AMENDMENT IN THE NATURE OF A SUBSTITUTE

TO H.R. 2742

OFFERED BY MR. BRADY OF TEXAS

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the ''Modernizing Interstate

3 Placement of Children in Foster Care and Adoption Act''.

4 **SEC. 2. FINDINGS.**

5 The Congress finds that—

6 (1) when a child in foster care cannot return

7 safely home, the child deserves to be placed in a set-

8 ting that is best for that child, regardless of whether

9 it is in the child's State or another State;

10 (2) the Interstate Compact on the Placement of

11 Children (ICPC) was established in 1960 to provide

12 a uniform legal framework for the placement of chil-

13 dren across State lines in foster and adoptive homes;

14 (3) frequently, children waiting to be placed

15 with an adoptive family, relative, or foster parent in

16 another State spend more time waiting for this to

17 occur than children who are placed with an adoptive,

18 family, relative, or foster parent in the same State,

1 because of the outdated, administratively burden-
2 some ICPC process;

3 (4) no child should have to wait longer to be
4 placed in a loving home simply because the child
5 must cross a State line;

6 (5) the National Electronic Interstate Compact
7 Enterprise (NEICE) was launched in August 2014
8 in Indiana, Nevada, Florida, South Carolina, Wis-
9 consin, and the District of Columbia, has since ex-
10 panded into Illinois, Virginia, Rhode Island, Cali-
11 fornia, Alaska, Nebraska, and Georgia, and is ex-
12 pected to be expanded into additional States to im-
13 prove the administrative process by which children
14 are placed with families across State lines;

15 (6) States using this electronic interstate case-
16 processing system have reduced administrative costs
17 and the amount of staff time required to process
18 these cases, and caseworkers can spend more time
19 helping children instead of copying and mailing pa-
20 perwork between States;

21 (7) since NEICE was launched, placement time
22 has decreased by 30 percent for interstate foster
23 care placements; and

24 (8) on average, States using this electronic
25 interstate case-processing system have been able to

1 reduce from 24 business days to 13 business days

2 the time it takes to identify a family for a child and

3 prepare the paperwork required to start the ICPC

4 process.

5 **SEC. 3. STATE PLAN REQUIREMENT.**

6 (a) IN GENERAL.—Section 471(a)(25) of the Social

7 Security Act (42 U.S.C. 671(a)(25)) is amended—

8 (1) by striking "provide" and insert "provides";

9 and

10 (2) by inserting ", which in the case of a State

11 other than the Commonwealth of Puerto Rico, the

12 United States Virgin Islands, Guam, and American

13 Samoa, not later than October 1, 2027, shall include

14 the use of an electronic interstate case-processing

15 system" before the 1st semicolon.

16 (b) EXEMPTION OF INDIAN TRIBES.—Section

17 479B(c) of such Act (42 U.S.C. 679c(c)) is amended by

18 adding at the end the following:

19 "(4) INAPPLICABILITY OF STATE PLAN RE-

20 QUIREMENT TO HAVE IN EFFECT PROCEDURES PRO-

21 VIDING FOR THE USE AN ELECTRONIC INTERSTATE

22 CASE-PROCESSING SYSTEM.—The requirement in

23 section 471(a)(25) that a State plan provide that the

24 State shall have in effect procedures providing for

25 the use of an electronic interstate case-processing

1   system shall not apply to an Indian tribe, tribal or-

2   ganization, or tribal consortium that elects to oper-

3   ate a program under this part.''.

4   (c) EFFECTIVE DATE.—

5   (1) IN GENERAL.—The amendments made by

6   subsection (a) shall take effect on the 1st day of the

7   1st calendar quarter beginning on or after the date

8   of the enactment of this Act, and shall apply to pay-

9   ments under part E of title IV of the Social Security

10 Act for calendar quarters beginning on or after such

11 date.

12   (2) DELAY PERMITTED IF STATE LEGISLATION

13 REQUIRED.—If the Secretary of Health and Human

14 Services determines that State legislation (other

15 than legislation appropriating funds) is required in

16 order for a State plan developed pursuant to part E

17 of title IV of the Social Security Act to meet the ad-

18 ditional requirement imposed by the amendments

19 made by subsection (a), the plan shall not be re-

20 garded as failing to meet any of the additional re-

21 quirements before the 1st day of the 1st calendar

22 quarter beginning after the first regular session of

23 the State legislature that begins after the date of the

24 enactment of this Act. For purposes of the preceding

25 sentence, if the State has a 2-year legislative session,

1 each year of the session is deemed to be a separate

2 regular session of the State legislature.

SEC. 4. FUNDING FOR THE DEVELOPMENT OF AN ELEC-

TRONIC INTERSTATE CASE-PROCESSING SYS-

TEM TO EXPEDITE THE INTERSTATE PLACE-

MENT OF CHILDREN IN FOSTER CARE OR

GUARDIANSHIP, OR FOR ADOPTION.

8 Section 437 of the Social Security Act (42 U.S.C.

9 629g) is amended by adding at the end the following:

10 "(g) FUNDING FOR THE DEVELOPMENT OF AN

11 ELECTRONIC INTERSTATE CASE-PROCESSING SYSTEM TO

12 EXPEDITE THE INTERSTATE PLACEMENT OF CHILDREN

13 IN FOSTER CARE OR GUARDIANSHIP, OR FOR ADOP-

14 TION.—

15 "(1) PURPOSE.—The purpose of this subsection

16 is to facilitate the development of an electronic inter-

17 state case-processing system for the exchange of

18 data and documents to expedite the placements of

19 children in foster, guardianship, or adoptive homes

20 across State lines.

21 "(2) REQUIREMENTS.—A State that seeks

22 funding under this subsection shall submit to the

23 Secretary the following information:

1   ''(A) A description of the goals and out-

2 comes to be achieved, which goals and outcomes

3 must result in—

4   ''(i) reducing the time it takes for a

5   child to be provided with a safe and appro-

6   priate permanent living arrangement

7   across State lines;

8   ''(ii) improving administrative proc-

9   esses and reducing costs in the foster care

10   system; and

11   ''(iii) the secure exchange of relevant

12   case files and other necessary materials in

13   real time, and timely communications and

14   placement decisions regarding interstate

15   placements of children.

16   ''(B) A description of the activities to be

17 funded in whole or in part with the funds, in-

18 cluding the sequencing of the activities.

19   ''(C) A description of the strategies for in-

20 tegrating programs and services for children

21 who are placed across State lines.

22   ''(D) Such other information as the Sec-

23 retary may require.

24   ''(3) FUNDING AUTHORITY.—The Secretary

25 may provide funds to a State that complies with

1   paragraph (2). In providing funds under this sec-
2   tion, the Secretary shall prioritize States that are
3   not yet connected with the electronic interstate case-
4   processing system referred to in paragraph (1).

5   "(4) USE OF FUNDS.—A State to which fund-
6   ing is provided under this subsection shall use the
7   funding to support the State in connecting with, or
8   enhancing or expediting services provided under, the
9   electronic interstate case-processing system referred
10   to in paragraph (1).

11   "(5) EVALUATIONS.—Not later than 1 year
12   after the final year in which funds are awarded
13   under this subsection, the Secretary shall submit to
14   the Congress, and make available to the general
15   public by posting on a website, a report that con-
16   tains the following information:

17   "(A) How using the electronic interstate
18   case-processing system developed pursuant to
19   paragraph (4) has changed the time it takes for
20   children to be placed across State lines.

21   "(B) The number of cases subject to the
22   Interstate Compact on the Placement of Chil-
23   dren that were processed through the electronic
24   interstate case-processing system, and the num-
25   ber of interstate child placement cases that

1   were processed outside the electronic interstate

2   case-processing system, by each State in each

3   year.

4   "(C) The progress made by States in im-

5   plementing the electronic interstate case-proc-

6   essing system.

7   "(D) How using the electronic interstate

8   case-processing system has affected various

9   metrics related to child safety and well-being,

10   including the time it takes for children to be

11   placed across State lines.

12   "(E) How using the electronic interstate

13   case-processing system has affected administra-

14   tive costs and caseworker time spent on placing

15   children across State lines.

16   "(6) DATA INTEGRATION.—The Secretary, in

17   consultation with the Secretariat for the Interstate

18   Compact on the Placement of Children and the

19   States, shall assess how the electronic interstate

20   case-processing system developed pursuant to para-

21   graph (4) could be used to better serve and protect

22   children that come to the attention of the child wel-

23   fare system, by—

24   "(A) connecting the system with other

25   data systems (such as systems operated by

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1 State law enforcement and judicial agencies,

2 systems operated by the Federal Bureau of In-

3 vestigation for the purposes of the Innocence

4 Lost National Initiative, and other systems);

5 ''(B) simplifying and improving reporting

6 related to paragraphs (34) and (35) of section

7 471(a) regarding children or youth who have

8 been identified as being a sex trafficking victim

9 or children missing from foster care; and

10 ''(C) improving the ability of States to

11 quickly comply with background check require-

12 ments of section 471(a)(20), including checks of

13 child abuse and neglect registries as required by

14 section 471(a)(20)(B).''.

SEC. 5. CONTINUATION OF DISCRETIONARY FUNDING TO PROMOTE SAFE AND STABLE FAMILIES.

17 Section 437(a) of the Social Security Act (42 U.S.C.

18 629g(a)) is amended by striking ''2016'' and inserting

19 ''2018''.

SEC. 6. RESERVATION OF FUNDS TO IMPROVE THE INTER-STATE PLACEMENT OF CHILDREN.

22 Section 437(b) of the Social Security Act (42 U.S.C.

23 629g(b)) is amended by adding at the end the following:

24 ''(4) IMPROVING THE INTERSTATE PLACEMENT

25 OF CHILDREN.—The Secretary shall reserve

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1     $5,000,000 of the amount made available for fiscal

2   year 2018 for providing funding under subsection

3   (g), and the amount so reserved shall remain avail-

4   able through fiscal year 2022.''.

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