“(B) The date that is 60 days after the date on which the child is removed from the home.

“(10) “Family preservation services” means services for children and families who are at risk of abuse or neglect, or in crisis, including:

“(A) Services designed to help children return to families from which they have been removed, where safe and appropriate, or be placed for adoption, with a legal guardian, or, if adoption or legal guardianship is determined not to be safe and appropriate for a child, in another permanent living arrangement;

“(B) Replacement prevention services;

“(C) Services which provide follow-up care to families to whom a child has returned after commitment;

“(D) Respite care services; and

“(E) Services designed to improve parenting skills and abilities.

“(11) “Family support services” means community-based services to promote the safety and well-being of children and families, and designed to:

“(A) Increase family strength and stability;

“(B) Increase parent confidence and competence;

“(C) Afford children safe, stable, and supportive family environments; and

“(D) Otherwise enhance child development.

“(12) “God parent” means an individual identified by a relative of the child by blood, marriage, or adoption, in a sworn affidavit, to have close personal or emotional ties with the child or the child's family, which pre-dated the child's placement with the individual.

“(13) “Guardian ad litem” means an attorney appointed by the Superior Court of the District of Columbia to represent the child's best interests in neglect proceedings.

“(14) “Kinship caregiver” means an individual who:

“(A) Is approved by the Division to provide kinship care;

“(B) Is at least 21 years of age;

“(C) Is providing, or is willing to provide for, the day-to-day care of a child; and

“(D) Either:

“(i) Is a relative of the child by blood, marriage, or adoption; or

“(ii) Is a godparent of the child.

“(15) “Law enforcement officer” means a sworn officer of the Metropolitan Police Department of the District of Columbia.

“(16) “Police” means the Metropolitan Police Department of the District of Columbia.

“(17) “Report” means a report to the police or the Division of a suspected or known neglected child.

“(18) “Supported report” means a report, made pursuant to section 3 of An Act to provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children which is supported by credible evidence.

“(19) “Source” means the person or institution from whom a report originates.

“(20) “Time-limited family reunification services” means services and activities provided to a committed child and to the child's parent, guardian, or custodian in order to facilitate the safe, appropriate, and timely reunification of the child during the 15 months following the child's entry into foster care. Time-limited family reunification services include:

“(A) Individual, group, and family counseling;

“(B) Inpatient, residential, or outpatient substance abuse treatment services;

“(C) Mental health services;

“(D) Assistance to address domestic violence;

“(E) Services designed to provide temporary child care and therapeutic services for families; and

“(F) Transportation to or from any of the services and activities described in this paragraph.

“(21) “Unsupported report” means a report, made pursuant to section 3 of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children which is not supported by credible evidence.”.

(b) Section 109 is amended as follows:

(1) Subsection (b) is amended by inserting the phrase “safe and” before the word “appropriate” in the first sentence.

(2) New subsections (d) and (e) are added to read as follows:

“(d) As part of its activities under this section, the agency responsible for the social investigation shall assure:

“(1) That each child has a case plan designed to achieve the child's placement in a safe setting that is the least restrictive and most appropriate setting available, and is consistent with the best interests and special needs of the child; and

“(2) If the child is placed outside of the home pursuant to D.C. Code § 16-2320(a)(3), that the child's status is reviewed periodically during an administrative review.

“(e)(1) The periodic review required by subsection (d)(2) of this section shall determine the safety of the child, the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement outside the home, and to project a date, not exceeding 14 months from the date of removal from the home, by which the child may be returned to and safely maintained in the home or placed for adoption or other permanent placement.

“(2) The child and the following individuals, if there are any for the child, and their attorneys, shall be provided notice of, and an opportunity to be heard during, the administrative review required by subsection (d)(2) of this section:

“(A) The child's parents;

“(B) The child's guardian or legal custodian;

“(C) The child's current foster parent;

“(D) The child's current preadoptive parent;

“(E) The child's current kinship caregiver;

“(F) The child's attorney;

“(G) The child's guardian ad litem;

“(H) The child's therapist; and

“(I) A relative or other individual with whom the child is currently placed pursuant to D.C. Code § 16-2320(a)(3)(C).”.

(c) A new section 110 is added to read as follows:

“Sec. 110. Reasonable efforts.

“(a) In determining and making reasonable efforts under this section, the child's safety and health shall be the paramount concern.

“(b)(1) Except as provided in subsection (c) of this section, reasonable efforts shall be made to preserve and reunify the family by the Division or the Child Abuse Unit of the Social Services Division of the Superior Court of the District of Columbia, whichever is responsible for making determinations or providing services to the child and family.

“(2) These reasonable efforts shall be made prior to the removal of a child from the home in order to prevent or eliminate the need for removing the child, unless the provision of services would put the child in danger.

“(3) Reasonable efforts shall be made to make it possible for the child to return safely to the child's home.

“(c) If reasonable efforts as required by subsection (b) of this section are determined to be inconsistent with the child's permanency plan, the Division or the Child Abuse Unit of the Social Services Division of the Superior Court, whichever is responsible for providing services to the child and family, shall make reasonable efforts to place the child in accordance with the child's permanency plan and to complete whatever steps are necessary to finalize the child's permanent placement.

“(d) The Division and the Child Abuse Unit of the Social Services Division of the Superior Court shall not be required to make reasonable efforts with respect to a parent if:

“(1) A court of competent jurisdiction has determined that the parent:

“(A) Subjected a sibling or another child to cruelty, abandonment, torture, chronic abuse, or sexual abuse;

“(B) Committed the murder or voluntary manslaughter of a sibling or another child;

“(C) Aided, abetted, attempted, conspired, or solicited to commit the murder or voluntary manslaughter of a sibling or another child; or

- “(D) Committed an assault that constitutes a felony against the child who is the subject of a petition before the Family Division of the Superior Court, a sibling of such a child, or another child; or
- “(2) The parent's parental rights have been terminated involuntarily with respect to a sibling.
- “(e) If reasonable efforts are not made pursuant to subsection (d) of this section:
- “(1) A permanency hearing conducted pursuant to D.C. Code § 16-2323 shall be held for the child within 30 days after the determination that reasonable efforts are not required; and
- “(2) Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.
- “(f) Reasonable efforts to place a child for adoption, with an approved kinship caregiver, with a legal custodian or guardian, or in another permanent placement may be made concurrently with the reasonable efforts required by subsection (b) of this section.”.
- (d) Section 201 is amended to read as follows:
- “Sec. 201. Duties and responsibilities.
- “(a) The Chief of the Division, or the person or agency that contracts with the Department for these services shall:
- “(1) Receive and investigate reports of neglect as provided in sections 103, 104 and 106 and assist in the determination of the need for the removal of an abused child as provided in section 107;
- “(2) Within 90 days of taking a child into custody pursuant to section 304(c)(1), return the child to the home or to request the filing of a neglect petition in the Family Division of the Superior Court of the District of Columbia;
- “(3) To maintain a program of treatment and services for families of neglected and abused children including services designed to help children, where safe and appropriate, return to families from which they have been removed;
- “(4)(A) To prepare annually a plan for child protective services, which shall be reviewed and commented on by the Mayor's Committee on Child Abuse and Neglect, and which shall:
- “(i) Describe the Division's implementation of the Adoption and Safe Families Amendment Act of 2000, including its organization, staffing, method of operations and financing, and programs and procedures for the receipt, investigation and verification of reports;
- “(ii) Describe the provisions for the determination of protective services and the treatment of ameliorative service needs, and the provision of such services;
- “(iii) State the guidelines for referrals to the Family Division of the Superior Court of the District of Columbia; and
- “(iv) State the provisions for monitoring, evaluation, and planning.
- “(B) The first plan shall be made available to the public within 90 days of the effective date of the Adoption and Safe Families Amendment Act of 2000;
- “(5) To encourage and assist in the formation of child abuse and neglect teams in hospitals, health and mental health clinics, and other appropriate facilities in the District of Columbia; and
- “(6) To take whatever additional actions are necessary to accomplish the purposes of the Adoption and Safe Families Amendment Act of 2000.
- “(b) The Director of the Department of Human Services, or the person or agency the department contracts with, shall:
- “(1) When a child is at risk of being removed from his or her home because of child abuse or neglect, provide family preservation services designed to help the child remain safely with his or her family;
- “(2) When a child has been adjudicated a neglected child and committed to the Department of Human Services, offer rehabilitative services to the child's family including time-limited family reunification services designed to help the child, where safe and appropriate, return to the family from which he or she has been removed;
- “(3) When time-limited family reunification services have failed to reunite a committed child and his or her family, take steps to implement a permanent plan of adoption or an alternative permanent plan for the child;
- “(4) Establish or attempt to secure priority access for protective service clients, by contract or agreement with private organizations, other public agencies, or other Department of Human Services units, to services necessary for the preservation or reunification of families which may include, but not be limited to:
- “(A) Emergency financial aid;
- “(B) Emergency caretakers;
- “(C) Homemakers;

- “(D) Family shelters;
- “(E) Emergency foster homes;
- “(F) Facilities providing medical, psychiatric, or other therapeutic services;
- “(G) Day care; and
- “(H) Parent aides and lay therapists;
- “(5) Monitor and evaluate the services to, and the needs of, neglected children and their families;
- “(6) Compile and publish training materials;
- “(7) Provide technical assistance on neglect prevention, identification, and treatment;
- “(8) Develop and implement, as soon as possible, standards that provide for quality services that protect the safety and health of children, for children who are removed from their homes;
- “(9) Develop and operate programs of family preservation services, family support services, time-limited family reunification services, and adoption promotion and support services; and
- “(10) Prepare and submit to the Mayor, the Council, and the public a report to be submitted no later than February 1 of each year; which shall include:
  - “(A) A description of the specific actions taken to implement the Adoption and Safe Families Amendment Act of 2000;
  - “(B) A full statistical analysis of cases including:
    - “(i) The total number of children in care, their ages, legal statuses, and permanency goals;
    - “(ii) The number of children who entered care during the previous year (by month), their ages, legal statuses, and the primary reasons they entered care;
    - “(iii) The number of children who have been in care for 24 months or longer, the number of children who became part of this class during the previous year, and the ages and legal statuses of these children; and
    - “(iv) The number of children who left care during the previous year (by month), the number of children in this class who had been in care for 24 months or longer, the ages and legal statuses of these children, and the reasons for their removal from care;
  - “(C) An analysis of any difficulties encountered in reaching the goal for the number of children in care established by the District;
  - “(D) An evaluation of services offered, including specific descriptions of the family preservation services, community-based family support services, time-limited family reunification services, and adoption promotion and support services including:
    - “(i) The service programs which will be made available under the plan in the succeeding fiscal year;
    - “(ii) The populations which the program will serve; and
    - “(iii) The geographic areas in which the services will be available;
  - “(E) An evaluation of the Division's performance;
  - “(F) Recommendations for additional legislation or services needed to fulfill the purpose of the Adoption and Safe Families Amendment Act of 2000; and
  - “(G) The comments submitted by a multidisciplinary committee that works to prevent child abuse and neglect and which the Mayor designates to receive and comment on the report.
- “(c) The Chief of the Division and the Director of the Department of Human Services shall implement the Protection of Children from Exposure to Drug-related Activity Amendment Act of 1989. The Chief of the Division and the Director of the Department of Human Services shall provide the services authorized pursuant to this section to a child who is abused as a result of inadequate care, control, or diminished subsistence due to exposure to drug-related activity.
- “(d) The safety of the children being served shall be the paramount concern of the Department of Human Services and the Child Abuse Unit of the Social Services Division of the Superior Court of the District of Columbia in administering and conducting its duties and responsibilities under this section.”.
- (e) Section 306 is amended by adding a new subsection (c) to read as follows:
  - “(c) Notwithstanding subsection (a) of this section, the Mayor or the Director of the designated Child and Family Services Agency shall disclose to the public the findings or information about a case of child abuse or neglect which has resulted in a child's fatality or near fatality. Nothing may be disclosed that would likely endanger the life, safety,

or physical or emotional well-being of a child or the life or safety of any other person or which may compromise the integrity of a Mayor's investigation or a civil or criminal investigation or judicial proceeding. If the Mayor denies access to specific information on this basis, the requesting entity may seek disclosure of the information through the Superior Court. The name or any other information identifying the person or entity who referred the child to the Department of Human Services shall not be released to the public.”.

(f) A new title IIIA is added to read as follows:

“Title IIIA. Criminal Records Check.

“Sec. 321. Definitions.

“For the purposes of this title:

“(1) “Adult” means an individual who is at least 18 years of age.

“(2) “Applicant” means a person applying for a criminal records check under this title.

“(3) “Conviction” means a plea or verdict of guilty or a plea of nolo contendere.

“(4) “Criminal records check” means a search of criminal records, in order to determine whether an individual has a criminal conviction, conducted by the following agencies:

“(A) The Federal Bureau of Investigation, for national searches;

“(B) The police if the individual resides in the District; and

“(C) Any state law enforcement agency, if the individual resides outside of the District.

“(5) “Department” means the District of Columbia Department of Human Services.

“(6) “Foster family home” means a home described in title 17 of the District of Columbia Public Assistance Act of 1982 or another foster family home in the District of Columbia.

“(7) “Licensed child-placing agency” means an individual or entity defined as such in section 2 of An Act To regulate the placing of children in family homes, and for other purposes.

“(8) “Police” means the Metropolitan Police Department of the District of Columbia.

“Sec. 322. Criminal records check required for certain individuals.

“The following individuals shall apply for a criminal records check:

“(1) An individual who seeks to be approved or licensed as an adoptive parent by the Department or by any licensed child-placing agency;

“(2) An individual who seeks to be approved or licensed as a foster parent by the Department or by any licensed child-placing agency;

“(3) An individual who seeks to be approved as a kinship caregiver or legal guardian by the Division;

“(4) Except as provided in paragraph (1) of this section, an individual who seeks to become an adoptive parent of a child under Chapter 3 of Title 16 of the District of Columbia Code:

“(5) Upon order of a judicial officer, an individual with whom a child is placed under D.C. Code §8 16-2320(a)(2) or § 16-2320(a)(3)(C); and

“(6) An adult residing in the home of an individual described in paragraphs (1), (2), (3), or (4) of this section or, upon order of a judicial officer, an adult who resides in the home of an individual described in paragraph (5) of this section.

“Sec. 323. Application for criminal records check; timing.

“(a) Within the time stated in subsection (b) of this section, an applicant shall apply for a criminal records check by submitting to the Department, the Child Abuse Unit of the Social Services Division of the Superior Court of the District of Columbia, or the police:

“(1) A complete set of legible fingerprints taken on standard fingerprint cards by the Department, the Child Abuse Unit, or the police; and

“(2) Payment of the fees and costs of the criminal records check as described in section 324.

“(b) The application for a criminal records check shall be made:

“(1) For an individual described in section 321(1), (2), or (3), and for every adult residing in the home of an individual described in section 321(1), (2), or (3), as part of the approval or licensure process;

“(2) For an individual described in section 321(4) and for every adult residing in the home of an individual described in section 321(4), before the filing of the petition for adoption, pursuant to D.C. Code § 16-305;

“(3) For an individual described in section 321(5) and for every adult residing in the home of an individual described in section 321(5), within 2 business days of entry of the judicial order placing the child in the home;

“(4) For every adult who becomes a resident of the home of an individual described in section 321(1), (2), (3), or (5) after the child is placed in the home, within 10 calendar days after the adult becomes a resident of the home; and

“(5) For every adult who becomes a resident of the home of an individual described in section 321(4) after the filing of the petition for adoption, within 10 calendar days after the adult becomes a resident of the home.

“Sec. 324. Payment of processing fees and costs.

“(a) A person who is required to have a criminal records check under this title shall pay for:

“(1) The mandatory processing fee required by the Federal Bureau of Investigation for conducting the national criminal records check;

“(2) Reasonable administrative costs to the police for accessing the District criminal records history; and

“(3) Reasonable administrative costs to the Department.

“(b) The Department or a licensed child-placing agency may pay for processing fees and costs.

“Sec. 325. Processing the criminal records check.

“(a) The Department or the Child Abuse Unit of the Social Services Division of the Superior Court of the District of Columbia shall forward complete sets of legible fingerprints taken on standard fingerprint cards by the Department or the Child Abuse Unit to the police or state law enforcement agency.

“(b) The police shall:

“(1) Access any criminal records history maintained by the District government;

“(2) Transmit all complete sets of legible fingerprints on standard fingerprint cards to the Federal Bureau of Investigation; and

“(3) Request the Federal Bureau of Investigation to conduct a national criminal records check and return the results to the police.

“Sec. 326. Results of the criminal records check.

“(a) The provisions of this section shall apply to an individual who seeks to be:

“(1) Approved or licensed as an adoptive or foster parent, a legal guardian, or a kinship caregiver;

“(2) Permitted to become an adoptive parent under Chapter 3 of Title 16 of the District of Columbia Code; or

“(3) Permitted to have a child placed in the individual's custody upon order of a judicial officer, under D.C. Code §§ 16-2320(a)(2) or 16-2320(a)(3)(C).

“(b) Except as provided in subsection (d) of this section, an individual shall not be approved, licensed, or permitted as set forth in subsection (a) of this section if it is determined from the criminal records check that the individual, or an adult residing in the home of the individual, has a felony conviction for any of the following offenses or their equivalents:

“(1) Child abuse;

“(2) Child neglect;

“(3) Spousal abuse;

“(4) A crime against children, including child pornography; or

“(5) A crime involving violence, including rape, sexual assault, homicide, assault, or battery.

“(c) Except as provided by subsection (d) of this section, an individual, or an adult residing in the home of the individual, shall not be approved, licensed, or permitted as set forth in subsection (a) of this section if it is determined from the criminal records check that the individual has a felony conviction for any of the following offenses or their equivalents committed within the past 5 years:

“(1) Fraud;

“(2) Physical assault;

“(3) Battery; or

“(4) A drug-related offense.

“(d) Notwithstanding the requirements of subsections (b) and (c) of this section, an individual may be approved, licensed, or permitted as set forth in subsection (a) of this section if, after a review of the conviction and the current circumstances, it is determined that such approval, licensure, or permission would be consistent with the health, safety, and welfare of children.



“Sec. 327. Effect of failure to request a criminal records check.

“(a) If an individual described in section 321(1), (2), or (3), or any adult residing in the home of an individual described in section 321(1), (2), or (3), fails to request a criminal records check as required by this title, the Department may deny approval or licensure.

“(b) If an individual described in section 321(4), or any adult residing in the home of an individual described in section 321(4), fails to request a criminal records check as required by this title, the Family Division of the Superior Court of the District of Columbia may dismiss the petition for adoption.

“(c) If an individual described in section 321(5), or an adult residing in the home of an individual described in section 321(5), fails to request a criminal records check as required by this title, the Family Division of the Superior Court of the District of Columbia may refuse to place the child in the individual's home, may remove the child from the home, or may take other appropriate action to ensure the health, welfare, and safety of the child.

“Sec. 328. Confidentiality.

“(a) Information obtained pursuant to a criminal records check shall be confidential. It shall be disseminated only to:

“(1) The individual who is the subject of the criminal records check;

“(2) The Department for the purpose of receiving and screening the results of a criminal records check to determine an applicant's suitability for approval or licensure; or

“(3) The Family Division of the Superior Court of the District of Columbia for the purpose of determining the appropriateness of a placement under Chapter 3 of Title 16 of the District of Columbia Code and D.C. Code § 16–2320(a)(2) or § 16–2320(a)(3)(C).

“(b) Nothing in this section shall be interpreted as prohibiting the Department from providing to a licensed child-placing agency a summary indicating whether an applicant has been convicted of or is under pending indictment for a crime that bears upon the applicant's fitness for approval, licensure, or permission.

“(c) No employee of the Family Division of the Superior Court of the District of Columbia, the Department, the Division, or any other agency of the District of Columbia shall disclose information obtained as a result of an application submitted pursuant to section 322 to any unauthorized individual or entity.

“(d) This title shall not authorize the disclosure of information concerning an individual who was not an adult, or was not prosecuted as an adult, at the time to which the information pertains if the disclosure of such information is prohibited by law.

“Sec. 329. Penalties for violation of confidentiality.

“An individual who discloses confidential information in violation of section 328 shall be guilty of a criminal offense and, upon conviction, shall be subject to a fine of not more than \$1,000 or a term of incarceration of not more than 180 days, or both.”.

(g) A new title IIIB is added to read as follows:

“Title IIIB. Rules.

“Sec. 341. Rules.

“(a) The Mayor may, pursuant to title 1 of the District of Columbia Administrative Procedure Act issue rules to implement the provisions of titles I, II, III and IIIA of this act within 90 days of the effective date of the Adoption of Safe Families Amendment Act of 2000. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

“(b) All existing rules and regulations promulgated pursuant to this act shall remain in effect until the rules promulgated pursuant to subsection (a) of this section become effective.

“(c) Notwithstanding subsection (a) of this section, the Mayor shall have full authority to enforce the provisions of this act.”.

Sec. 202. The Criminal Background Investigation for the Protection of Children Act of 1998 is repealed.

**TITLE III. REPRESENTATION AND ADMINISTRATIVE AND JUDICIAL PROCESS  
FOR NEGLECT AND TERMINATION OF PARENTAL RIGHTS PROCEEDINGS.**

Sec. 301. Chapter 23 of Title 16 of the District of Columbia Code is amended as follows: (a) Section 16-2301 is amended by adding a new paragraph (28) to read as follows:

“(28) The term “entry into foster care” means the earlier of:

“(A) The date of the first judicial finding that the child has been neglected; or

“(B) The date that is 60 days after the date on which the child is removed from the home.”.

(b) Section 16-2304 is amended to read as follows:

“§ 16-2304. Right to counsel; party status.

“(a) A child alleged to be delinquent or in need of supervision is entitled to be represented by counsel at all critical stages of Division proceedings, including the time of admission or denial of allegations in the petition and all subsequent stages. If the child and his parent, guardian, or custodian are financially unable to obtain adequate representation, the child shall be entitled to have counsel appointed for him in accordance with rules established by the Superior Court. In its discretion, the Division may appoint counsel for the child over the objection of the child, his parent, guardian, or other custodian.

“(b)(1) When a child is alleged to be neglected or when the termination of the parent and child relationship is under consideration, the parent, guardian, or custodian of the child named in the petition or in a motion to terminate is entitled to be represented by counsel at all critical stages of the proceedings, and, if financially unable to obtain adequate representation, to have counsel appointed in accordance with rules established by the Superior Court of the District of Columbia.

“(2) Every report required to be submitted to the Division by this chapter, or otherwise submitted to the Division in any proceeding, shall be served on all counsel and unrepresented parties by mail or by facsimile at the same time it is submitted to the Division.

“(3) The Division shall maintain a register of those attorneys who have expressed an interest in being appointed to represent parties or to serve as guardians ad litem in neglect proceedings, and shall attempt insofar as possible to make appointments from the register.

“(4)(A) The following individuals, if there are any for the child, and their attorneys, shall be provided notice of, and an opportunity to be heard in, the neglect or termination proceedings:

“(i) The child's current foster parent;

“(ii) The child's current preadoptive parent;

“(iii) The child's current legal guardian or kinship caregiver;

“(iv) The child's therapist; and

“(v) A relative or other individual with whom the child is currently placed pursuant to § 16-2320(a)(3)(C).

“(B) In addition to the requirements of subparagraph (A) of this paragraph, if the child has been living with a person other than the parent, the person shall receive notice of the neglect or termination proceedings and, if the child has been with them for 12 months or more, the person may, upon his or her request, be designated a party to the proceedings. If the child has been living with the person less than 12 months, upon the person's request, the judge may, at his or her discretion, designate the person a party to the proceedings which pertain to the determination of neglected child as defined in § 16-2301(9). If the parent or other person party to the proceedings is financially unable to obtain adequate representation, counsel shall be appointed according to rules established by the Superior Court of the District of Columbia.

“(5) The Superior Court shall in every case involving a neglected child which results in a judicial proceeding, including the termination of the parent and child relationship pursuant to subchapter III of this chapter, appoint a guardian ad litem who is an attorney to represent the child in the proceedings. The guardian ad litem shall in general be charged with the representation of the child's best interest.

“(c) Prior to appointment of counsel under this section, the eligibility of a child or other party to be represented by counsel shall be determined by the Division pursuant to rules established by the Superior Court of the District of Columbia.

“(d) There are authorized to be appropriated such funds as may be necessary for the administration of this section.”.

(c) Section 16-2312(d) is amended by adding a new paragraph (3) to read as follows:

“(3) If neglect is alleged, an order of shelter care under this subsection shall include a determination of whether:

“(A) Reasonable efforts were made to prevent or eliminate the need for removal, or, in the alternative, a determination that the child's removal from the home is necessary regardless of any services that could be provided to the child or the child's family; and

“(B) Continuation of the child in the child's home would be contrary to the welfare of the child.”.

(d)(1) The table of contents to the chapter is amended by adding the section designation and heading “16-2316.1. Scheduling of fact finding and dispositional hearings for children alleged to be neglected.” after the section designation and heading “16-2316. Conduct of hearing; evidence.”.

(2) A new section 16-2316.1 is added to read as follows:

“Sec. 16-2316.1. Scheduling of fact finding and dispositional hearings for children alleged to be neglected.

“(a) Except as provided in subsection (b)(3) of this section, a fact finding hearing for a child alleged to be neglected shall be combined with the dispositional hearing.

“(b) The fact finding and dispositional hearing for a child alleged to be neglected shall be held within the time limits provided in this subsection.

“(1) The fact finding and dispositional hearing shall be held within 45 days after the child's entry into foster care or, if the child is not in foster care, within 45 days of the filing of the petition.

“(2) Upon motion of any party, for good cause shown, the fact finding and dispositional hearing of a child alleged to be neglected may be continued, and, as applicable, the child shall remain in shelter care, for up to an additional 30 days.

“(3) Following completion of the fact finding phase, if the child is found to be neglected, upon motion of any party, for good cause shown, the dispositional phase may be continued and, as applicable, the child shall remain in shelter care for up to an additional 15 days.

“(4) In determining whether good cause has been shown as required by paragraphs (2) and (3) of this subsection, the Division shall take into account, among other appropriate matters, and shall state its findings on the record, whether:

“(A) There has been or will be a delay resulting from other proceedings concerning the child, including, but not limited to examinations to determine the mental competency or physical capacity of the child or of a parent, guardian, or custodian, or from any interlocutory or expedited appeal;

“(B) Any essential witness is absent or unavailable, meaning that his or her whereabouts are unknown or cannot be determined by due diligence or that his or her presence for the hearing cannot be obtained by due diligence; or any essential witness is otherwise unavailable;

“(C) Despite the exercise of due diligence, necessary medical examinations, drug analysis, or other scientific tests have not been completed; or

“(D) The best interests and safety of the child are best served by continuing the period of shelter care.

“(c) Notwithstanding subsection (b)(2) and (3) of this section, the dispositional hearing for a child found to be neglected shall be held within 45 days after the child's entry into foster care, or if the child is not in foster care, within 45 days of the filing of the petition.”.

(e) Section 16-2320(f) is amended to read as follows:

“(f) In its dispositional order for a child adjudicated neglected, the Division shall:

“(1) Address the matters set forth in § 16-2319(c) by accepting, modifying, or rejecting the plan submitted pursuant thereto. If the plan is rejected or major modifications are made, the agency charged with service responsibility shall within 30 days submit to the Division and to all parties a plan which addresses the matters delineated in § 16-2319(b). The agency responsible for providing the services shall promptly report to the Division and all parties if it is unable for whatever reasons to provide the services delineated in the plan;

“(2) Include a determination of whether:

“(A) Reasonable efforts were made to prevent or eliminate the need for removal, or, in the alternative, that the child's removal from the home is necessary regardless of any services that could be provided to the child or the child's family; and

“(B) Continuation of the child in the child's home would be contrary to the welfare of the child.”.

(f) Section 16-2323 is amended to read as follows:

“§ 16-2323. Review of dispositional orders.

“(a) When a child has been adjudicated neglected and a dispositional order has been entered by the Division, the Division shall:

“(1) Hold a review hearing at least every 6 months for every child for as long as the child remains in an out-of-home placement, unless the child has received a permanency hearing within the past 6 months;

“(2) Hold a review hearing at least every year for all other children;

“(3) If reasonable efforts are not made pursuant to § 6-2108, hold a permanency hearing within 30 days after the determination that reasonable efforts need not be made; and

“(4) Hold a permanency hearing for every child within 12 months after the child's entry into foster care and at least every 6 months thereafter, for as long as the child remains in an out-of-home placement.

“(b) The purpose of the review hearing shall include determining:

“(1) The safety of the child;

“(2) The continuing necessity for and appropriateness of the placement;

“(3) The extent of compliance with the case plan;

“(4) The extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care; and

“(5) A date by which the child may be returned to and safely maintained in the home or placed for adoption or other permanent placement.

“(c) The purpose of the permanency hearing shall include the determination required by subsection (b) of this section and determining the permanency plan for the child including whether, and if so when, the child will be:

“(1) Returned to the parent;

“(2) Placed for adoption, in which case the District shall file a motion for termination of parental rights, unless an adoption petition has been filed, in which case the District shall seek to be joined as a party to the filed petition;

“(3) Placed pursuant to an award of legal custody or guardianship; or

“(4) Placed, because of compelling circumstances, in another planned permanent living arrangement, such as with a kinship caregiver, in another relative placement, or in independent living.

“(d) At least 10 days prior to each review or permanency hearing the Division or the department, agency, or institution responsible for the supervision of the services to the child and his parent, guardian, or custodian shall submit a report to the Division which shall include, but not be limited to, the following information:

“(1) The services provided or offered to the child and his parent, guardian, or other custodian;

“(2) Any evidence of the amelioration of the condition which resulted in the finding of neglect and any evidence of new problems which would adversely affect the child;

“(3) An evaluation of the cooperation of the parent, guardian, or custodian with the Division or the applicable department, agency, or institution;

“(4) In those cases in which the custody of the child has been vested in a department, agency, institution, or person other than the parent:

“(A) The extent to which visitation has occurred and any reasons why visitation has not occurred or has been infrequent;

“(B) The estimated time in which the child can be returned to the home; and

“(C) Whether the agency has initiated or intends to initiate the filing by the Corporation Counsel of a motion requesting the termination of the parent and child relationship and any reasons why it does not intend to initiate the filing of such a motion; and

“(5) Any other information as may be required by rules of the Superior Court of the District of Columbia.

“(e) A notice of a review or permanency hearing under this section shall be given to all parties and their attorneys of record as prescribed by rules of the Superior Court of the District of Columbia.

“(f) If the Division finds that the commitment of the child to a department, agency, institution or person other than the parent is no longer necessary to safeguard the welfare of the child, the Division may order:

“(1) The child returned to the home and the provision of supervision or other services; or

“(2) Any other disposition authorized by § 16-2320(a).”.

(g) Section 16-2354 is amended to read as follows:

“§ 16–2354. Motions.

“(a) Except as provided by subsection (b)(3) of this section, a motion for the termination of the parent and child relationship may be filed by the District government or by the child through his or her legal representative.

“(b) A motion for the termination of the parent and child relationship:

“(1) May be filed when the child who is the subject of the motion has been adjudicated neglected at least 6 months prior to the filing of the motion and the child is in the court-ordered custody of a department, agency, institution, or person other than the parent;

“(2) May be filed immediately when, despite reasonable efforts, the parent could not be located for the fact finding hearing and during the period from the child's removal from the home to the fact finding hearing; and

“(3) Except as provided in subsections (c) and (g) of this section, shall be filed by the District government if:

“(A) The child has been in court-ordered custody under the responsibility of the District for 15 of the most recent 22 months;

“(B) The Division has determined the child to be abandoned;

“(C) A court of competent jurisdiction has determined that the parent has:

“(i) Committed murder of a child sibling or another child;

“(ii) Committed voluntary manslaughter of a child sibling or another child;

“(iii) Aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter;

or

“(iv) Committed a felony assault that has resulted in serious bodily injury to the child who is the subject of the petition, a child sibling, or another child; or

“(D) The Division has determined the child to be subject to intentional and severe mental abuse.

“(c) The District government shall seek to be joined as a party to a motion filed by the child if any of the factors in subsection (b)(3) of this section apply and the child has filed an adoption petition.

“(d) A motion for termination of the parent and child relationship shall include but not be limited to:

“(1) The name, sex, date and place of birth, and current placement of the child;

“(2) The name and title of the petitioner;

“(3) The name and address of the child's parent;

“(4) A plain and concise statement of the facts and opinions on which the termination of the parent and child relationship is sought;

“(5) A specification as to the health of the child;

“(6) A statement as to the general prospects for or the barriers, if any, to the adoption of the child; and

“(7) A statement as to the various efforts taken by the moving party to locate the parent of the child.

“(e) When any facts required pursuant to subsection (d) of this section are not known to the moving party, if he or she shall so state in the motion, or on a motion by any party, for good cause shown, the judge may direct the filing of a bill of particulars to inform the moving party of the precise nature of the allegations contained in the motion for the termination of the parent and child relationship.

“(f) The Department of Human Services shall take steps to identify, recruit, process, and approve a qualified family for an adoption concurrently with the District government's filing of the motion or its joinder to the petition.

“(g) The District government need not file a motion if the Department of Human Services determines and has documented in the case plan that:

“(1) The child is being cared for by an approved kinship caregiver and adoption is not the child's permanency plan;

“(2) A compelling reason for determining that filing such a motion would not be in the best interest of the child; or

“(3) The District has not offered or provided to the family of the child, consistent with the time period in the case plan, such services as the District deems necessary for the safe return of the child to the child's home, if reasonable efforts are required to be made with respect to the child pursuant to § 6–2108.”

#### TITLE IV. INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE.

Sec. 401. Definitions.

As used in this title, unless the context otherwise requires:

- (1) “Adoption assistance state” means the state that is signatory to an adoption assistance agreement in a particular case.
- (2) “Department” means the District of Columbia Department of Human Services.
- (3) “Residence state” means the state where the child is living.
- (4) “State” means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or a Territory or Possession of or administered by the United States.

Sec. 402. Findings.

The Council of the District of Columbia finds that:

- (1) Finding adoptive families for children, for whom state assistance is desirable pursuant to section 3 of An Act to Provide for the Care of Dependent Children in the District of Columbia and to Create a Board of Children's Guardians and assuring the protection of the interests of children affected during the entire assistance period, require special measures when the adoptive parents move to other states or are residents of another state.
- (2) Provision of medical and other necessary services for children, with state assistance, encounters special difficulties when the provision of services takes place in other states.

Sec. 403. Purposes.

The purposes of this title are to:

- (1) Provide procedures for interstate children's adoption assistance payments, including medical payments; and
- (2) Authorize the Mayor to enter into interstate agreements with agencies of other states for the protection of children on behalf of whom adoption assistance is being provided by the District.

Sec. 404. Medical assistance.

- (a) A child with special needs who is resident in the District and who is the subject of an adoption assistance agreement with another state shall be entitled to receive a medical assistance identification from the District upon the filing with the Department of a certified copy of the adoption assistance agreement obtained from the adoption assistance state. In accordance with regulations of the Department, the adoptive parents shall be required at least annually to show that the agreement is still in force or has been renewed.
- (b) The Department shall consider the holder of a medical assistance identification pursuant to this section as any other holder of a medical assistance identification under the laws of the District and shall process and make payment on claims on account of such holder in the same manner and pursuant to the same conditions and procedures as for other recipients of medical assistance.
- (c)(1) The Department shall provide coverage and benefits for a child who is in another state and who is covered by an adoption assistance agreement made by the Department for the coverage or benefits, if any, not provided by the residence state. To this end, the adoptive parents acting for the child may submit evidence of payment for services or benefit amounts not payable in the residence state and shall be reimbursed therefore. However, there shall be no reimbursement for services or benefit amounts covered under any insurance or other third party medical contract or arrangement held by the child or the adoptive parents.
  - (2) The regulations shall include procedures to be followed in obtaining prior approvals for services in those instances where required for the assistance. The additional coverage and benefit amounts provided pursuant to this subsection shall be for the cost of services for which there is no federal contribution, or which, if federally aided, are not provided by the residence state.
  - (3) The Mayor shall make regulations implementing this subsection. The regulations shall include procedures to be followed in obtaining prior approvals for services in those instances where required for the assistance.
  - (d) The submission of any claim for payment or reimbursement for services or benefits pursuant to this section or the making of any statement in connection therewith, which claim or statement the maker knows or should know to be false, misleading or fraudulent shall be punishable as perjury and shall also be subject to a fine not to exceed \$10,000 or imprisonment for not to exceed 30 days, or both. A violation of this subsection shall be prosecuted by the Corporation Counsel of the District of Columbia.
  - (e) The provisions of this section shall apply only to medical assistance for children under adoption assistance agreements from states that have entered into a compact with the District under which the other state provided medical

assistance to children with special needs under adoption assistance agreements made by the District. All other children entitled to medical assistance pursuant to adoption assistance agreements entered into by the District shall be eligible to receive it in accordance with the laws and procedures applicable thereto.

Sec. 405. Compacts authorized.

The Mayor is authorized to develop, participate in the development of, negotiate, and enter into one or more interstate compacts on behalf of the District with other states to protect children on behalf of whom adoption assistance is being provided by the District and to provide procedures for interstate children's adoption assistance payments, including medical payments. When so entered into, and for so long as it shall remain in force, the compact shall have the force and effect of law.

Sec. 406. Contents of compacts.

A compact entered into pursuant to the authority conferred by this title shall have the following content:

- (1) A provision making it available for joinder by all states.
- (2) A provision or provisions for withdrawal from the compact upon written notice to the parties, but with a period of one year between the date of the notice and the effective date of the withdrawal.
- (3) A requirement that the protections afforded by or pursuant to the compact continue in force for the duration of the adoption assistance and be applicable to all children and their adoptive parents who on the effective date of the withdrawal are receiving adoption assistance from a party state other than the one in which they are resident and have their principal place of abode.
- (4) A requirement that each instance of adoption assistance to which the compact applies be covered by an adoption assistance agreement in writing between the adoptive parents and the state child welfare agency of the state which undertakes to provide the adoption assistance, and further, that any such agreement be expressly for the benefit of the adopted child and enforceable by the adoptive parents, and the state agency providing the adoption assistance.
- (5) Such other provisions as may be appropriate to implement the proper administration of the compact.

Sec. 407. Optional contents of compacts.

A compact entered into pursuant to this title may contain the following provisions in addition to those required pursuant to section 406:

- (1) Provisions establishing procedures for and entitlement to medical and other necessary social services for the child in accordance with applicable laws, even though the child and the adoptive parents are in a state other than the one responsible for or providing the services or the funds to defray part or all of the costs thereof; and
- (2) Any other provisions as may be appropriate or incidental to the proper administration of the compact.

Sec. 408. Federal participation.

Consistent with federal law, the Department, in connection with the administration of this title and any compact pursuant hereto, shall include in any state plan made pursuant to the Adoption Assistance and Child Welfare Act of 1980, Titles IV(E) and XIX of the Social Security Act, and any other applicable federal laws, the provision of adoption assistance and medical assistance for which the federal government pays some or all of the cost. The Department shall apply for and administer all relevant federal aid in accordance with law.

#### TITLE V. FISCAL IMPACT STATEMENT.

Sec. 501. The Council adopts the fiscal impact statement in the Committee Report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

#### TITLE VI. EFFECTIVE DATE.

Sec. 601. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

APPROVED: March 31, 2000.

EFFECTIVE: June 27, 2000.

DC LEGIS 13-136 (2000)

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End of Document

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PL 105–89, November 19, 1997, 111 Stat 2115

UNITED STATES PUBLIC LAWS  
105th Congress - First Session  
Convening January 7, 1997

Additions and Deletions are not identified in this document.

PL 105–89 (HR 867)  
November 19, 1997  
ADOPTION OF CHILDREN—FOSTER CARE

An Act to promote the adoption of children in foster care.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

<< 42 USCA § 1305 NOTE >>

(a) SHORT TITLE.—This Act may be cited as the “Adoption and Safe Families Act of 1997”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS  
FOR FOSTER CARE AND ADOPTION PLACEMENTS

Sec. 101. Clarification of the reasonable efforts requirement.

Sec. 102. Including safety in case plan and case review system requirements.

Sec. 103. States required to initiate or join proceedings to terminate parental rights for certain children in foster care.

Sec. 104. Notice of reviews and hearings; opportunity to be heard.

Sec. 105. Use of the Federal Parent Locator Service for child welfare services.

Sec. 106. Criminal records checks for prospective foster and adoptive parents.

Sec. 107. Documentation of efforts for adoption or location of a permanent home.

TITLE II—INCENTIVES FOR PROVIDING PERMANENT FAMILIES FOR CHILDREN

Sec. 201. Adoption incentive payments.

Sec. 202. Adoptions across State and county jurisdictions.

Sec. 203. Performance of States in protecting children.

TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS

Sec. 301. Authority to approve more child protection demonstration projects.

Sec. 302. Permanency hearings.

Sec. 303. Kinship care.

Sec. 304. Clarification of eligible population for independent living services.

Sec. 305. Reauthorization and expansion of family preservation and support services.

Sec. 306. Health insurance coverage for children with special needs.

Sec. 307. Continuation of eligibility for adoption assistance payments on behalf of children with special needs whose initial adoption has been dissolved.

Sec. 308. State standards to ensure quality services for children in foster care.

#### TITLE IV—MISCELLANEOUS

Sec. 401. Preservation of reasonable parenting.

Sec. 402. Reporting requirements.

Sec. 403. Sense of Congress regarding standby guardianship.

Sec. 404. Temporary adjustment of Contingency Fund for State Welfare Programs.

Sec. 405. Coordination of substance abuse and child protection services.

Sec. 406. Purchase of American-made equipment and products.

#### TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

#### TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS FOR FOSTER CARE AND ADOPTION PLACEMENTS

SEC. 101. CLARIFICATION OF THE REASONABLE EFFORTS REQUIREMENT.

<< 42 USCA § 671 >>

(a) IN GENERAL.—Section 471(a)(15) of the Social Security Act (42 U.S.C. 671(a)(15)) is amended to read as follows:

“(15) provides that—

“(A) in determining reasonable efforts to be made with respect to a child, as described in this paragraph, and in making such reasonable efforts, the child's health and safety shall be the paramount concern;

“(B) except as provided in subparagraph (D), reasonable efforts shall be made to preserve and reunify families—

“(i) prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home; and

“(ii) to make it possible for a child to safely return to the child's home;

“(C) if continuation of reasonable efforts of the type described in subparagraph (B) is determined to be inconsistent with the permanency plan for the child, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child;

“(D) reasonable efforts of the type described in subparagraph (B) shall not be required to be made with respect to a parent of a child if a court of competent jurisdiction has determined that—

“(i) the parent has subjected the child to aggravated circumstances (as defined in State law, which definition may include but need not be limited to abandonment, torture, chronic abuse, and sexual abuse);

“(ii) the parent has—

“(I) committed murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;

“(II) committed voluntary manslaughter (which would have been an offense under section 1112(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;

“(III) aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter; or

“(IV) committed a felony assault that results in serious bodily injury to the child or another child of the parent; or

“(iii) the parental rights of the parent to a sibling have been terminated involuntarily;

“(E) if reasonable efforts of the type described in subparagraph (B) are not made with respect to a child as a result of a determination made by a court of competent jurisdiction in accordance with subparagraph (D)—

“(i) a permanency hearing (as described in section 475(5)(C)) shall be held for the child within 30 days after the determination; and

“(ii) reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child; and

“(F) reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts of the type described in subparagraph (B);”.

<< 42 USCA § 675 >>

(b) **DEFINITION OF LEGAL GUARDIANSHIP.**—Section 475 of such Act (42 U.S.C. 675) is amended by adding at the end the following:

“(7) The term ‘legal guardianship’ means a judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decisionmaking. The term ‘legal guardian’ means the caretaker in such a relationship.”.

<< 42 USCA § 672 >>

(c) **CONFORMING AMENDMENT.**—Section 472(a)(1) of such Act (42 U.S.C. 672(a)(1)) is amended by inserting “for a child” before “have been made”.

<< 42 USCA § 678 >>

(d) **RULE OF CONSTRUCTION.**—Part E of title IV of such Act (42 U.S.C. 670–679) is amended by inserting after section 477 the following:

“SEC. 478. RULE OF CONSTRUCTION.

“Nothing in this part shall be construed as precluding State courts from exercising their discretion to protect the health and safety of children in individual cases, including cases other than those described in section 471(a)(15)(D).”.

**SEC. 102. INCLUDING SAFETY IN CASE PLAN AND CASE REVIEW SYSTEM REQUIREMENTS.**

Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended—

<< 42 USCA § 622 >>

(1) in section 422(b)(10)(B)—

(A) in clause (iii)(I), by inserting “safe and” after “where”; and

(B) in clause (iv), by inserting “safely” after “remain”; and

&lt;&lt; 42 USCA § 675 &gt;&gt;

(2) in section 475—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “safety and” after “discussion of the”; and

(ii) in subparagraph (B)—

(I) by inserting “safe and” after “child receives”; and

(II) by inserting “safe” after “return of the child to his own”; and

(B) in paragraph (5)—

(i) in subparagraph (A), in the matter preceding clause (i), by inserting “a safe setting that is” after “placement in”; and

(ii) in subparagraph (B)—

(I) by inserting “the safety of the child,” after “determine”; and

(II) by inserting “and safely maintained in” after “returned to”.

**SEC. 103. STATES REQUIRED TO INITIATE OR JOIN PROCEEDINGS TO TERMINATE PARENTAL RIGHTS FOR CERTAIN CHILDREN IN FOSTER CARE.**

&lt;&lt; 42 USCA § 675 &gt;&gt;

(a) **REQUIREMENT FOR PROCEEDINGS.**—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)) is amended

(1) by striking “and” at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(3) by adding at the end the following:

“(E) in the case of a child who has been in foster care under the responsibility of the State for 15 of the most recent 22 months, or, if a court of competent jurisdiction has determined a child to be an abandoned infant (as defined under State law) or has made a determination that the parent has committed murder of another child of the parent, committed voluntary manslaughter of another child of the parent, aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter, or committed a felony assault that has resulted in serious bodily injury to the child or to another child of the parent, the State shall file a petition to terminate the parental rights of the child's parents (or, if such a petition has been filed by another party, seek to be joined as a party to the petition), and, concurrently, to identify, recruit, process, and approve a qualified family for an adoption, unless—

“(i) at the option of the State, the child is being cared for by a relative;

“(ii) a State agency has documented in the case plan (which shall be available for court review) a compelling reason for determining that filing such a petition would not be in the best interests of the child; or

“(iii) the State has not provided to the family of the child, consistent with the time period in the State case plan, such services as the State deems necessary for the safe return of the child to the child's home, if reasonable efforts of the type described in section 471(a)(15)(B)(ii) are required to be made with respect to the child.”.

(b) **DETERMINATION OF BEGINNING OF FOSTER CARE.**—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by subsection (a), is amended—

(1) by striking “and” at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting “; and”; and

(3) by adding at the end the following:

“(F) a child shall be considered to have entered foster care on the earlier of—

“(i) the date of the first judicial finding that the child has been subjected to child abuse or neglect; or

“(ii) the date that is 60 days after the date on which the child is removed from the home.”.

&lt;&lt; 42 USCA § 675 NOTE &gt;&gt;

## (c) TRANSITION RULES.—

(1) NEW FOSTER CHILDREN.—In the case of a child who enters foster care (within the meaning of section 475(5)(F) of the Social Security Act) under the responsibility of a State after the date of the enactment of this Act—

(A) if the State comes into compliance with the amendments made by subsection (a) of this section before the child has been in such foster care for 15 of the most recent 22 months, the State shall comply with section 475(5)(E) of the Social Security Act with respect to the child when the child has been in such foster care for 15 of the most recent 22 months; and

(B) if the State comes into such compliance after the child has been in such foster care for 15 of the most recent 22 months, the State shall comply with such section 475(5)(E) with respect to the child not later than 3 months after the end of the first regular session of the State legislature that begins after such date of enactment.

(2) CURRENT FOSTER CHILDREN.—In the case of children in foster care under the responsibility of the State on the date of the enactment of this Act, the State shall—

(A) not later than 6 months after the end of the first regular session of the State legislature that begins after such date of enactment, comply with section 475(5)(E) of the Social Security Act with respect to not less than # of such children as the State shall select, giving priority to children for whom the permanency plan (within the meaning of part E of title IV of the Social Security Act) is adoption and children who have been in foster care for the greatest length of time;

(B) not later than 12 months after the end of such first regular session, comply with such section 475(5)(E) with respect to not less than  $\frac{2}{3}$  of such children as the State shall select; and

(C) not later than 18 months after the end of such first regular session, comply with such section 475(5)(E) with respect to all of such children.

(3) TREATMENT OF 2-YEAR LEGISLATIVE SESSIONS.—For purposes of this subsection, in the case of a State that has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

(4) REQUIREMENTS TREATED AS STATE PLAN REQUIREMENTS.—For purposes of part E of title IV of the Social Security Act, the requirements of this subsection shall be treated as State plan requirements imposed by section 471(a) of such Act.

(d) RULE OF CONSTRUCTION.—Nothing in this section or in part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.), as amended by this Act, shall be construed as precluding State courts or State agencies from initiating the termination of parental rights for reasons other than, or for timelines earlier than, those specified in part E of title IV of such Act, when such actions are determined to be in the best interests of the child, including cases where the child has experienced multiple foster care placements of varying durations.

<< 42 USCA § 675 >>

## SEC. 104. NOTICE OF REVIEWS AND HEARINGS; OPPORTUNITY TO BE HEARD.

Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by section 103, is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting “; and”; and

(3) by adding at the end the following:

“(G) the foster parents (if any) of a child and any preadoptive parent or relative providing care for the child are provided with notice of, and an opportunity to be heard in, any review or hearing to be held with respect to the child, except that this subparagraph shall not be construed to require that any foster parent, preadoptive parent, or relative providing care for the child be made a party to such a review or hearing solely on the basis of such notice and opportunity to be heard.”.

<< 42 USCA § 653 >>

## SEC. 105. USE OF THE FEDERAL PARENT LOCATOR SERVICE FOR CHILD WELFARE SERVICES.

Section 453 of the Social Security Act (42 U.S.C. 653) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by inserting “or making or enforcing child custody or visitation orders,” after “obligations,”; and

(B) in subparagraph (A)—

(i) by striking “or” at the end of clause (ii);

(ii) by striking the comma at the end of clause (iii) and inserting “; or”; and

(iii) by inserting after clause (iii) the following:

“(iv) who has or may have parental rights with respect to a child,”; and

(2) in subsection (c)—

(A) by striking the period at the end of paragraph (3) and inserting “; and”; and

(B) by adding at the end the following:

“(4) a State agency that is administering a program operated under a State plan under subpart 1 of part B, or a State plan approved under subpart 2 of part B or under part E.”.

<< 42 USCA § 671 >>

## SEC. 106. CRIMINAL RECORDS CHECKS FOR PROSPECTIVE FOSTER AND ADOPTIVE PARENTS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking “and” at the end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting “; and”; and

(3) by adding at the end the following:

“(20)(A) unless an election provided for in subparagraph (B) is made with respect to the State, provides procedures for criminal records checks for any prospective foster or adoptive parent before the foster or adoptive parent may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments are to be made under the State plan under this part, including procedures requiring that—

“(i) in any case in which a record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children (including child pornography), or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery, if a State finds that a court of competent jurisdiction has determined that the felony was committed at any time, such final approval shall not be granted; and

“(ii) in any case in which a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, if a State finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years, such final approval shall not be granted; and

“(B) subparagraph (A) shall not apply to a State plan if the Governor of the State has notified the Secretary in writing that the State has elected to make subparagraph (A) inapplicable to the State, or if the State legislature, by law, has elected to make subparagraph (A) inapplicable to the State.”.

<< 42 USCA § 675 >>

## SEC. 107. DOCUMENTATION OF EFFORTS FOR ADOPTION OR LOCATION OF A PERMANENT HOME.

Section 475(1) of the Social Security Act (42 U.S.C. 675(1)) is amended—

(1) in the last sentence—

(A) by striking “the case plan must also include”; and

(B) by redesignating such sentence as subparagraph (D) and indenting appropriately; and

(2) by adding at the end the following:

“(E) In the case of a child with respect to whom the permanency plan is adoption or placement in another permanent home, documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, a fit and willing relative, a legal guardian, or in another planned permanent living arrangement, and to finalize the adoption or legal guardianship. At a minimum,

such documentation shall include child specific recruitment efforts such as the use of State, regional, and national adoption exchanges including electronic exchange systems.”

## TITLE II—INCENTIVES FOR PROVIDING PERMANENT FAMILIES FOR CHILDREN

### SEC. 201. ADOPTION INCENTIVE PAYMENTS.

<< 42 USCA § 673b >>

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 473 the following:

#### “SEC. 473A. ADOPTION INCENTIVE PAYMENTS.

“(a) GRANT AUTHORITY.—Subject to the availability of such amounts as may be provided in advance in appropriations Acts for this purpose, the Secretary shall make a grant to each State that is an incentive-eligible State for a fiscal year in an amount equal to the adoption incentive payment payable to the State under this section for the fiscal year, which shall be payable in the immediately succeeding fiscal year.

“(b) INCENTIVE-ELIGIBLE STATE.—A State is an incentive-eligible State for a fiscal year if—

“(1) the State has a plan approved under this part for the fiscal year;

“(2) the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year;

“(3) the State is in compliance with subsection (c) for the fiscal year;

“(4) in the case of fiscal years 2001 and 2002, the State provides health insurance coverage to any child with special needs (as determined under section 473(c)) for whom there is in effect an adoption assistance agreement between a State and an adoptive parent or parents; and

“(5) the fiscal year is any of fiscal years 1998 through 2002.

“(c) DATA REQUIREMENTS.—

“(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary the data described in paragraph (2)—

“(A) for fiscal years 1995 through 1997 (or, if the first fiscal year for which the State seeks a grant under this section is after fiscal year 1998, the fiscal year that precedes such first fiscal year); and

“(B) for each succeeding fiscal year that precedes the fiscal year.

“(2) DETERMINATION OF NUMBERS OF ADOPTIONS.—

“(A) DETERMINATIONS BASED ON AFCARS DATA.—Except as provided in subparagraph (B), the Secretary shall determine the numbers of foster child adoptions and of special needs adoptions in a State during each of fiscal years 1995 through 2002, for purposes of this section, on the basis of data meeting the requirements of the system established pursuant to section 479, as reported by the State and approved by the Secretary by August 1 of the succeeding fiscal year.

“(B) ALTERNATIVE DATA SOURCES PERMITTED FOR FISCAL YEARS 1995 THROUGH 1997.—For purposes of the determination described in subparagraph (A) for fiscal years 1995 through 1997, the Secretary may use data from a source or sources other than that specified in subparagraph (A) that the Secretary finds to be of equivalent completeness and reliability, as reported by a State by November 30, 1997, and approved by the Secretary by March 1, 1998.

“(3) NO WAIVER OF AFCARS REQUIREMENTS.—This section shall not be construed to alter or affect any requirement of section 479 or of any regulation prescribed under such section with respect to reporting of data by States, or to waive any penalty for failure to comply with such a requirement.

“(d) ADOPTION INCENTIVE PAYMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the adoption incentive payment payable to a State for a fiscal year under this section shall be equal to the sum of—

“(A) \$4,000, multiplied by the amount (if any) by which the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year; and

“(B) \$2,000, multiplied by the amount (if any) by which the number of special needs adoptions in the State during the fiscal year exceeds the base number of special needs adoptions for the State for the fiscal year.

“(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—For any fiscal year, if the total amount of adoption incentive payments otherwise payable under this section for a fiscal year exceeds the amount appropriated pursuant to subsection (h) for the fiscal year, the amount of the adoption incentive payment payable to each State under this section for the fiscal year shall be—

“(A) the amount of the adoption incentive payment that would otherwise be payable to the State under this section for the fiscal year; multiplied by

“(B) the percentage represented by the amount so appropriated for the fiscal year, divided by the total amount of adoption incentive payments otherwise payable under this section for the fiscal year.

“(e) 2-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the succeeding fiscal year.

“(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post-adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under sections 423, 434, and 474.

“(g) DEFINITIONS.—As used in this section:

“(1) FOSTER CHILD ADOPTION.—The term ‘foster child adoption’ means the final adoption of a child who, at the time of adoptive placement, was in foster care under the supervision of the State.

“(2) SPECIAL NEEDS ADOPTION.—The term ‘special needs adoption’ means the final adoption of a child for whom an adoption assistance agreement is in effect under section 473.

“(3) BASE NUMBER OF FOSTER CHILD ADOPTIONS.—The term ‘base number of foster child adoptions for a State’ means—

“(A) with respect to fiscal year 1998, the average number of foster child adoptions in the State in fiscal years 1995, 1996, and 1997; and

“(B) with respect to any subsequent fiscal year, the number of foster child adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 1997 and ends with the fiscal year preceding such subsequent fiscal year.

“(4) BASE NUMBER OF SPECIAL NEEDS ADOPTIONS.—The term ‘base number of special needs adoptions for a State’ means—

“(A) with respect to fiscal year 1998, the average number of special needs adoptions in the State in fiscal years 1995, 1996, and 1997; and

“(B) with respect to any subsequent fiscal year, the number of special needs adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 1997 and ends with the fiscal year preceding such subsequent fiscal year.

“(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—For grants under subsection (a), there are authorized to be appropriated to the Secretary \$20,000,000 for each of fiscal years 1999 through 2003.

“(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended, but not after fiscal year 2003.

“(i) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—The Secretary may, directly or through grants or contracts, provide technical assistance to assist States and local communities to reach their targets for increased numbers of adoptions and, to the extent that adoption is not possible, alternative permanent placements, for children in foster care.

“(2) DESCRIPTION OF THE CHARACTER OF THE TECHNICAL ASSISTANCE.—The technical assistance provided under paragraph (1) may support the goal of encouraging more adoptions out of the foster care system, when adoptions promote the best interests of children, and may include the following:

“(A) The development of best practice guidelines for expediting termination of parental rights.

“(B) Models to encourage the use of concurrent planning.



“(C) The development of specialized units and expertise in moving children toward adoption as a permanency goal.

“(D) The development of risk assessment tools to facilitate early identification of the children who will be at risk of harm if returned home.

“(E) Models to encourage the fast tracking of children who have not attained 1 year of age into pre-adoptive placements.

“(F) Development of programs that place children into pre-adoptive families without waiting for termination of parental rights.

“(3) TARGETING OF TECHNICAL ASSISTANCE TO THE COURTS.—Not less than 50 percent of any amount appropriated pursuant to paragraph (4) shall be used to provide technical assistance to the courts.

“(4) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the Secretary of Health and Human Services not to exceed \$10,000,000 for each of fiscal years 1998 through 2000.”.

(b) DISCRETIONARY CAP ADJUSTMENT FOR ADOPTION INCENTIVE PAYMENTS.—

<< 2 USCA § 901 >>

(1) SECTION 251 AMENDMENT.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)), as amended by section 10203(a)(4) of the Balanced Budget Act of 1997, is amended by adding at the end the following new subparagraph:

“(G) ADOPTION INCENTIVE PAYMENTS.—Whenever a bill or joint resolution making appropriations for fiscal year 1999, 2000, 2001, 2002, or 2003 is enacted that specifies an amount for adoption incentive payments pursuant to this part for the Department of Health and Human Services—

“(i) the adjustments for new budget authority shall be the amounts of new budget authority provided in that measure for adoption incentive payments, but not to exceed \$20,000,000; and

“(ii) the adjustment for outlays shall be the additional outlays flowing from such amount.”.

<< 2 USCA § 645 >>

(2) SECTION 314 AMENDMENT.—Section 314(b) of the Congressional Budget Act of 1974, as amended by section 10114(a) of the Balanced Budget Act of 1997, is amended—

(A) by striking “or” at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting “; or”; and

(C) by adding at the end the following:

“(6) in the case of an amount for adoption incentive payments (as defined in section 251(b)(2)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985) for fiscal year 1999, 2000, 2001, 2002, or 2003 for the Department of Health and Human Services, an amount not to exceed \$20,000,000.”.

SEC. 202. ADOPTIONS ACROSS STATE AND COUNTY JURISDICTIONS.

<< 42 USCA § 622 >>

(a) STATE PLAN FOR CHILD WELFARE SERVICES REQUIREMENT.—Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

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

(2) in paragraph (11), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(12) contain assurances that the State shall develop plans for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children.”.

<< 42 USCA § 674 >>

(b) **CONDITION OF ASSISTANCE.**—Section 474 of such Act (42 U.S.C. 674) is amended by adding at the end the following:

“(e) Notwithstanding subsection (a), a State shall not be eligible for any payment under this section if the Secretary finds that, after the date of the enactment of this subsection, the State has—

“(1) denied or delayed the placement of a child for adoption when an approved family is available outside of the jurisdiction with responsibility for handling the case of the child; or

“(2) failed to grant an opportunity for a fair hearing, as described in section 471(a)(12), to an individual whose allegation of a violation of paragraph (1) of this subsection is denied by the State or not acted upon by the State with reasonable promptness.”.

<< 42 USCA § 5111 NOTE >>

(c) **STUDY OF INTERJURISDICTIONAL ADOPTION ISSUES.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall—

(A) study and consider how to improve procedures and policies to facilitate the timely and permanent adoptions of children across State and county jurisdictions; and

(B) examine, at a minimum, interjurisdictional adoption issues—

(i) concerning the recruitment of prospective adoptive families from other States and counties;

(ii) concerning the procedures to grant reciprocity to prospective adoptive family home studies from other States and counties;

(iii) arising from a review of the comity and full faith and credit provided to adoption decrees and termination of parental rights orders from other States; and

(iv) concerning the procedures related to the administration and implementation of the Interstate Compact on the Placement of Children.

(2) **REPORT TO THE CONGRESS.**—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of the Congress a report that includes—

(A) the results of the study conducted under paragraph (1); and

(B) recommendations on how to improve procedures to facilitate the interjurisdictional adoption of children, including interstate and intercounty adoptions, so that children will be assured timely and permanent placements.

## SEC. 203. PERFORMANCE OF STATES IN PROTECTING CHILDREN.

<< 42 USCA § 679b >>

(a) **ANNUAL REPORT ON STATE PERFORMANCE.**—Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

“SEC. 479A. ANNUAL REPORT.

“The Secretary, in consultation with Governors, State legislatures, State and local public officials responsible for administering child welfare programs, and child welfare advocates, shall—

“(1) develop a set of outcome measures (including length of stay in foster care, number of foster care placements, and number of adoptions) that can be used to assess the performance of States in operating child protection and child welfare programs pursuant to parts B and E to ensure the safety of children;

“(2) to the maximum extent possible, the outcome measures should be developed from data available from the Adoption and Foster Care Analysis and Reporting System;

“(3) develop a system for rating the performance of States with respect to the outcome measures, and provide to the States an explanation of the rating system and how scores are determined under the rating system;

“(4) prescribe such regulations as may be necessary to ensure that States provide to the Secretary the data necessary to determine State performance with respect to each outcome measure, as a condition of the State receiving funds under this part; and

“(5) on May 1, 1999, and annually thereafter, prepare and submit to the Congress a report on the performance of each State on each outcome measure, which shall examine the reasons for high performance and low performance and, where possible, make recommendations as to how State performance could be improved.”.

<< 42 USCA § 679 NOTE >>

(b) **DEVELOPMENT OF PERFORMANCE-BASED INCENTIVE SYSTEM.**—The Secretary of Health and Human Services, in consultation with State and local public officials responsible for administering child welfare programs and child welfare advocates, shall study, develop, and recommend to Congress an incentive system to provide payments under parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq., 670 et seq.) to any State based on the State's performance under such a system. Such a system shall, to the extent the Secretary determines feasible and appropriate, be based on the annual report required by section 479A of the Social Security Act (as added by subsection (a) of this section) or on any proposed modifications of the annual report. Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a progress report on the feasibility, timetable, and consultation process for conducting such a study. Not later than 15 months after such date of enactment, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the final report on a performance-based incentive system. The report may include other recommendations for restructuring the program and payments under parts B and E of title IV of the Social Security Act.

### TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS

#### SEC. 301. EXPANSION OF CHILD WELFARE DEMONSTRATION PROJECTS.

<< 42 USCA § 1320a–9 >>

(a) **IN GENERAL.**—Section 1130(a) of the Social Security Act (42 U.S.C. 1320a–9) is amended to read as follows:

“(a) **AUTHORITY TO APPROVE DEMONSTRATION PROJECTS.**—

“(1) **IN GENERAL.**—The Secretary may authorize States to conduct demonstration projects pursuant to this section which the Secretary finds are likely to promote the objectives of part B or E of title IV.

“(2) **LIMITATION.**—The Secretary may authorize not more than 10 demonstration projects under paragraph (1) in each of fiscal years 1998 through 2002.

“(3) **CERTAIN TYPES OF PROPOSALS REQUIRED TO BE CONSIDERED.**—

“(A) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to identify and address barriers that result in delays to adoptive placements for children in foster care.

“(B) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to identify and address parental substance abuse problems that endanger children and result in the placement of children in foster care, including through the placement of children with their parents in residential treatment facilities (including residential treatment facilities for post-partum depression) that are specifically designed to serve parents and children together in order to promote family reunification and that can ensure the health and safety of the children in such placements.

“(C) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to address kinship care.

“(4) **LIMITATION ON ELIGIBILITY.**—The Secretary may not authorize a State to conduct a demonstration project under this section if the State fails to provide health insurance coverage to any child with special needs (as determined under section 473(c)) for whom there is in effect an adoption assistance agreement between a State and an adoptive parent or parents.

“(5) **REQUIREMENT TO CONSIDER EFFECT OF PROJECT ON TERMS AND CONDITIONS OF CERTAIN COURT ORDERS.**—In considering an application to conduct a demonstration project under this section that has been submitted by a State in which there is in effect a court order determining that the State's child welfare program has failed to comply with the provisions of part B or E of title IV, or with the Constitution of the United States, the

Secretary shall take into consideration the effect of approving the proposed project on the terms and conditions of the court order related to the failure to comply.”.

<< 42 USCA § 1320a–9 NOTE >>

(b) **RULE OF CONSTRUCTION.**—Nothing in the amendment made by subsection (a) shall be construed as affecting the terms and conditions of any demonstration project approved under section 1130 of the Social Security Act (42 U.S.C. 1320a–9) before the date of the enactment of this Act.

<< 42 USCA § 1320a–9 >>

(c) **AUTHORITY TO EXTEND DURATION OF DEMONSTRATIONS.**—Section 1130(d) of such Act (42 U.S.C. 1320a–9(d)) is amended by inserting “, unless in the judgment of the Secretary, the demonstration project should be allowed to continue” before the period.

<< 42 USCA § 675 >>

### SEC. 302. PERMANENCY HEARINGS.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

- (1) by striking “dispositional” and inserting “permanency”;
- (2) by striking “eighteen” and inserting “12”;
- (3) by striking “original placement” and inserting “date the child is considered to have entered foster care (as determined under subparagraph (F))”; and
- (4) by striking “future status of” and all that follows through “long term basis)” and inserting “permanency plan for the child that includes whether, and if applicable when, the child will be returned to the parent, placed for adoption and the State will file a petition for termination of parental rights, or referred for legal guardianship, or (in cases where the State agency has documented to the State court a compelling reason for determining that it would not be in the best interests of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian) placed in another planned permanent living arrangement”.

<< 42 USCA § 5113 NOTE >>

### SEC. 303. KINSHIP CARE.

(a) **REPORT.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services shall—

(A) not later than June 1, 1998, convene the advisory panel provided for in subsection (b)(1) and prepare and submit to the advisory panel an initial report on the extent to which children in foster care are placed in the care of a relative (in this section referred to as “kinship care”); and

(B) not later than June 1, 1999, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a final report on the matter described in subparagraph (A), which shall—

(i) be based on the comments submitted by the advisory panel pursuant to subsection (b)(2) and other information and considerations; and

(ii) include the policy recommendations of the Secretary with respect to the matter.

(2) **REQUIRED CONTENTS.**—Each report required by paragraph (1) shall—

(A) include, to the extent available for each State, information on—

(i) the policy of the State regarding kinship care;

(ii) the characteristics of the kinship care providers (including age, income, ethnicity, and race, and the relationship of the kinship care providers to the children);

(iii) the characteristics of the household of such providers (such as number of other persons in the household and family composition);

- (iv) how much access to the child is afforded to the parent from whom the child has been removed;
- (v) the cost of, and source of funds for, kinship care (including any subsidies such as medicaid and cash assistance);
- (vi) the permanency plan for the child and the actions being taken by the State to achieve the plan;
- (vii) the services being provided to the parent from whom the child has been removed; and
- (viii) the services being provided to the kinship care provider; and

(B) specifically note the circumstances or conditions under which children enter kinship care.

(b) **ADVISORY PANEL.**—

(1) **ESTABLISHMENT.**—The Secretary of Health and Human Services, in consultation with the Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate, shall convene an advisory panel which shall include parents, foster parents, relative caregivers, former foster children, State and local public officials responsible for administering child welfare programs, private persons involved in the delivery of child welfare services, representatives of tribal governments and tribal courts, judges, and academic experts.

(2) **DUTIES.**—The advisory panel convened pursuant to paragraph (1) shall review the report prepared pursuant to subsection (a), and, not later than October 1, 1998, submit to the Secretary comments on the report.

<< 42 USCA § 677 >>

**SEC. 304. CLARIFICATION OF ELIGIBLE POPULATION FOR INDEPENDENT LIVING SERVICES.**

Section 477(a)(2)(A) of the Social Security Act (42 U.S.C. 677(a)(2)(A)) is amended by inserting “(including children with respect to whom such payments are no longer being made because the child has accumulated assets, not to exceed \$5,000, which are otherwise regarded as resources for purposes of determining eligibility for benefits under this part)” before the comma.

**SEC. 305. REAUTHORIZATION AND EXPANSION OF FAMILY PRESERVATION AND SUPPORT SERVICES.**

(a) **REAUTHORIZATION OF FAMILY PRESERVATION AND SUPPORT SERVICES.**—

<< 42 USCA § 629 >>

(1) **IN GENERAL.**—Section 430(b) of the Social Security Act (42 U.S.C. 629(b)) is amended—

- (A) in paragraph (4), by striking “or” at the end;
- (B) in paragraph (5), by striking the period and inserting a semicolon; and
- (C) by adding at the end the following:

“(6) for fiscal year 1999, \$275,000,000;

“(7) for fiscal year 2000, \$295,000,000; and

“(8) for fiscal year 2001, \$305,000,000.”.

(2) **CONTINUATION OF RESERVATION OF CERTAIN AMOUNTS.**—Paragraphs (1) and (2) of section 430(d) of the Social Security Act (42 U.S.C. 629(d)(1) and (2)) are each amended by striking “and 1998” and inserting “1998, 1999, 2000, and 2001”.

<< 42 USCA § 670 NOTE >>

(3) **CONFORMING AMENDMENTS.**—Section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) is amended—

- (A) in subsection (c), by striking “1998” each place it appears and inserting “2001”; and
- (B) in subsection (d)(2), by striking “and 1998” and inserting “1998, 1999, 2000, and 2001”.

(b) **EXPANSION FOR TIME-LIMITED FAMILY REUNIFICATION SERVICES AND ADOPTION PROMOTION AND SUPPORT SERVICES.**—

## &lt;&lt; 42 USCA § 629b &gt;&gt;

(1) ADDITIONS TO STATE PLAN.—Section 432 of the Social Security Act (42 U.S.C. 629b) is amended—

(A) in subsection (a)—

(i) in paragraph (4), by striking “and community-based family support services” and inserting “, community-based family support services, time-limited family reunification services, and adoption promotion and support services,”; and

(ii) in paragraph (5)(A), by striking “and community-based family support services” and inserting “, community-based family support services, time-limited family reunification services, and adoption promotion and support services”; and

(B) in subsection (b)(1), by striking “and family support” and inserting “, family support, time-limited family reunification, and adoption promotion and support”.

## &lt;&lt; 42 USCA § 629a &gt;&gt;

(2) DEFINITIONS OF TIME-LIMITED FAMILY REUNIFICATION SERVICES AND ADOPTION PROMOTION AND SUPPORT SERVICES.—Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)) is amended by adding at the end the following:

“(7) TIME-LIMITED FAMILY REUNIFICATION SERVICES.—

“(A) IN GENERAL.—The term ‘time-limited family reunification services’ means the services and activities described in subparagraph (B) that are provided to a child that is removed from the child’s home and placed in a foster family home or a child care institution and to the parents or primary caregiver of such a child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion, but only during the 15-month period that begins on the date that the child, pursuant to section 475(5)(F), is considered to have entered foster care.

“(B) SERVICES AND ACTIVITIES DESCRIBED.—The services and activities described in this subparagraph are the following:

“(i) Individual, group, and family counseling.

“(ii) Inpatient, residential, or outpatient substance abuse treatment services.

“(iii) Mental health services.

“(iv) Assistance to address domestic violence.

“(v) Services designed to provide temporary child care and therapeutic services for families, including crisis nurseries.

“(vi) Transportation to or from any of the services and activities described in this subparagraph.

“(8) ADOPTION PROMOTION AND SUPPORT SERVICES.—The term ‘adoption promotion and support services’ means services and activities designed to encourage more adoptions out of the foster care system, when adoptions promote the best interests of children, including such activities as pre- and post-adoptive services and activities designed to expedite the adoption process and support adoptive families.”.

(3) ADDITIONAL CONFORMING AMENDMENTS.—

## &lt;&lt; 42 USCA § 629 &gt;&gt;

(A) PURPOSES.—Section 430(a) of the Social Security Act (42 U.S.C. 629(a)) is amended by striking “and community-based family support services” and inserting “, community-based family support services, time-limited family reunification services, and adoption promotion and support services”.

## &lt;&lt; 42 USCA Ch. 7 &gt;&gt;

(B) PROGRAM TITLE.—The heading of subpart 2 of part B of title IV of the Social Security Act (42 U.S.C. 629 et seq.) is amended to read as follows:

“Subpart 2—Promoting Safe and Stable Families”.

(c) EMPHASIZING THE SAFETY OF THE CHILD.—

## &lt;&lt; 42 USCA § 629b &gt;&gt;

(1) **REQUIRING ASSURANCES THAT THE SAFETY OF CHILDREN SHALL BE OF PARAMOUNT CONCERN.**—Section 432(a) of the Social Security Act (42 U.S.C. 629b(a)) is amended—

- (A) by striking “and” at the end of paragraph (7);
- (B) by striking the period at the end of paragraph (8); and
- (C) by adding at the end the following:

“(9) contains assurances that in administering and conducting service programs under the plan, the safety of the children to be served shall be of paramount concern.”.

## &lt;&lt; 42 USCA § 629a &gt;&gt;

(2) **DEFINITIONS OF FAMILY PRESERVATION AND FAMILY SUPPORT SERVICES.**—Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)) is amended—

- (A) in paragraph (1)—
  - (i) in subparagraph (A), by inserting “safe and” before “appropriate” each place it appears; and
  - (ii) in subparagraph (B), by inserting “safely” after “remain”; and
- (B) in paragraph (2)—
  - (i) by inserting “safety and” before “well-being”; and
  - (ii) by striking “stable” and inserting “safe, stable,”.

(d) **CLARIFICATION OF MAINTENANCE OF EFFORT REQUIREMENT.**—

## &lt;&lt; 42 USCA § 629a &gt;&gt;

(1) **DEFINITION OF NON-FEDERAL FUNDS.**—Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)), as amended by subsection (b)(2), is amended by adding at the end the following:

“(9) **NON-FEDERAL FUNDS.**—The term ‘non-Federal funds’ means State funds, or at the option of a State, State and local funds.”.

## &lt;&lt; 42 USCA § 629a NOTE &gt;&gt;

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) takes effect as if included in the enactment of section 13711 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–33; 107 Stat. 649).

## &lt;&lt; 42 USCA § 671 &gt;&gt;

**SEC. 306. HEALTH INSURANCE COVERAGE FOR CHILDREN WITH SPECIAL NEEDS.**

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 106, is amended—

- (1) in paragraph (19), by striking “and” at the end;
- (2) in paragraph (20), by striking the period and inserting “; and”; and
- (3) by adding at the end the following:

“(21) provides for health insurance coverage (including, at State option, through the program under the State plan approved under title XIX) for any child who has been determined to be a child with special needs, for whom there is in effect an adoption assistance agreement (other than an agreement under this part) between the State and an adoptive parent or parents, and who the State has determined cannot be placed with an adoptive parent or parents without medical assistance because such child has special needs for medical, mental health, or rehabilitative care, and that with respect to the provision of such health insurance coverage—

- “(A) such coverage may be provided through 1 or more State medical assistance programs;
- “(B) the State, in providing such coverage, shall ensure that the medical benefits, including mental health benefits, provided are of the same type and kind as those that would be provided for children by the State under title XIX;

“(C) in the event that the State provides such coverage through a State medical assistance program other than the program under title XIX, and the State exceeds its funding for services under such other program, any such child shall be deemed to be receiving aid or assistance under the State plan under this part for purposes of section 1902(a)(10)(A)(i)(I); and

“(D) in determining cost-sharing requirements, the State shall take into consideration the circumstances of the adopting parent or parents and the needs of the child being adopted consistent, to the extent coverage is provided through a State medical assistance program, with the rules under such program.”.

**SEC. 307. CONTINUATION OF ELIGIBILITY FOR ADOPTION ASSISTANCE PAYMENTS ON BEHALF OF CHILDREN WITH SPECIAL NEEDS WHOSE INITIAL ADOPTION HAS BEEN DISSOLVED.**

<< 42 USCA § 673 >>

(a) CONTINUATION OF ELIGIBILITY.—Section 473(a)(2) of the Social Security Act (42 U.S.C. 673(a)(2)) is amended by adding at the end the following: “Any child who meets the requirements of subparagraph (C), who was determined eligible for adoption assistance payments under this part with respect to a prior adoption, who is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died, and who fails to meet the requirements of subparagraphs (A) and (B) but would meet such requirements if the child were treated as if the child were in the same financial and other circumstances the child was in the last time the child was determined eligible for adoption assistance payments under this part and the prior adoption were treated as never having occurred, shall be treated as meeting the requirements of this paragraph for purposes of paragraph (1)(B)(ii).”.

<< 42 USCA § 673 NOTE >>

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to children who are adopted on or after October 1, 1997.

<< 42 USCA § 671 >>

**SEC. 308. STATE STANDARDS TO ENSURE QUALITY SERVICES FOR CHILDREN IN FOSTER CARE.**

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 106 and 306, is amended—

- (1) in paragraph (20), by striking “and” at the end;
- (2) in paragraph (21), by striking the period and inserting “; and”; and
- (3) by adding at the end the following:

“(22) provides that, not later than January 1, 1999, the State shall develop and implement standards to ensure that children in foster care placements in public or private agencies are provided quality services that protect the safety and health of the children.”.

**TITLE IV—MISCELLANEOUS**

<< 42 USCA § 671 NOTE >>

**SEC. 401. PRESERVATION OF REASONABLE PARENTING.**

Nothing in this Act is intended to disrupt the family unnecessarily or to intrude inappropriately into family life, to prohibit the use of reasonable methods of parental discipline, or to prescribe a particular method of parenting.

<< 42 USCA § 671 NOTE >>

**SEC. 402. REPORTING REQUIREMENTS.**



Any information required to be reported under this Act shall be supplied to the Secretary of Health and Human Services through data meeting the requirements of the Adoption and Foster Care Analysis and Reporting System established pursuant to section 479 of the Social Security Act (42 U.S.C. 679), to the extent such data is available under that system. The Secretary shall make such modifications to regulations issued under section 479 of such Act with respect to the Adoption and Foster Care Analysis and Reporting System as may be necessary to allow States to obtain data that meets the requirements of such system in order to satisfy the reporting requirements of this Act.

#### SEC. 403. SENSE OF CONGRESS REGARDING STANDBY GUARDIANSHIP.

It is the sense of Congress that the States should have in effect laws and procedures that permit any parent who is chronically ill or near death, without surrendering parental rights, to designate a standby guardian for the parent's minor children, whose authority would take effect upon—

- (1) the death of the parent;
- (2) the mental incapacity of the parent; or
- (3) the physical debilitation and consent of the parent.

#### SEC. 404. TEMPORARY ADJUSTMENT OF CONTINGENCY FUND FOR STATE WELFARE PROGRAMS.

<< 42 USCA § 603 >>

(a) **REDUCTION OF APPROPRIATION.**—Section 403(b)(2) of the Social Security Act (42 U.S.C. 603(b)(2)) is amended by inserting “, reduced by the sum of the dollar amounts specified in paragraph (6)(C)(ii)” before the period.

(b) **INCREASE IN STATE REMITTANCES.**—Section 403(b)(6) of such Act (42 U.S.C. 603(b)(6)) is amended by adding at the end the following:

“(C) **ADJUSTMENT OF STATE REMITTANCES.**—

“(i) **IN GENERAL.**—The amount otherwise required by subparagraph (A) to be remitted by a State for a fiscal year shall be increased by the lesser of—

“(I) the total adjustment for the fiscal year, multiplied by the adjustment percentage for the State for the fiscal year; or

“(II) the unadjusted net payment to the State for the fiscal year.

“(ii) **TOTAL ADJUSTMENT.**—As used in clause (i), the term ‘total adjustment’ means—

“(I) in the case of fiscal year 1998, \$2,000,000;

“(II) in the case of fiscal year 1999, \$9,000,000;

“(III) in the case of fiscal year 2000, \$16,000,000; and

“(IV) in the case of fiscal year 2001, \$13,000,000.

“(iii) **ADJUSTMENT PERCENTAGE.**—As used in clause (i), the term ‘adjustment percentage’ means, with respect to a State and a fiscal year—

“(I) the unadjusted net payment to the State for the fiscal year; divided by

“(II) the sum of the unadjusted net payments to all States for the fiscal year.

“(iv) **UNADJUSTED NET PAYMENT.**—As used in this subparagraph, the term, ‘unadjusted net payment’ means with respect to a State and a fiscal year—

“(I) the total amount paid to the State under paragraph (3) in the fiscal year; minus

“(II) the amount that, in the absence of this subparagraph, would be required by subparagraph (A) or by section 409(a)(10) to be remitted by the State in respect of the payment.”.

(c) **RECOMMENDATIONS FOR IMPROVING THE OPERATION OF THE CONTINGENCY FUND.**—Not later than March 1, 1998, the Secretary of Health and Human Services shall make recommendations to the Congress for improving the operation of the Contingency Fund for State Welfare Programs.

<< 42 USCA § 613 NOTE >>

## SEC. 405. COORDINATION OF SUBSTANCE ABUSE AND CHILD PROTECTION SERVICES.

Within 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, based on information from the Substance Abuse and Mental Health Services Administration and the Administration for Children and Families in the Department of Health and Human Services, shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report which describes the extent and scope of the problem of substance abuse in the child welfare population, the types of services provided to such population, and the outcomes resulting from the provision of such services to such population. The report shall include recommendations for any legislation that may be needed to improve coordination in providing such services to such population.

<< 42 USCA § 671 NOTE >>

## SEC. 406. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) **IN GENERAL.**—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) **NOTICE REQUIREMENT.**—In providing financial assistance to, or entering into any contract with, any entity using funds made available under this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

## TITLE V—EFFECTIVE DATE

<< 42 USCA § 622 NOTE >>

## SEC. 501. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as otherwise provided in this Act, the amendments made by this Act take effect on the date of enactment of this Act.

(b) **DELAY PERMITTED IF STATE LEGISLATION REQUIRED.**—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

<< 2 USCA §§ 645 nt, 901 nt >>

<< 42 USCA §§ 603 nt, 622 nt, 629 nt, 629a nt, 629b nt, 653 nt, 671 nt, 672 nt, 673 nt, 673b nt, 674 nt, 675 nt, 677 nt, 678 nt, 679 nt, 1320a–9 nt >>

Approved November 19, 1997.

PL 105–89, 1997 HR 867