

[WAYS AND MEANS DISCUSSION DRAFT]

AUGUST 5, 2013

113TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To reauthorize and restructure the adoption incentives program, and for other purposes.

---

IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

---

**A BILL**

To reauthorize and restructure the adoption incentives program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Promoting Adoption  
5 and Permanency for Children in Foster Care Act”.

1 **SEC. 2. EXTENSION OF PROGRAM THROUGH FISCAL YEAR**

2 **2016.**

3 Section 473A of the Social Security Act (42 U.S.C.  
4 673b) is amended—

5 (1) in subsection (b)(5), by striking “2008  
6 through 2012” and inserting “2013 through 2015”;  
7 and

8 (2) in subsection (h)(1)(D), by striking “2013”  
9 and inserting “2016”.

10 **SEC. 3. IMPROVEMENTS TO AWARD STRUCTURE.**

11 (a) **ELIGIBILITY FOR AWARD.**—Section 473A(b)(2) of  
12 the Social Security Act (42 U.S.C. 673b(b)(2)) is amended  
13 to read as follows:

14 “(2)(A) the foster child adoption rate for the  
15 State for the fiscal year exceeds the base rate of fos-  
16 ter child adoptions for the State for the fiscal year;

17 “(B) the older child adoption rate for the State  
18 for the fiscal year exceeds the base rate of older  
19 child adoptions for the State for the fiscal year; or

20 “(C) the foster child guardianship rate for the  
21 State for the fiscal year exceeds the base rate of  
22 guardianships for the State for the fiscal year;”.

23 (b) **DATA REQUIREMENTS.**—Section 473A(c)(2) of  
24 such Act (42 U.S.C. 673b(c)(2)) is amended—

1           (1) in the paragraph heading, by striking  
2           “NUMBERS OF ADOPTIONS” and inserting “RATES  
3           OF ADOPTIONS AND GUARDIANSHIPS”; and

4           (2) by striking “numbers” and all that follows  
5           through “rate” and inserting “foster child adoption  
6           rate, the older child adoption rate, and foster child  
7           guardianship rate”.

8           (c) AWARD AMOUNT.—Section 473A(d) of such Act  
9           (42 U.S.C. 673b(d)) is amended—

10           (1) in paragraph (1)—

11                   (A) by striking “paragraphs (2) and (3)”  
12                   and inserting “paragraph (2)”; and

13                   (B) by striking subparagraphs (A) through  
14                   (C) and inserting the following:

15                           “(A) \$2,000, multiplied by the amount (if  
16                           any) by which—

17                                   “(i) the number of foster child adop-  
18                                   tions in the State during the fiscal year;  
19                                   exceeds

20                                   “(ii) the product (rounded to the  
21                                   nearest whole number) of—

22   “(I) the base rate of foster child  
23   adoptions for the State for the fiscal  
24   year; and

1                   “(II) the number of children in  
2                   foster care under the supervision of  
3                   the State on the last day of the pre-  
4                   ceding fiscal year;

5                   “(B) \$4,000, multiplied by the amount (if  
6                   any) by which—

7                   “(i) the number of older child adop-  
8                   tions in the State during the fiscal year;  
9                   exceeds

10                  “(ii) the product (rounded to the  
11                  nearest whole number) of—

12                  “(I) the base rate of older child  
13                  adoptions for the State for the fiscal  
14                  year; and

15                  “(II) the number of children in  
16                  foster care under the supervision of  
17                  the State on the last day of the pre-  
18                  ceding fiscal year; and

19                  “(C) \$1,000, multiplied by the amount (if  
20                  any) by which—

21                  “(i) the number of foster child  
22                  guardianships in the State during the fis-  
23                  cal year; exceeds

24                  “(ii) the product (rounded to the  
25                  nearest whole number) of—

1                   “(I) the base rate of foster child  
2                   guardianships for the State for the  
3                   fiscal year; and

4                   “(II) the number of children in  
5                   foster care under the supervision of  
6                   the State on the last day of the pre-  
7                   ceding fiscal year.”; and

8                   (2) by striking paragraph (3).

9                   (d) DEFINITIONS.—Section 473A(g) of such Act (42  
10 U.S.C. 673b(g)) is amended by striking paragraphs (1)  
11 through (8) and inserting the following:

12                   “(1) FOSTER CHILD ADOPTION RATE.—The  
13                   term ‘foster child adoption rate’ means, with respect  
14                   to a State and a fiscal year, the percentage deter-  
15                   mined by dividing—

16                   “(A) the number of foster child adoptions  
17                   finalized in the State during the fiscal year; by

18                   “(B) the number of children in foster care  
19                   under the supervision of the State on the last  
20                   day of the preceding fiscal year.

21                   “(2) BASE RATE OF FOSTER CHILD ADOP-  
22                   TIONS.—The term ‘base rate of foster child adop-  
23                   tions’ means, with respect to a State and a fiscal  
24                   year, the lesser of—

1                   “(A) the foster child adoption rate for the  
2                   State for fiscal year 2007; or

3                   “(B) the foster child adoption rate for the  
4                   State for the then preceding fiscal year.

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

9                   “(4) OLDER CHILD ADOPTION RATE.—The  
10                  term ‘older child adoption rate’ means, with respect  
11                  to a State and a fiscal year, the percentage deter-  
12                  mined by dividing—

13                  “(A) the number of older child adoptions  
14                  finalized in the State during the fiscal year; by

15                  “(B) the number of children in foster care  
16                  under the supervision of the State on the last  
17                  day of the preceding fiscal year, who have at-  
18                  tained 9 years of age.

19                  “(5) BASE RATE OF OLDER CHILD ADOP-  
20                  TIONS.—The term ‘base rate of older child adop-  
21                  tions’ means, with respect to a State and a fiscal  
22                  year, the lesser of—

23                  “(A) the older child adoption rate for the  
24                  State for fiscal year 2007; or

1           “(B) the older child adoption rate for the  
2           State for the then preceding fiscal year.

3           “(6) OLDER CHILD ADOPTIONS.—The term  
4           ‘older child adoptions’ means the final adoption of a  
5           child who has attained 9 years of age if—

6           “(A) at the time of the adoptive placement,  
7           the child was in foster care under the super-  
8           vision of the State; or

9           “(B) an adoption assistance agreement  
10          was in effect under section 473 with respect to  
11          the child.

12          “(7) FOSTER CHILD GUARDIANSHIP RATE.—  
13          The term ‘foster child guardianship rate’ means,  
14          with respect to a State and a fiscal year, the per-  
15          centage determined by dividing—

16          “(A) the number of foster child  
17          guardianships finalized in the State during the  
18          fiscal year; by

19          “(B) the number of children in foster care  
20          under the supervision of the State on the last  
21          day of the preceding fiscal year.

22          “(8) BASE RATE OF FOSTER CHILD  
23          GUARDIANSHIPS.—The term ‘base rate of foster  
24          child guardianships’ means, with respect to a State  
25          and a fiscal year, the lesser of—

1           “(A) the foster child guardianship rate for  
2           the State for fiscal year 2007; or

3           “(B) the foster child guardianship rate for  
4           the State for the then preceding fiscal year.

5           “(9) FOSTER CHILD GUARDIANSHIP.—The term  
6           ‘foster child guardianship’ means the placement into  
7           legal guardianship of a child who, at the time of the  
8           placement, was in foster care under the supervision  
9           of the State.”.

10 **SEC. 4. RENAMING OF PROGRAM.**

11           The section heading of section 473A of the Social Se-  
12           curity Act (42 U.S.C. 673b) is amended to read as follows:

13 **“SEC. 473A. ADOPTION AND PERMANENCY INCENTIVE PAY-**  
14 **MENTS.”.**

15 **SEC. 5. STATE REPORT ON CALCULATION AND USE OF SAV-**  
16 **INGS RESULTING FROM THE PHASE-OUT OF**  
17 **ELIGIBILITY REQUIREMENTS FOR ADOPTION**  
18 **ASSISTANCE; REQUIREMENT TO SPEND 20**  
19 **PERCENT OF SAVINGS ON POST-ADOPTION**  
20 **SERVICES.**

21           Section 473(a)(8) of the Social Security Act (42  
22           U.S.C. 673(a)(8)) is amended to read as follows:

23           “(8)(A) A State shall calculate the savings (if any)  
24           resulting from the application of paragraph (2)(A)(ii) to  
25           all applicable children for a fiscal year.

1 “(B) A State shall annually report to the Secretary—

2 “(i) the methodology used to make the calcula-  
3 tion described in subparagraph (A), without regard  
4 to whether any savings are found;

5 “(ii) the amount of any savings referred to in  
6 subparagraph (A); and

7 “(iii) how any such savings are spent.

8 “(C) The Secretary shall make all information re-  
9 ported pursuant to subparagraph (B) available on the  
10 website of the Department of Health and Human Services  
11 in a location easily accessible to the public.

12 “(D) A State shall spend an amount equal to the  
13 amount of the savings (if any) in State expenditures under  
14 this part resulting from the application of paragraph  
15 (2)(A)(ii) to all applicable children for a fiscal year, to  
16 provide to children of families any service that may be pro-  
17 vided under this part or part B, and shall spend not less  
18 than 20 percent of any such savings on post-adoption serv-  
19 ices.”.

20 **SEC. 6. EFFECTIVE DATE.**

21 The amendments made by this Act shall take effect  
22 on October 1, 2013.