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.

IN THE SENATE OF THE UNITED STATES

Mr. GRASSLEY (for himself and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

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.

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 “Data-Driven Foster Parent Recruitment and Retention Act of 2022”.

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), by striking paragraph (7) and inserting the following:

“(7) provide for 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 that reflect the racial and ethnic diversity of children in the State for whom foster and adoptive homes 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 as potential placement resources for children;
“(B) how the State plans to use data to establish goals, assess needs, measure progress, reduce unnecessary placements in congregate care, improve placement stability, increase rates of kinship placements, improve recruitment and retention of families for teens, sibling groups, and other special populations, and align the racial and ethnic composition of foster and adoptive families with that of children in need of homes; and

“(C) how that 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, the number of such families that 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.

“(5) 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, 2022.

(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 legisla-
tion (other than legislation appropriating funds) in
order for the plan to meet the additional require-
ments 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 require-
ments before the first day of the first calendar quar-
ter beginning after the close of the first regular ses-

sion 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 FAMILIES IN ANNUAL CHILD WELFARE OUTCOMES REPORT TO CONGRESS.

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

(1) in subsection (a)—

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

“(8) include in the report submitted pursuant to paragraph (5) for fiscal year 2023 or any succeeding fiscal year—

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

“(B) a summary of the challenges of, and barriers to, being a foster parent, including
with respect to recruitment, licensure, engagement, retention, and why parents stop fostering, as reported by States based on surveys of foster parents.”; and

(2) in subsection (b)—

(A) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(B) by adding at the end the following:

“(2) WORKING GROUP ON DATA COLLECTION, USE, AND PRESENTATION.—Not later than 3 months after the date of enactment of the Data-Driven Foster Parent Recruitment and Retention Act of 2022, the Secretary shall convene a working group comprised of leading child welfare researchers, child welfare practitioners, and individuals with lived experience in foster care, including youth with experience in both family-based care and congregate care, to advise the Secretary on the types, uses, and presentation of data to be included in the annual report required under this section.”. 