

RECRUITING FAMILIES USING DATA ACT OF 2023

JANUARY 16, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SMITH of Missouri, from the Committee on Ways and Means, submitted the following

R E P O R T

[To accompany H.R. 3058]

[Including cost estimate of the Congressional Budget Office]

The Committee on Ways and Means, to whom was referred the bill (H.R. 3058) to amend parts B and E of title IV of the Social Security Act to improve foster and adoptive parent recruitment and retention, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

CONTENTS

	Page
I. SUMMARY AND BACKGROUND .....	3
A. Purpose and Summary .....	3
B. Background and Need for Legislation .....	3
C. Legislative History .....	4
D. Designated Hearing .....	4
II. EXPLANATION OF THE BILL .....	4
III. VOTE OF THE COMMITTEE .....	5
IV. BUDGET EFFECTS OF THE BILL .....	6
A. Committee Estimate of Budgetary Effects .....	6
B. Statement Regarding New Budget Authority and Tax Expenditures Budget Authority .....	6
V. COST ESTIMATE PREPARED BY THE CONGRESSIONAL BUDGET OFFICE .....	6
VI. OTHER MATTERS TO BE DISCUSSED UNDER THE RULES OF THE HOUSE .....	8
A. Committee Oversight Findings and Recommendations .....	8
B. Statement of General Performance Goals and Objectives .....	8
C. Information Relating to Unfunded Mandates .....	8
D. Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits .....	8
E. Duplication of Federal Programs .....	8
VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED	8

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman): ..... 00

The amendment is as follows:  
Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Recruiting Families Using Data Act of 2023”.

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

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

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

(2) by adding at the end the following:

“(d) FAMILY PARTNERSHIP PLAN REQUIREMENTS.—For purposes of subsection (b)(7), the requirements for a family partnership plan (in this subsection referred to as the ‘plan’) are the following:

“(1) The plan is developed in consultation with birth, kinship, foster and adoptive families, community-based service providers, technical assistance providers, and youth with lived experience with foster care and adoption.

“(2) The plan describes—

“(A) how the State plans to identify, notify, engage, and support relatives (and others connected to the child) as potential placement resources for children;

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

“(C) how the State plans to authentically engage children and youth in recruitment efforts on their behalf;

“(D) how the State plans to use data to establish goals, assess needs, measure progress, reduce unnecessary placements in congregate care, increase permanency, improve placement stability, increase the rate of kinship placements, improve recruitment and retention of families for teens, sibling groups, and other special populations, and align the composition of foster and adoptive families with the needs of children in or entering foster care; and

“(E) how the State will stand up or support foster family advisory boards for the purpose of improving recruitment and retention of foster and adoptive families.

“(3) The plan provides that, not less than annually, the State shall collect and report on the State’s actual foster family capacity and congregate care utilization, including the number, demographics, and characteristics of licensed foster families, including prospective adoptive families, the number of such families that haven’t received a placement or are not being fully utilized and the reasons therefor, and the number, demographics, and characteristics of children placed in congregate care in-State and out-of-State.

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

“(5) The plan includes, and shall update annually, a report on the State’s analysis of specific challenges or barriers to recruiting, licensing, and utilizing families who reflect the racial and ethnic background of children in foster care in the State, and the State’s efforts to overcome those challenges and barriers.

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

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this subsection shall take effect on October 1, 2024.

(2) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan approved under subpart 1 of part B 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 this subsection, 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 subsection. 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.

**SEC. 3. INCLUSION OF INFORMATION ON FOSTER AND ADOPTIVE FAMILIES IN ANNUAL CHILD WELFARE OUTCOMES REPORT TO CONGRESS.**

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

- (1) in paragraph (6)(C), by striking “and” after the semicolon;
- (2) in paragraph (7)(B), by striking the period and inserting “; and”;
- (3) by adding at the end the following:

“(8) include in the report submitted pursuant to paragraph (5) for fiscal year 2025 or any succeeding fiscal year—

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

“(B) a summary of the challenges of, and barriers to, being a foster or adoptive parent, including with respect to recruitment, licensure, engagement, retention, and why parents stop fostering, adoptions disrupt or dissolve, or foster or adoptive families struggle, as reported by States based on surveys of foster and adoptive parents; and

“(C) a summary of the challenges and barriers States reported on efforts to recruit a pool of families that reflect the racial and ethnic background of children in foster care in the State, and efforts to overcome those barriers.”.

## I. SUMMARY AND BACKGROUND

### A. PURPOSE AND SUMMARY

H.R. 3058, as amended, the “Recruiting Families Using Data Act of 2023” as ordered and reported by the Committee on Ways and Means on November 30, 2023, modifies Title IV–B of the Social Security Act to expand the diligent recruitment plan requirement to include a “Family Partnership Plan” that describes how the state will identify, recruit, support, and retain foster and adoptive families, including consulting kinship families and foster parents and youth and using data to establish goals and measure progress.

The bill also modifies Title IV–E of the Social Security Act to require the Department of Health and Human Services (HHS) to include additional data elements in the existing annual outcomes report that HHS submits to Congress. This bill was introduced by Representative Daniel Kildee (D–TX), Representative Randy Feenstra (R–IA), Representative Shelia Cherfilus-McCormick (D–FL), and Representative Don Bacon (R–NE).

### B. BACKGROUND AND NEED FOR LEGISLATION

Almost every state faces challenges with a shortage of licensed foster placements, and the available data indicate that foster parent retention is a major contributor. A significant number of foster parents stop fostering within a year, and a considerable portion discontinue after only one or two placements. In a recent review of HHS data on state compliance with federal foster care laws and requirements, the CHAMPS (Children Need Amazing Parents) campaign found that only 17 states had strong data-driven foster par-

ent recruitment and retention processes and no state was rated “strong” at making concerted efforts to place children with relatives when possible.<sup>1</sup>

Under Title IV–B of the Social Security Act, states are mandated to include a diligent recruitment plan in their state plan. This plan aims to actively recruit foster families that mirror the racial and ethnic diversity of children in care. However, a 2020 HHS review revealed that many states fall short in submitting all required information and documentation, highlighting the potential benefits of additional guidance on diligent recruitment efforts.<sup>2</sup> Enhancing data collection on the capacity of the foster care system can assist states in comprehending the extent of their recruitment challenges and understanding the reasons behind the discontinuation of foster care by families.

### C. LEGISLATIVE HISTORY

#### *Background*

H.R. 3058 was introduced on May 2, 2023, and was referred to the Committee on Ways and Means.

#### *Committee hearings*

The Committee has held the following hearings:

On September 28, 2023, the Committee on Ways and Means held a hearing titled, “Modernizing Child Welfare to Protect Vulnerable Children” which highlighted the lack of foster homes for children in foster care and the strain on the child welfare system and workforce.

#### *Committee action*

The Committee on Ways and Means marked up H.R. 3058, the “Recruiting Families Using Data Act of 2023”, on November 30, 2023, and ordered the bill, as amended, favorably reported (with a quorum being present).

### D. DESIGNATED HEARING

Pursuant to clause 3(c)(6) of rule XIII, the following hearing was used to develop and consider this legislation: The Committee on Ways and Means Work and Welfare Subcommittee hearing on “Modernizing Child Welfare to Protect Vulnerable Children” held on September 28, 2023.

## II. EXPLANATION OF THE BILL

### EXPLANATION OF THE BILL

#### *Section. 1. Short title*

#### EXPLANATION OF PROVISIONS

This section provides the title for the bill “Recruiting Families Using Data Act of 2023”.

<sup>1</sup> What the Child and Family Services Reviews Tell Us about How States are Doing on Foster Parenting Priorities Identified by the CHAMPS Campaign, CHAMPS, [www.fosteringchamps.org](http://www.fosteringchamps.org).

<sup>2</sup> ASPE The Multiethnic Placement Act 25 Years Later: Diligent Recruitment Plans. 2020.

## REASONS FOR CHANGE

The Committee believes the title accurately reflects the content of the bill.

*Section 2. State plan amendment*

## EXPLANATION OF PROVISIONS

This section amends Title IV–E of the Social Security Act to expand the current diligent recruitment requirement to include the development of a “Family Partnership Plan,” in consultation with birth, kinship, foster and adoptive families, community-based service providers, and youth with lived experience.

## REASONS FOR CHANGE

The Committee believes that asking states to expand on their diligent recruitment efforts through a “Family Partnership Plan” will improve state planning and strategy to recruit and retain foster parents to care for children entering the foster care system.

*Section 3. Inclusion of information on foster and adopted families in annual child welfare outcomes report to Congress*

## EXPLANATION OF PROVISIONS

This section amends Title IV–B of the Social Security Act to require the inclusion of the following information in the HHS “Annual Child Welfare Outcomes Report to Congress” for fiscal year 2025 or any succeeding fiscal year to include:

- State-by-state data on the number, demographics, and characteristics of foster and adoptive families, and the number of potential foster and adoptive families.
- A summary of the challenges and barriers to being a foster or adoptive parent, including recruitment, licensure, retention, and why parents stop fostering, as reported by states, and based on surveys of foster and adoptive parents.
- A summary of the challenges faced by states to recruit a pool of families that reflect the composition and diverse needs of children in foster care.

## REASONS FOR CHANGE

The Committee believes that appropriate data on states’ effectiveness in recruiting and retaining foster parents is valuable for policy and oversight.

## EFFECTIVE DATE

The bill would become effective on October 1, 2024.

**III. VOTE OF THE COMMITTEE**

In compliance with the Rules of the House of Representatives, the following statement is made concerning the vote of the Committee on Ways and Means during the markup consideration of H.R. 3058, the “Recruiting Families Using Data Act of 2023,” on November 30, 2023.

H.R. 3058 was ordered favorably reported to the House of Representatives as amended by a roll call vote of 42 yeas to 0 nays (with a quorum being present). The vote was as follows:

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Mr. Smith (MO) .....	X	.....	.....	Mr. Neal .....	X	.....	.....
Mr. Buchanan .....	X	.....	.....	Mr. Doggett .....	X	.....	.....
Mr. Smith (NE) .....	X	.....	.....	Mr. Thompson .....	X	.....	.....
Mr. Kelly .....	.....	.....	.....	Mr. Larson .....	X	.....	.....
Mr. Schweikert .....	X	.....	.....	Mr. Blumenauer .....	X	.....	.....
Mr. LaHood .....	X	.....	.....	Mr. Pascrell .....	X	.....	.....
Dr. Wenstrup .....	X	.....	.....	Mr. Davis .....	X	.....	.....
Mr. Arrington .....	X	.....	.....	Ms. Sánchez .....	X	.....	.....
Dr. Ferguson .....	X	.....	.....	Mr. Higgins .....	X	.....	.....
Mr. Estes .....	X	.....	.....	Ms. Sewell .....	X	.....	.....
Mr. Smucker .....	X	.....	.....	Ms. DelBene .....	X	.....	.....
Mr. Hern .....	X	.....	.....	Ms. Chu .....	X	.....	.....
Ms. Miller .....	X	.....	.....	Ms. Moore .....	X	.....	.....
Dr. Murphy .....	X	.....	.....	Mr. Kildee .....	X	.....	.....
Mr. Kustoff .....	X	.....	.....	Mr. Beyer .....	X	.....	.....
Mr. Fitzpatrick .....	X	.....	.....	Mr. Evans .....	X	.....	.....
Mr. Steube .....	X	.....	.....	Mr. Schneider .....	X	.....	.....
Ms. Tenney .....	X	.....	.....	Mr. Panetta .....	X	.....	.....
Mrs. Fischbach .....	X	.....	.....				
Mr. Moore .....	X	.....	.....				
Mrs. Steel .....	X	.....	.....				
Ms. Van Duyn .....	X	.....	.....				
Mr. Feenstra .....	X	.....	.....				
Ms. Malliotakis .....	X	.....	.....				
Mr. Carey .....	X	.....	.....				

#### IV. BUDGET EFFECTS OF THE BILL

##### A. COMMITTEE ESTIMATE OF BUDGETARY EFFECTS

In compliance with clause 3(d) of rule XIII of the Rules of the House of Representatives, the following statement is made concerning the effects on the budget of the bill, H.R. 3058, as reported. The estimate prepared by the Congressional Budget Office (CBO) is included below.

##### B. STATEMENT REGARDING NEW BUDGET AUTHORITY AND TAX EXPENDITURES BUDGET AUTHORITY

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee states that the bill involves no new or increased budget authority. The Committee states further that the bill involves no new or increased tax expenditures.

#### V. COST ESTIMATE PREPARED BY THE CONGRESSIONAL BUDGET OFFICE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, requiring a cost estimate prepared by the CBO, the following statement by CBO is provided.

<b>H.R. 3058, Recruiting Families Using Data Act of 2023</b>			
As ordered reported by the House Committee on Ways and Means on November 30, 2023			
By Fiscal Year, Millions of Dollars	2024	2024-2028	2024-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		<b>Mandate Effects</b>	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 3058 would require states to include a family partnership plan describing how they will recruit, screen, and retain foster and adoptive families in the plans they submit to the Department of Health and Human Services (HHS). Current law requires states to submit a foster care plan to be eligible to receive grants for child and family services under Title IV–B of the Social Security Act. The bill also would require HHS to report to the Congress annually on the number, demographics, and characteristics of foster and adoptive families in each state and on the challenges of, and barriers to, being a foster or adoptive parent.

Using information from HHS, CBO estimates that implementing the new requirements would cost the department less than \$500,000 over the 2024–2028 period. Any spending would be subject to the availability of appropriated funds.

H.R. 3058 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) by requiring states' foster care plans to include a family partnership plan. Such a plan would include details on placement resources for children, efforts to increase the rate of placements with family members, and data on foster family capacity and usage. Under current law, states publish a substantial volume of data and information on the operation of their foster care programs through strategic plans and annual reports. The duties required by the bill would not significantly expand those requirements.

Additionally, the bill would grant states that require legislative changes to comply with these duties extra time to meet the requirements. That flexibility could spread out the aggregate cost of the mandate across multiple years. Therefore, CBO estimates that the cost of the mandate would not exceed the annual intergovernmental threshold established in UMRA (\$99 million in 2023, adjusted annually for inflation).

The bill contains no private-sector mandates.

The CBO staff contacts for this estimate are Susanne Mehlman and Delaney Smith (for federal costs) and Andrew Laughlin (for

mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,  
*Director, Congressional Budget Office.*

## **VI. OTHER MATTERS TO BE DISCUSSED UNDER THE RULES OF THE HOUSE**

### **A. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS**

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee made findings and recommendations that are reflected in this report.

### **B. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES**

With respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee advises that the bill does not authorize funding, so no statement of general performance goals and objectives is required.

### **C. INFORMATION RELATING TO UNFUNDED MANDATES**

This information is provided in accordance with section 423 of the Unfunded Mandates Reform Act of 1995 (Pub. L. No. 104-4).

The Committee has determined that the bill does not contain Federal mandates on the private sector. The Committee has determined that the bill does not impose a Federal intergovernmental mandate on State, local, or tribal governments.

### **D. CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS**

With respect to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee has carefully reviewed the provisions of the bill, and states that the provisions of the bill do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits within the meaning of the rule.

### **E. DUPLICATION OF FEDERAL PROGRAMS**

In compliance with clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee states that no provision of the bill establishes or reauthorizes: (1) a program of the Federal Government known to be duplicative of another Federal program; (2) a program included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139; or (3) a program related to a program identified in the most recent Catalog of Federal Domestic Assistance, published pursuant to the Federal Program Information Act (Pub. L. No. 95-220, as amended by Pub. L. No. 98-169).

## **VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED**

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows.



## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**SOCIAL SECURITY ACT**

\* \* \* \* \*

**TITLE IV—GRANTS TO STATES FOR AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN AND FOR CHILD-WELFARE SERVICES**

\* \* \* \* \*

**PART B—CHILD AND FAMILY SERVICES****Subpart 1—Stephanie Tubbs Jones Child Welfare Services Program**

\* \* \* \* \*

## STATE PLANS FOR CHILD WELFARE SERVICES

SEC. 422. (a) In order to be eligible for payment under this subpart, a State must have a plan for child welfare services which has been developed jointly by the Secretary and the State agency designated pursuant to subsection (b)(1), and which meets the requirements of subsection (b).

(b) Each plan for child welfare services under this subpart shall—

(1) provide that (A) the individual or agency that administers or supervises the administration of the State's services program under subtitle 1 of title XX will administer or supervise the administration of the plan (except as otherwise provided in section 103(d) of the Adoption Assistance and Child Welfare Act of 1980), and (B) to the extent that child welfare services are furnished by the staff of the State agency or local agency administering the plan, a single organizational unit in such State or local agency, as the case may be, will be responsible for furnishing such child welfare services;

(2) provide for coordination between the services provided for children under the plan and the services and assistance provided under subtitle 1 of title XX, under the State program funded under part A, under the State plan approved under subpart 2 of this part, under the State plan approved under the State plan approved under part E, and under other State programs having a relationship to the program under this subpart, with a view to provision of welfare and related services which will best promote the welfare of such children and their families;

(3) include a description of the services and activities which the State will fund under the State program carried out pursu-

ant to this subpart, and how the services and activities will achieve the purpose of this subpart;

(4) contain a description of—

(A) the steps the State will take to provide child welfare services statewide and to expand and strengthen the range of existing services and develop and implement services to improve child outcomes; and

(B) the child welfare services staff development and training plans of the State;

(5) provide, in the development of services for children, for utilization of the facilities and experience of voluntary agencies in accordance with State and local programs and arrangements, as authorized by the State;

(6) provide that the agency administering or supervising the administration of the plan will furnish such reports, containing such information, and participate in such evaluations, as the Secretary may require;

(7) provide for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed *through the development and implementation of a family partnership plan which meets the requirements of subsection (d) for identification, recruitment, screening, licensing, support, and retention of foster and adoptive families;*

(8) provide assurances that the State—

(A) is operating, to the satisfaction of the Secretary—

(i) a statewide information system from which can be readily determined the status, demographic characteristics, location, and goals for the placement of every child who is (or, within the immediately preceding 12 months, has been) in foster care;

(ii) a case review system (as defined in section 475(5) and in accordance with the requirements of section 475A) for each child receiving foster care under the supervision of the State;

(iii) a service program designed to help children—

(I) where safe and appropriate, return to families from which they have been removed; or

(II) be placed for adoption, with a legal guardian, or if adoption or legal guardianship is determined not to be appropriate for a child, in some other planned, permanent living arrangement, subject to the requirements of sections 475(5)(C) and 475A(a), which may include a residential educational program; and

(iv) a preplacement preventive services program designed to help children at risk of foster care placement remain safely with their families; and

(B) has in effect policies and administrative and judicial procedures for children abandoned at or shortly after birth (including policies and procedures providing for legal representation of the children) which enable permanent decisions to be made expeditiously with respect to the placement of the children;

(9) contain a description, developed after consultation with tribal organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act) in the State, of the specific measures taken by the State to comply with the Indian Child Welfare Act;

(10) contain assurances that the State shall make effective use of cross-jurisdictional resources (including through contracts for the purchase of services), and shall eliminate legal barriers, to facilitate timely adoptive or permanent placements for waiting children;

(11) contain a description of the activities that the State has undertaken for children adopted from other countries, including the provision of adoption and post-adoption services;

(12) provide that the State shall collect and report information on children who are adopted from other countries and who enter into State custody as a result of the disruption of a placement for adoption or the dissolution of an adoption, including the number of children, the agencies who handled the placement or adoption, the plans for the child, and the reasons for the disruption or dissolution;

(13) demonstrate substantial, ongoing, and meaningful collaboration with State courts in the development and implementation of the State plan under subpart 1, the State plan approved under subpart 2, and the State plan approved under part E, and in the development and implementation of any program improvement plan required under section 1123A;

(14) not later than October 1, 2007, include assurances that not more than 10 percent of the expenditures of the State with respect to activities funded from amounts provided under this subpart will be for administrative costs;

(15)(A) provides that the State will develop, in coordination and collaboration with the State agency referred to in paragraph (1) and the State agency responsible for administering the State plan approved under title XIX, and in consultation with pediatricians, other experts in health care, and experts in and recipients of child welfare services, a plan for the ongoing oversight and coordination of health care services for any child in a foster care placement, which shall ensure a coordinated strategy to identify and respond to the health care needs of children in foster care placements, including mental health and dental health needs, and shall include an outline of—

(i) a schedule for initial and follow-up health screenings that meet reasonable standards of medical practice;

(ii) how health needs identified through screenings will be monitored and treated, including emotional trauma associated with a child's maltreatment and removal from home;

(iii) how medical information for children in care will be updated and appropriately shared, which may include the development and implementation of an electronic health record;

(iv) steps to ensure continuity of health care services, which may include the establishment of a medical home for every child in care;

(v) the oversight of prescription medicines, including protocols for the appropriate use and monitoring of psychotropic medications;

(vi) how the State actively consults with and involves physicians or other appropriate medical or non-medical professionals in assessing the health and well-being of children in foster care and in determining appropriate medical treatment for the children;

(vii) the procedures and protocols the State has established to ensure that children in foster care placements are not inappropriately diagnosed with mental illness, other emotional or behavioral disorders, medically fragile conditions, or developmental disabilities, and placed in settings that are not foster family homes as a result of the inappropriate diagnoses; and

(viii) steps to ensure that the components of the transition plan development process required under section 475(5)(H) that relate to the health care needs of children aging out of foster care, including the requirements to include options for health insurance, information about a health care power of attorney, health care proxy, or other similar document recognized under State law, and to provide the child with the option to execute such a document, are met; and

(B) subparagraph (A) shall not be construed to reduce or limit the responsibility of the State agency responsible for administering the State plan approved under title XIX to administer and provide care and services for children with respect to whom services are provided under the State plan developed pursuant to this subpart;

(16) provide that, not later than 1 year after the date of the enactment of this paragraph, the State shall have in place procedures providing for how the State programs assisted under this subpart, subpart 2 of this part, or part E would respond to a disaster, in accordance with criteria established by the Secretary which should include how a State would—

(A) identify, locate, and continue availability of services for children under State care or supervision who are displaced or adversely affected by a disaster;

(B) respond, as appropriate, to new child welfare cases in areas adversely affected by a disaster, and provide services in those cases;

(C) remain in communication with caseworkers and other essential child welfare personnel who are displaced because of a disaster;

(D) preserve essential program records; and

(E) coordinate services and share information with other States;

(17) not later than October 1, 2007, describe the State standards for the content and frequency of caseworker visits for children who are in foster care under the responsibility of the State, which, at a minimum, ensure that the children are visited on a monthly basis and that the caseworker visits are well-planned and focused on issues pertinent to case planning

and service delivery to ensure the safety, permanency, and well-being of the children;

(18) include a description of the activities that the State has undertaken to reduce the length of time children who have not attained 5 years of age are without a permanent family, and the activities the State undertakes to address the developmental needs of all vulnerable children under 5 years of age who receive benefits or services under this part or part E; and

(19) document steps taken to track and prevent child maltreatment deaths by including—

(A) a description of the steps the State is taking to compile complete and accurate information on the deaths required by Federal law to be reported by the State agency referred to in paragraph (1), including gathering relevant information on the deaths from the relevant organizations in the State including entities such as State vital statistics department, child death review teams, law enforcement agencies, offices of medical examiners, or coroners; and

(B) a description of the steps the State is taking to develop and implement a comprehensive, statewide plan to prevent the fatalities that involves and engages relevant public and private agency partners, including those in public health, law enforcement, and the courts.

(c) DEFINITIONS.—In this subpart:

(1) ADMINISTRATIVE COSTS.—The term “administrative costs” means costs for the following, but only to the extent incurred in administering the State plan developed pursuant to this subpart: procurement, payroll management, personnel functions (other than the portion of the salaries of supervisors attributable to time spent directly supervising the provision of services by caseworkers), management, maintenance and operation of space and property, data processing and computer services, accounting, budgeting, auditing, and travel expenses (except those related to the provision of services by caseworkers or the oversight of programs funded under this subpart).

(2) OTHER TERMS.—For definitions of other terms used in this part, see section 475.

(d) FAMILY PARTNERSHIP PLAN REQUIREMENTS.—*For purposes of subsection (b)(7), the requirements for a family partnership plan (in this subsection referred to as the “plan”) are the following:*

(1) *The plan is developed in consultation with birth, kinship, foster and adoptive families, community-based service providers, technical assistance providers, and youth with lived experience with foster care and adoption.*

(2) *The plan describes—*

(A) *how the State plans to identify, notify, engage, and support relatives (and others connected to the child) as potential placement resources for children;*

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

(C) *how the State plans to authentically engage children and youth in recruitment efforts on their behalf;*

*(D) how the State plans to use data to establish goals, assess needs, measure progress, reduce unnecessary placements in congregate care, increase permanency, improve placement stability, increase the rate of kinship placements, improve recruitment and retention of families for teens, sibling groups, and other special populations, and align the composition of foster and adoptive families with the needs of children in or entering foster care; and*

*(E) how the State will stand up or support foster family advisory boards for the purpose of improving recruitment and retention of foster and adoptive families.*

*(3) The plan provides that, not less than annually, the State shall collect and report on the State’s actual foster family capacity and congregate care utilization, including the number, demographics, and characteristics of licensed foster families, including prospective adoptive families, the number of such families that haven’t received a placement or are not being fully utilized and the reasons therefor, and the number, demographics, and characteristics of children placed in congregate care in-State and out-of-State.*

*(4) The plan includes, and shall update not less than annually, a summary of the most recent feedback from foster and adoptive parents and youth regarding licensure, training, support, and reasons why parents stop fostering or why adoptive or legal guardianship placements out of foster care fail or foster and such adoptive or legal guardianship families struggle to meet children’s needs.*

*(5) The plan includes, and shall update annually, a report on the State’s analysis of specific challenges or barriers to recruiting, licensing, and utilizing families who reflect the racial and ethnic background of children in foster care in the State, and the State’s efforts to overcome those challenges and barriers.*

*(6) The plan includes such other information relating to foster and adoptive parent recruitment and retention as the Secretary may require.*

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**PART E—FEDERAL PAYMENTS FOR FOSTER CARE, PREVENTION, AND PERMANENCY**

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**SEC. 479A. ANNUAL REPORT.**

(a) IN GENERAL.—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;

(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;

(6) include in the report submitted pursuant to paragraph (5) for fiscal year 2007 or any succeeding fiscal year, State-by-State data on—

(A) the percentage of children in foster care under the responsibility of the State who were visited on a monthly basis by the caseworker handling the case of the child;

(B) the total number of visits made by caseworkers on a monthly basis to children in foster care under the responsibility of the State during a fiscal year as a percentage of the total number of the visits that would occur during the fiscal year if each child were so visited once every month while in such care; and

(C) the percentage of the visits that occurred in the residence of the child; **[and]**

(7) include in the report submitted pursuant to paragraph (5) for fiscal year 2016 or any succeeding fiscal year, State-by-State data on—

(A) children in foster care who have been placed in a child care institution or other setting that is not a foster family home, including—

(i) with respect to each such placement—

(I) the type of the placement setting, including whether the placement is shelter care, a group home and if so, the range of the child population in the home, a residential treatment facility, a hospital or institution providing medical, rehabilitative, or psychiatric care, a setting specializing in providing prenatal, post-partum, or parenting supports, or some other kind of child-care institution and if so, what kind;

(II) the number of children in the placement setting and the age, race, ethnicity, and gender of each of the children;

(III) for each child in the placement setting, the length of the placement of the child in the setting, whether the placement of the child in the setting

is the first placement of the child and if not, the number and type of previous placements of the child, and whether the child has special needs or another diagnosed mental or physical illness or condition; and

(IV) the extent of any specialized education, treatment, counseling, or other services provided in the setting; and

(ii) separately, the number and ages of children in the placements who have a permanency plan of another planned permanent living arrangement; and

(B) children in foster care who are pregnant or parenting[.]; and

(8) include in the report submitted pursuant to paragraph (5) for fiscal year 2025 or any succeeding fiscal year—

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

(B) a summary of the challenges of, and barriers to, being a foster or adoptive parent, including with respect to recruitment, licensure, engagement, retention, and why parents stop fostering, adoptions disrupt or dissolve, or foster or adoptive families struggle, as reported by States based on surveys of foster and adoptive parents; and

(C) a summary of the challenges and barriers States reported on efforts to recruit a pool of families that reflect the racial and ethnic background of children in foster care in the State, and efforts to overcome those barriers.

(b) CONSULTATION ON OTHER ISSUES.—The Secretary shall consult with States and organizations with an interest in child welfare, including organizations that provide adoption and foster care services, and shall take into account requests from Members of Congress, in selecting other issues to be analyzed and reported on under this section using data available to the Secretary, including data reported by States through the Adoption and Foster Care Analysis and Reporting System and to the National Youth in Transition Database.

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