

115TH CONGRESS
1ST SESSION

H. R. 2857

To support foster care maintenance payments for children with parents in a licensed residential family-based treatment facility for substance abuse.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2017

Mrs. NOEM (for herself and Ms. JUDY CHU of California) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To support foster care maintenance payments for children with parents in a licensed residential family-based treatment facility for substance abuse.

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 “Supporting Families
5 in Substance Abuse Treatment Act”.

1 **SEC. 2. FOSTER CARE MAINTENANCE PAYMENTS FOR CHIL-**
2 **DREN WITH PARENTS IN A LICENSED RESI-**
3 **DENTIAL FAMILY-BASED TREATMENT FACIL-**
4 **ITY FOR SUBSTANCE ABUSE.**

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

7 (1) in subsection (a)(2)(C), by striking “or”
8 and inserting “, with a parent residing in a licensed
9 residential family-based treatment facility, but only
10 to the extent permitted under subsection (j), or in
11 a”; and

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

13 “(j) CHILDREN PLACED WITH A PARENT RESIDING
14 IN A LICENSED RESIDENTIAL FAMILY-BASED TREAT-
15 MENT FACILITY FOR SUBSTANCE ABUSE.—

16 “(1) IN GENERAL.—Notwithstanding the pre-
17 ceding provisions of this section, a child who is eligi-
18 ble for foster care maintenance payments under this
19 section, or who would be eligible for the payments if
20 the eligibility were determined without regard to
21 paragraphs (1)(B) and (3) of subsection (a), shall be
22 eligible for the payments for a period of not more
23 than 12 months during which the child is placed
24 with a parent who is in a licensed residential family-
25 based treatment facility for substance abuse, but
26 only if—

1 “(A) the recommendation for the place-
2 ment is specified in the child’s case plan before
3 the placement;

4 “(B) the treatment facility provides, as
5 part of the treatment for substance abuse, par-
6 enting skills training, parent education, and in-
7 dividual and family counseling; and

8 “(C) the substance abuse treatment, par-
9 enting skills training, parent education, and in-
10 dividual and family counseling is provided
11 under an organizational structure and treat-
12 ment framework that involves understanding,
13 recognizing, and responding to the effects of all
14 types of trauma and in accordance with recog-
15 nized principles of a trauma-informed approach
16 and trauma-specific interventions to address the
17 consequences of trauma and facilitate healing.

18 “(2) APPLICATION.—With respect to children
19 for whom foster care maintenance payments are
20 made under paragraph (1), only the children who
21 satisfy the requirements of paragraphs (1)(B) and
22 (3) of subsection (a) shall be considered to be chil-
23 dren with respect to whom foster care maintenance
24 payments are made under this section for purposes
25 of subsection (h) or section 473(b)(3)(B).”.

1 (b) CONFORMING AMENDMENT.—Section 474(a)(1)
2 of such Act (42 U.S.C. 674(a)(1)) is amended by inserting
3 “subject to section 472(j),” before “an amount equal to
4 the Federal” the first place it appears.

5 **SEC. 3. EFFECTIVE DATE.**

6 (a) EFFECTIVE DATES.—Subject to subsection (b),
7 the amendments made by this Act shall take effect on Oc-
8 tober 1, 2017.

9 (b) TRANSITION RULE.—

10 (1) IN GENERAL.—In the case of a State plan
11 under part E of title IV of the Social Security Act
12 which the Secretary of Health and Human Services
13 determines requires State legislation (other than leg-
14 islation appropriating funds) in order for the plan to
15 meet the additional requirements imposed by the
16 amendments made by this Act, the State plan shall
17 not be regarded as failing to comply with the re-
18 quirements of such part solely on the basis of the
19 failure of the plan to meet such additional require-
20 ments before the first day of the first calendar quar-
21 ter beginning after the close of the first regular ses-
22 sion of the State legislature that begins after the
23 date of enactment of this Act. For purposes of the
24 previous sentence, in the case of a State that has a
25 2-year legislative session, each year of the session

1 shall be deemed to be a separate regular session of
2 the State legislature.

3 (2) APPLICATION TO PROGRAMS OPERATED BY
4 INDIAN TRIBAL ORGANIZATIONS.—In the case of an
5 Indian tribe, tribal organization, or tribal consortium
6 which the Secretary of Health and Human Services
7 determines requires time to take action necessary to
8 comply with the additional requirements imposed by
9 the amendments made by this Act (whether the
10 tribe, organization, or tribal consortium has a plan
11 under section 479B of the Social Security Act or a
12 cooperative agreement or contract entered into with
13 a State), the Secretary shall provide the tribe, orga-
14 nization, or tribal consortium with such additional
15 time as the Secretary determines is necessary for the
16 tribe, organization, or tribal consortium to take the
17 action to comply with the additional requirements
18 before being regarded as failing to comply with the
19 requirements.

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