

115TH CONGRESS
1ST SESSION

H. R. 2866

To review and improve licensing standards for placement in a relative foster family home.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2017

Mr. SMUCKER (for himself and Ms. SEWELL of Alabama) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To review and improve licensing standards for placement in a relative foster family home.

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 “Reducing Barriers for
5 Relative Foster Parents Act”.

6 **SEC. 2. REVIEWING AND IMPROVING LICENSING STAND-**
7 **ARDS FOR PLACEMENT IN A RELATIVE FOS-**
8 **TER FAMILY HOME.**

9 (a) IDENTIFICATION OF REPUTABLE MODEL LI-
10 CENSING STANDARDS.—Not later than October 1, 2018,

1 the Secretary of Health and Human Services shall identify
2 reputable model licensing standards with respect to the li-
3 censing of foster family homes (as defined in section
4 472(c)(1) of the Social Security Act).

5 (b) STATE PLAN REQUIREMENT.—Section 471(a) of
6 the Social Security Act (42 U.S.C. 671(a)) is amended—

7 (1) in paragraph (34)(B), by striking “and”
8 after the semicolon;

9 (2) in paragraph (35)(B), by striking the period
10 at the end and inserting a semicolon; and

11 (3) by adding at the end the following:

12 “(36) provides that, not later than April 1,
13 2019, the State shall submit to the Secretary infor-
14 mation addressing—

15 “(A) whether the State licensing standards
16 are in accord with model standards identified
17 by the Secretary, and if not, the reason for the
18 specific deviation and a description as to why
19 having a standard that is reasonably in accord
20 with the corresponding national model stand-
21 ards is not appropriate for the State;

22 “(B) whether the State has elected to
23 waive standards established in 471(a)(10)(A)
24 for relative foster family homes (pursuant to
25 waiver authority provided by 471(a)(10)(D)), a

1 description of which standards the State most
2 commonly waives, and if the State has not
3 elected to waive the standards, the reason for
4 not waiving these standards;

5 “(C) if the State has elected to waive
6 standards specified in subparagraph (B), how
7 caseworkers are trained to use the waiver au-
8 thority and whether the State has developed a
9 process or provided tools to assist caseworkers
10 in waiving nonsafety standards per the author-
11 ity provided in 471(a)(10)(D) to quickly place
12 children with relatives; and

13 “(D) a description of the steps the State is
14 taking to improve caseworker training or the
15 process, if any; and”.

16 **SEC. 3. EFFECTIVE DATE.**

17 (a) **EFFECTIVE DATE.**—Subject to subsection (b),
18 the amendments made by this Act shall take effect on the
19 date of enactment of this Act.

20 (b) **TRANSITION RULE.**—

21 (1) **IN GENERAL.**—In the case of a State plan
22 under part E of title IV of the Social Security Act
23 which the Secretary of Health and Human Services
24 determines requires State legislation (other than leg-
25 islation appropriating funds) in order for the plan to

1 meet the additional requirements imposed by the
2 amendments made by this Act, the State plan shall
3 not be regarded as failing to comply with the re-
4 quirements of such part solely on the basis of the
5 failure of the plan to meet such additional require-
6 ments before the first day of the first calendar quar-
7 ter beginning after the close of the first regular ses-
8 sion of the State legislature that begins after the
9 date of enactment of this Act. For purposes of the
10 previous sentence, in the case of a State that has a
11 2-year legislative session, each year of the session
12 shall be deemed to be a separate regular session of
13 the State legislature.

14 (2) APPLICATION TO PROGRAMS OPERATED BY
15 INDIAN TRIBAL ORGANIZATIONS.—In the case of an
16 Indian tribe, tribal organization, or tribal consortium
17 which the Secretary of Health and Human Services
18 determines requires time to take action necessary to
19 comply with the additional requirements imposed by
20 the amendments made by this Act (whether the
21 tribe, organization, or tribal consortium has a plan
22 under section 479B of the Social Security Act or a
23 cooperative agreement or contract entered into with
24 a State), the Secretary shall provide the tribe, orga-
25 nization, or tribal consortium with such additional

1 time as the Secretary determines is necessary for the
2 tribe, organization, or tribal consortium to take the
3 action to comply with the additional requirements
4 before being regarded as failing to comply with the
5 requirements.

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