

**Suspend the Rules and Pass the Bill, H. R. 2857, With an
Amendment**

**(The amendment strikes all after the enacting clause and inserts a
new text)**

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 treat-
ment 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 shall be eligible for the payments for a period
20 of not more than 12 months during which the child
21 is placed with a parent who is in a licensed residen-
22 tial family-based treatment facility for substance
23 abuse, but only if—

24 “(A) the recommendation for the place-
25 ment is specified in the child’s case plan before
26 the placement;

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

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

15 “(2) PAYMENT AMOUNT.—The amount the
16 State may receive under section 474(a)(1) for a
17 child placed with a parent who is in a licensed resi-
18 dential family-based treatment facility for substance
19 abuse shall not exceed the amount the State would
20 otherwise be eligible to receive under such section
21 based on where the child would be appropriately
22 placed in a setting described in section 472(a)(2)(C)
23 if such treatment setting were not available.

24 “(3) APPLICATION.—With respect to children
25 for whom foster care maintenance payments are

1 made under paragraph (1), only the children who
2 satisfy the requirements of paragraphs (1)(B) and
3 (3) of subsection (a) shall be considered to be chil-
4 dren with respect to whom foster care maintenance
5 payments are made under this section for purposes
6 of subsection (h) or section 473(b)(3)(B).”.

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

11 **SEC. 3. EFFECTIVE DATE.**

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

15 (b) TRANSITION RULE.—

16 (1) IN GENERAL.—In the case of a State plan
17 under part E of title IV of the Social Security Act
18 which the Secretary of Health and Human Services
19 determines requires State legislation (other than leg-
20 islation appropriating funds) in order for the plan to
21 meet the additional requirements imposed by the
22 amendments made by this Act, the State plan shall
23 not be regarded as failing to comply with the re-
24 quirements of such part solely on the basis of the
25 failure of the plan to meet such additional require-

1 ments before the first day of the first calendar quar-
2 ter beginning after the close of the first regular ses-
3 sion of the State legislature that begins after the
4 date of enactment of this Act. For purposes of the
5 previous sentence, in the case of a State that has a
6 2-year legislative session, each year of the session
7 shall be deemed to be a separate regular session of
8 the State legislature.

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