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113TH CONGRESS
2D SESSION

H. R. 4909

To provide States with assistance in finding a permanent home for every child.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2014

Mr. LANGEVIN introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To provide States with assistance in finding a permanent home for every child.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Permanent Families for All Children Act''.

SEC. 2. 3-YEAR LIMIT ON FEDERAL REIMBURSEMENT OF FOSTER CARE MAINTENANCE PAYMENTS FOR CHILD NOT IN A LEGAL GUARDIANSHIP OR KINSHIP GUARDIANSHIP ARRANGEMENT.

Section 474 of the Social Security Act (42 U.S.C. 674) is amended by adding at the end the following:

''(h) LIMITATION ON NUMBER OF MONTHS FOR WHICH FOSTER CARE MAINTENANCE PAYMENTS MADE ON BEHALF OF A CHILD NOT IN A LEGAL GUARDIANSHIP OR KINSHIP GUARDIANSHIP ARRANGEMENT MAY BE REIMBURSED.—Notwithstanding any other provision of this part, a foster care maintenance payment made on behalf of a child shall not be taken into account for purposes of this section after such a payment has been made on behalf of the child for 36 months (whether or not consecutive) ending after the effective date of this subsection, unless the child is in a legal guardianship or kinship guardianship arrangement.''.

SEC. 3. 1-YEAR LIMIT ON FEDERAL REIMBURSEMENT OF FOSTER CARE MAINTENANCE PAYMENTS FOR CHILD IN CHILD-CARE INSTITUTION.

Section 474 of the Social Security Act (42 U.S.C. 674), as amended by section 2 of this Act, is amended by adding at the end the following:

''(i) LIMITATION ON NUMBER OF MONTHS FOR WHICH FOSTER CARE MAINTENANCE PAYMENTS MADE

TO CHILD-CARE INSTITUTIONS ON BEHALF OF A CHILD MAY BE REIMBURSED.—Notwithstanding any other provision of this part, a foster care maintenance payment made to a child-care institution on behalf of a child residing in the institution shall not be taken into account for purposes of this section after such a payment has been made to 1 or more such institutions on behalf of the child for 12 months (whether or not consecutive) ending after the effective date of this subsection.''.

SEC. 4. ELIMINATION OF AFDC ELIGIBILITY REQUIREMENT FOR FOSTER CARE MAINTENANCE PAYMENTS.

(a) ELIMINATION OF INCOME ELIGIBILITY REQUIREMENT.—

(1) IN GENERAL.—Section 472(a) of the Social Security Act (42 U.S.C. 672(a)) is amended—

(A) in paragraph (1), by striking ''if'' and all that follows and inserting ''if the removal and foster care placement met, and the placement continues to meet, the requirements of paragraph (2).''; and

(B) by striking paragraphs (3) and (4).

(2) CONFORMING AMENDMENTS.—

(A) Section 470 of such Act (42 U.S.C. 670) is amended by striking ''who otherwise

would have been eligible for assistance under the States plan approved under part A (as such plan was in effect on June 1, 1995)''.

(B) Section 479B(c)(1)(C)(ii) of such Act (42 U.S.C. 679c(c)(1)(C)(ii)) is amended—

(i) by striking ''the following shall apply:'' and all that follows through ''Only'' and inserting ''only''; and

(ii) by striking subclause (II).

(b) REPLACEMENT OF FEDERAL MATCHING RATE APPLICABLE TO FOSTER CARE MAINTENANCE PAYMENTS AND RELATED COSTS.—

(1) IN GENERAL.—Section 474(a)(1) of such Act (42 U.S.C. 674(a)(1)) is amended to read as follows:

''(1) an amount equal to the foster care partnership rate applicable to the State for the quarter, as determined under subsection (k), of the total amount expended during the quarter as foster care maintenance payments under section 472 for children in foster family homes or child-care institutions (or, with respect to such payments made during the quarter under a cooperative agreement or contract entered into by the State and an Indian tribe, tribal organization, or tribal consortium for the adminis-

tration or payment of funds under this part, an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) that would apply under section 479B(d) (in this paragraph referred to as the 'tribal FMAP') if the Indian tribe, tribal organization, or tribal consortium made such payments under a program operated under that section, unless the tribal FMAP is less than the Federal medical assistance percentage that applies to the State); plus''.

(2) FOSTER CARE PARTNERSHIP RATE.—Section 474 of such Act (42 U.S.C. 674), as amended by sections 2 and 3 of this Act, is amended by adding at the end the following:

''(k) The Secretary, in consultation with a State, shall determine the foster care partnership rate applicable to the State for a quarter so that the total of the amounts payable to the State under subsection (a)(1) for the fiscal year in which the quarter occurs equals the total of the amounts required to be paid to the State under subsection (a)(1) (as in effect just before the 1st quarter for which this subsection is in effect with respect to the State) for the 4 quarters preceding such 1st quarter.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the 1st day of the 1st calendar quarter that begins after the date of the enactment of this Act.

(2) STATE OPTION TO DELAY EFFECTIVE DATE.—A State may elect to delay the effectiveness of the amendments made by this section with respect to the State for not more than 3 years.

SEC. 5. ELIGIBILITY OF CHILD IN RESIDENTIAL TREATMENT PROGRAM FOR HALF OF REGULAR FOSTER CARE MAINTENANCE PAYMENTS.

Section 472(b) of the Social Security Act (42 U.S.C. 672(b)) is amended by inserting ", except that, while the child is in a residential treatment program, the payments may continue to be made on behalf of the child at 50 percent of the level at which the payments that would otherwise be made" before the period.

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the 1st day of the 12th month beginning on or after the date of the enactment of this Act, and shall apply to payments under part E of title IV of the Social Security Act for calendar quarters ending on or after such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter ending after the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, if the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 7. INCREASED FUNDING FOR CASEWORKER TRAINING ON CHILD-FOCUSED RECRUITMENT AND RETENTION.

The Secretary of Health and Human Services shall increase the proportion of the amounts expended by a State for caseworker training on child-focused recruitment and retention with respect to which the State is entitled to a payment under section 474(a)(3)(B) of the Social Security Act for each of fiscal years 2015 through 2019, so that the aggregate of the additional amounts required to

be paid by reason of this section for the fiscal year involved equals the amount that the Director of the Office of Management and Budget determines is the net amount of reduced mandatory spending for the fiscal year as a result of the enactment of the preceding provisions of this Act.

SEC. 8. UNUSED SAVINGS TO BE SPENT ON CHILD WELFARE PROGRAMS.

The amount specified in section 425 of the Social Security Act for each of fiscal years 2015 through 2019 shall be increased by the savings from the preceding provisions of this Act for the then preceding fiscal year, as computed using the most recent baseline of the Congressional Budget Office.

SEC. 9. PUBLIC SERVICE LOAN FORGIVENESS FOR SOCIAL WORKERS.

Section 455(m) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)) is amended by adding at the end the following:

"(5) LOAN CANCELLATION FOR CERTAIN SOCIAL WORKERS.—In the case of a borrower who works in social work in a public child or family service agency, paragraph (1) shall be applied—

"(A) by substituting '60' for '120' both places it appears; and

1 "(B) by striking 'after October 1, 2007'
2 and inserting 'after the date of enactment of
3 the Permanent Families for All Children Act'.".

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