
Federal Child Welfare Legislation 2015-2016

February 2016

New Federal Law

Every Student Succeeds Act. On December 10, 2015, President Obama signed into law the *Every Student Succeeds Act* (ESSA), which reauthorizes the *Elementary and Secondary Education Act*. The newly passed federal education legislation creates, for the first time, key protections for students in foster care that promote school stability and success. The law also requires collaboration between education and child welfare partners. These protections will help prevent students in foster care from needlessly changing schools, ensure the immediate enrollment and transfer of records if a child does change schools, and create points-of-contact who are in charge of ensuring effective implementation of the new provisions. The U.S. Department of Education is now in the process of issuing regulations and guidelines to govern the implementation of the new law.

Pending Legislation

Modernizing the Interstate Placement of Children in Foster Care Act. In February 2016, Representatives Todd Young (R-IN) and Danny Davis (D-IL) introduced [H.R. 4472](#), an act that would provide temporary funding to states to help them connect their information technology systems to the National Electronic Interstate Compact Enterprise (NEICE). All states would be required to join the NEICE system by 2022. NEICE is a project to improve efficiency in the administration of the Interstate Compact on the Placement of Children by providing an electronic case processing system that exchanges data and documents across state jurisdictions. NEICE has been piloted in six states: Florida, Indiana, South Carolina, Wisconsin, and the District of Columbia.

National Child Protection Training Act. In December 2015, Senator Amy Klobuchar (D-MN) introduced [S. 2431](#), a bill that establishes regional training centers affiliated with institutions of higher education to improve the training of child protection professionals. The bill would require the development of model undergraduate and graduate multi-disciplinary curricula that would teach students how to recognize and respond to cases of child maltreatment. It also requires the development of training facilities so students can gain intensive hands-on experience.

HR 3894. In November 2015, Representative Tulsi Gabbard (D-HI) introduced [H.R. 3894](#), a bill which would amend title 10 of the U.S. Code to require the prompt notification of state child protective services by military and civilian personnel of the U.S. Department of Defense required by law to report suspected instances of child abuse and neglect. The bill also requires training for mandated reporters to recognize evidence of child abuse and neglect and understanding the mandatory reporting requirements. This legislation passed in the U.S. House of Representatives on February 9, 2016, and was referred to the U.S. Senate Committee on Armed Services.

Family Unification, Preservation, and Modernization Act. In November 2015, Senator Tim Kaine (D-VA) introduced [S. 2289](#), which proposes to improve access to housing resources and supportive services for high-need families and youth at risk of becoming homeless. Co-sponsors include Senators Susan Collins (R-ME) and Brian Schatz (D-HI). The Family Unification

Program provides housing assistance vouchers to families that are involved with child welfare and youth aging out of the foster care system. Among the changes proposed by the legislation is an extension of the current program's time-limit and allowing young adults who are within 90 days of leaving foster care to access housing assistance, which would reduce gaps in housing for many young people transitioning from foster care.

Higher Education Access and Success for Homeless and Foster Youth Act. In November 2015, Senator Patty Murray (D-WA), introduced [S. 2267](#), the *Higher Education Access and Success for Homeless and Foster Youth Act*. This legislation would address barriers to higher education by asking colleges and universities to improve outreach, resources, and policies for homeless and foster youth; including streamlining eligibility determinations for financial aid, providing housing options between terms, and designating a single point of contact for these students. The bill also requires the federal government to provide ways to resolve questions about a student's independence and ensure programs identify, recruit, and prepare homeless and foster students for college.

Family Stability and Kinship Care Act of 2015. In August 2015, Senator Ron Wyden (D-OR) introduced the *Family Stability and Kinship Care Act* (S. 1964), which proposes new federal investments in a range of prevention and family services to help keep children safely with family and out of foster care. The bill extends Title IV-E funding for time-limited services for children identified as candidates for foster care, children who are in foster care, as well as the caregivers for whom services would benefit the children, without regard to the Title IV-E income eligibility requirement. The bill also increases funding for the Promoting Safe and Stable Families Program (Part 2 of Title IV-B) for community-based prevention and intervention services. In October, Representative Lloyd Doggett (D-TX) introduced a companion bill in the U.S. House of Representatives (H.R. 3781).

Health Insurance for Former Foster Youth Act. In July, 2015 Sen. Bob Casey (D-PA) introduced the *Health Insurance for Former Foster Youth Act* ([S. 1852](#)) to ensure that former foster youth have the same ability to access health coverage as other young adults. It amends the *Affordable Care Act of 2010* (ACA) to specify in law that all former foster youth, regardless of the state in which they reside, should have access to Medicaid until age 26. The legislation addresses concerns about the current interpretation of an ACA requirement that states offer Medicaid coverage to age 26 to foster youth who were in care at the time of their 18th birthday and had been previously enrolled in Medicaid. During early implementation of the ACA, the Centers for Medicare and Medicaid Services ruled that the requirement did not apply to circumstances when foster youth move out of state. This interpretation of the law affects more than 50,000 foster youth age out of care every year and move out of state for college or other purposes. Similar legislation has been introduced in the U.S. House of Representatives.

The Family First Act. Building on the reforms proposed in the *Family Stability and Kinship Care Act* (described above), the U.S. Senate Committee on Finance's Chairman Orrin Hatch (R-UT) and Ranking Member Ron Wyden (D-OR) have proposed the *Family First Act*. Their bipartisan legislation proposes several significant changes in federal law to help more children stay safely at home and improve the experiences of children and youth who do enter foster care. The legislation would help children at-risk of entry to care ("foster care candidates") avoid the need for foster care by allowing federal payments to states for time-limited, evidence-based supportive services to eligible families. The bill also would promote family connections and family-based care for children already in foster care by limiting reimbursement for the wide-spread practice of placing foster youth in overly restrictive group care settings. Limited federal funding for group care would be permitted when it is deemed necessary for the child's clinical treatment, and these cases involve increased oversight and review.

Foster Youth Independence Act of 2015. In May 2015, Senator Chuck Grassley (R-IA) and Sen. Jack Reed (D-RI) introduced [S. 1439](#) to allow states that provide foster care for children up to age 21 to serve former foster youths through age 23 under the John H. Chafee Foster Care Independence Program (Chafee). Under the pending legislation, states would be eligible to extend Chafee to age 23 if: (1) the state has extended foster care to all eligible youth under the Title IV-E Fostering

Connections Act up to age 21; or (2) the state provides benefits comparable to the title Title IV-E extended care program with state or other funds. A similar bill has been introduced in the U.S. House of Representatives ([H.R. 3160](#)). The legislation is modeled on an Obama Administration proposal presented in the president's 2016 budget proposal to Congress.

Every Child Deserves a Family Act. In May 2015, Senator Kirsten Gillibrand (D-NY) introduced the [Every Child Deserves a Family Act](#) (S.1382), which creates a federal standard of nondiscrimination by prohibiting discrimination in public adoption and foster care placement on the basis of the potential parents' sexual orientation, gender identity, or marital status. The bill also protects children in care by prohibiting discrimination on the basis of the sexual orientation and gender identity of foster youth. A companion bill, H.R. 2449, was introduced in the U.S. House of Representatives by Representative John Lewis (D-GA).

Child Welfare Provider Inclusion Act. In March of 2015, Representative Mike Kelly (R-PA) introduced [H.R.1299](#), which would prevent states receiving federal funding for child welfare services from discriminating against child welfare providers that decline to provide services that conflict with the provider's religious beliefs or moral convictions. Senator Mike Enzi (R-WY) introduced a companion bill (S. 667) on March 4, 2015.

Strengthening Child Welfare Response to Trafficking Act of 2015. In January 2015, Congresswoman Karen Bass (D-CA) introduced [H.R. 469](#), which would amend the *Child Abuse Prevention and Treatment Act* to require states to include in their state plans procedures to identify and assess reports involving children who are victims of sex trafficking, train key stakeholders about identifying, and assess such children and identifying services to be eligible for their state grant. It also requires the Secretary of Health and Human Services to report to Congress on the prevalence and type of trafficking of children identified, practices and protocols utilized by states to identify and serve victims, and barriers in federal laws that may prevent identification and assessment of trafficked victims. The bill passed in the U.S. House of Representatives on January 27, 2015, and is currently under consideration in the U.S. Senate Committee on Health, Education, Labor, and Pensions.