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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R.

To provide additional temporary supports and flexibilities for older foster youth, grandparents, and other kinship families, home visiting for pregnant and parenting families, and other child welfare services, during the COVID-19 pandemic.

IN THE HOUSE OF REPRESENTATIVES

Mr. DANNY K. DAVIS of Illinois (for himself and Mrs. WALORSKI) introduced the following bill; which was referred to the Committee on

A BILL

To provide additional temporary supports and flexibilities for older foster youth, grandparents, and other kinship families, home visiting for pregnant and parenting families, and other child welfare services, during the COVID-19 pandemic.

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 Foster
5 Youth and Families through the Pandemic Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COVID–19 PUBLIC HEALTH EMERGENCY.—

4 The term “COVID–19 public health emergency”
5 means the public health emergency declared by the
6 Secretary pursuant to section 319 of the Public
7 Health Service Act, entitled “Determination that a
8 Public Health Emergency Exists Nationwide as the
9 Result of the 2019 Novel Coronavirus”.

10 (2) COVID–19 PUBLIC HEALTH EMERGENCY

11 PERIOD.—The term “COVID–19 public health emer-
12 gency period” means the period beginning on April
13 1, 2020 and ending with September 30, 2021.

14 (3) SECRETARY.—The term “Secretary” means
15 the Secretary of Health and Human Services.

16 **SEC. 3. CONTINUED SAFE OPERATION OF CHILD WELFARE**
17 **PROGRAMS AND SUPPORT FOR OLDER FOS-**
18 **TER YOUTH.**

19 (a) FUNDING INCREASES.—

20 (1) INCREASE IN SUPPORT FOR CHAFEE PRO-
21 GRAMS.—Out of any money in the Treasury of the
22 United States not otherwise appropriated, there are
23 appropriated \$400,000,000 for fiscal year 2020, to
24 carry out section 477 of the Social Security Act, in
25 addition to any amounts otherwise made available
26 for such purpose.

1 (2) EDUCATION AND TRAINING VOUCHERS.—Of
2 the amount made available by reason of paragraph
3 (1) of this subsection, not less than \$50,000,000
4 shall be reserved for the provision of vouchers pursu-
5 ant to section 477(h)(2) of the Social Security Act.

6 (3) INAPPLICABILITY OF STATE MATCHING RE-
7 QUIREMENT TO ADDITIONAL FUNDS.—In making
8 payments under subsections (a)(4) and (e)(1) of sec-
9 tion 474 of the Social Security Act from the addi-
10 tional funds made available as a result of para-
11 graphs (1) and (2) of this subsection, the percent-
12 ages specified in subsections (a)(4)(A)(i) and (e)(1)
13 of such section are, respectively, deemed to be 100
14 percent.

15 (4) MAXIMUM AWARD AMOUNT.—The dollar
16 amount specified in section 477(i)(4)(B) of the So-
17 cial Security Act through the end of fiscal year 2021
18 is deemed to be \$12,000.

19 (5) INAPPLICABILITY OF NYTD PENALTY TO
20 ADDITIONAL FUNDS.—In calculating any penalty
21 under section 477(e)(2) of the Social Security Act
22 with respect to the National Youth in Transition
23 Database (NYTD) for the COVID–19 public health
24 emergency period, none of the additional funds made
25 available by reason of paragraphs (1) and (2) of this

1 subsection shall be considered to be part of an allot-
2 ment to a State under section 477(c) of such Act.

3 (b) MAXIMUM AGE LIMITATION ON ELIGIBILITY FOR
4 ASSISTANCE.—During fiscal years 2020 and 2021, a child
5 may be eligible for services and assistance under section
6 477 of the Social Security Act until the child attains 27
7 years of age, notwithstanding any contrary certification
8 made under such section.

9 (c) SPECIAL RULE.—With respect to funds made
10 available by reason of subsection (a) that are used during
11 the COVID–19 public health emergency period to support
12 activities due to the COVID–19 pandemic, the Secretary
13 may not require any State to provide proof of a direct
14 connection to the pandemic if doing so would be adminis-
15 tratively burdensome or would otherwise delay or impede
16 the ability of the State to serve foster youth.

17 (d) PROGRAMMATIC FLEXIBILITIES.—During the
18 COVID–19 public health emergency period:

19 (1) SUSPENSION OF CERTAIN REQUIREMENTS
20 UNDER THE EDUCATION AND TRAINING VOUCHER
21 PROGRAM.—The Secretary shall allow a State to
22 waive the applicability of the requirement in section
23 477(i)(3) of the Social Security Act that a youth
24 must be enrolled in a postsecondary education or
25 training program or making satisfactory progress to-

1 ward completion of that program if a youth is un-
2 able to do so due to the COVID–19 public health
3 emergency.

4 (2) AUTHORITY TO USE VOUCHERS TO MAIN-
5 TAIN TRAINING AND POSTSECONDARY EDUCATION.—

6 A voucher provided under a State educational and
7 training voucher program under section 477(i) of the
8 Social Security Act may be used for maintaining
9 training and postsecondary education, including less
10 than full-time matriculation costs or other expenses
11 that are not part of the cost of attendance but would
12 help support youth in remaining enrolled as de-
13 scribed in paragraph (1) of this subsection.

14 (3) AUTHORITY TO WAIVE LIMITATIONS ON
15 PERCENTAGE OF FUNDS USED FOR HOUSING ASSIST-
16 ANCE AND ELIGIBILITY FOR SUCH ASSISTANCE.—

17 Notwithstanding section 477(b)(3)(B) of the Social
18 Security Act, a State may use—

19 (A) more than 30 percent of the amounts
20 paid to the State from its allotment under sec-
21 tion 477(c)(1) of such Act for a fiscal year, for
22 room or board payments; and

23 (B) any of such amounts for youth other-
24 wise eligible for services under section 477 of
25 such Act who—

- 1 (i) have attained 18 years of age and
2 not 27 years of age; and
3 (ii) experienced foster care at 14
4 years of age or older.

5 **SEC. 4. PREVENTING AGING OUT OF FOSTER CARE DURING**
6 **THE PANDEMIC.**

7 (a) ADDRESSING FOSTER CARE AGE RESTRICTIONS
8 DURING THE PANDEMIC.—A State operating a program
9 under part E of title IV of the Social Security Act may
10 not require a child who is in foster care under the respon-
11 sibility of the State to leave foster care solely by reason
12 of the child’s age. A child may not be found ineligible for
13 foster care maintenance payments under section 472 of
14 such Act solely due to the age of the child or the failure
15 of the child to meet a condition of section 475(8)(B)(iv)
16 of such Act before October 1, 2021.

17 (b) RE-ENTRY TO FOSTER CARE FOR YOUTH WHO
18 AGE OUT DURING THE PANDEMIC.—A State operating a
19 program under the State plan approved under part E of
20 title IV of the Social Security Act (and without regard
21 to whether the State has exercised the option provided by
22 section 475(8)(B) of such Act to extend assistance under
23 such part to older children) shall—

1 (1) permit any youth who left foster care due
2 to age during the COVID–19 public health emer-
3 gency to voluntarily re-enter foster care;

4 (2) provide to each such youth who was for-
5 mally discharged from foster care during the
6 COVID–19 public health emergency, a notice de-
7 signed to make the youth aware of the option to re-
8 turn to foster care;

9 (3) facilitate the voluntary return of any such
10 youth to foster care; and

11 (4) conduct a public awareness campaign about
12 the option to voluntarily re-enter foster care for
13 youth who have not attained 22 years of age, who
14 aged out of foster care in fiscal year 2020 or fiscal
15 year 2021, and who are otherwise eligible to return
16 to foster care.

17 (c) PROTECTIONS FOR YOUTH IN FOSTER CARE.—
18 A State operating a program under the State plan ap-
19 proved under part E of title IV of the Social Security Act
20 shall—

21 (1) continue to ensure that the safety, perma-
22 nence, and well-being needs of older foster youth, in-
23 cluding youth who remain in foster care and youth
24 who age out of foster care during that period but

1 who re-enter foster care pursuant to this section, are
2 met; and

3 (2) work with any youth who remains in foster
4 care after attaining 18 years of age (or such greater
5 age as the State may have elected under section
6 475(8)(B)(iii) of such Act) to develop, or review and
7 revise, a transition plan consistent with the plan re-
8 ferred to in section 475(5)(H) of such Act, and as-
9 sist the youth with identifying adults who can offer
10 meaningful, permanent connections.

11 (d) AUTHORITY TO USE ADDITIONAL FUNDING FOR
12 CERTAIN COSTS INCURRED TO PREVENT AGING OUT OF,
13 FACILITATING RE-ENTRY TO, AND PROTECTING YOUTH
14 IN CARE DURING THE PANDEMIC.—

15 (1) IN GENERAL.—Subject to paragraph (2) of
16 this subsection, a State to which additional funds
17 are made available as a result of section 3(a) may
18 use the funds to meet any costs incurred in com-
19 plying with subsections (a), (b), and (c) of this sec-
20 tion.

21 (2) RESTRICTIONS.—

22 (A) The costs referred to in paragraph (1)
23 must be incurred after the date of the enact-
24 ment of this section and before October 1,
25 2021.

1 (B) The costs of complying with subsection
2 (a) or (c) of this section must not be incurred
3 on behalf of children eligible for foster care
4 maintenance payments under section 472 of the
5 Social Security Act, including youth who have
6 attained 18 years of age who are eligible for the
7 payments by reason of the temporary waiver of
8 the age requirement or the conditions of section
9 475(8)(B)(iv) of such Act.

10 (C) A State shall make reasonable efforts
11 to ensure that eligibility for foster care mainte-
12 nance payments under section 472 of the Social
13 Security Act is determined when a youth re-
14 mains in, or re-enters, foster care as a result of
15 the State complying with subsections (a) and
16 (c) of this section.

17 (D) A child who re-enters care during the
18 COVID-19 public health emergency period may
19 not be found ineligible for foster care mainte-
20 nance payments under section 472 of the Social
21 Security Act solely due to age or the require-
22 ments of section 475(8)(B)(iv) of such Act be-
23 fore October 1, 2021.

1 (e) TERMINATION OF CERTAIN PROVISIONS.—The
2 preceding provisions of this section shall have no force or
3 effect after September 30, 2021.

4 **SEC. 5. FAMILY FIRST PREVENTION SERVICES PROGRAM**
5 **PANDEMIC FLEXIBILITY.**

6 During the COVID–19 public health emergency pe-
7 riod, each percentage specified in subparagraphs (A)(i)
8 and (B) of section 474(a)(6) of the Social Security Act
9 is deemed to be 100 percent.

10 **SEC. 6. EMERGENCY FUNDING FOR THE MARYLEE ALLEN**
11 **PROMOTING SAFE AND STABLE FAMILIES**
12 **PROGRAM.**

13 (a) IN GENERAL.—Out of any money in the Treasury
14 of the United States not otherwise appropriated, there are
15 appropriated \$85,000,000 to carry out section 436(a) of
16 the Social Security Act for fiscal year 2020, in addition
17 to any amounts otherwise made available for such pur-
18 pose. For purposes of section 436(b) of such Act, the
19 amount made available by the preceding sentence shall be
20 considered part of the amount specified in such section
21 436(a).

22 (b) INAPPLICABILITY OF STATE MATCHING RE-
23 QUIREMENT TO ADDITIONAL FUNDS.—In making pay-
24 ments under section 434(a) of the Social Security Act
25 from the additional funds made available as a result of

1 subsection (a) of this section, the percentage specified in
2 section 434(a)(1) of such Act is deemed to be 100 percent.

3 **SEC. 7. COURT IMPROVEMENT PROGRAM.**

4 (a) RESERVATION OF FUNDS.—Of the additional
5 amounts made available by reason of section 6 of this Act,
6 the Secretary shall reserve \$10,000,000 for grants under
7 subsection (b) of this section, which shall be considered
8 to be made under section 438 of the Social Security Act.

9 (b) DISTRIBUTION OF FUNDS.—

10 (1) IN GENERAL.—From the amounts reserved
11 under subsection (a) of this section, the Secretary
12 shall—

13 (A) reserve not more than \$500,000 for
14 Tribal court improvement activities; and

15 (B) from the amount remaining after the
16 application of subparagraph (A), make a grant
17 to each highest State court that is approved to
18 receive a grant under section 438 of the Social
19 Security Act for the purpose described in sec-
20 tion 438(a)(3) of such Act, for fiscal year 2020.

21 (2) AMOUNT.—The amount of the grant award-
22 ed to a highest State court under this subsection
23 shall be the sum of—

24 (A) \$85,000; and

1 (B) the amount that bears the same ratio
2 to the amount reserved under subsection (a)
3 that remains after the application of paragraph
4 (1)(A) and subparagraph (A) of this paragraph,
5 as the number of individuals in the State in
6 which the court is located who have not at-
7 tained 21 years of age bears to the total num-
8 ber of such individuals in all States the highest
9 courts of which were awarded a grant under
10 this subsection (based on the most recent year
11 for which data are available from the Bureau of
12 the Census).

13 (3) OTHER RULES.—

14 (A) IN GENERAL.—The grants awarded to
15 the highest State courts under this subsection
16 shall be in addition to any grants made to the
17 courts under section 438 of the Social Security
18 Act for any fiscal year.

19 (B) NO ADDITIONAL APPLICATION.—The
20 Secretary shall award grants to the highest
21 State courts under this subsection without re-
22 quiring the courts to submit an additional ap-
23 plication.

1 (C) REPORTS.—The Secretary may estab-
2 lish reporting criteria specific to the grants
3 awarded under this subsection.

4 (D) REDISTRIBUTION OF FUNDS.—If a
5 highest State court does not accept a grant
6 awarded under this subsection, or does not
7 agree to comply with any reporting require-
8 ments imposed under subparagraph (C) or the
9 use of funds requirements specified in sub-
10 section (c), the Secretary shall redistribute the
11 grant funds that would have been awarded to
12 that court under this subsection among the
13 other highest State courts that are awarded
14 grants under this subsection and agree to com-
15 ply with the reporting and use of funds require-
16 ments.

17 (e) USE OF FUNDS.—A highest State court awarded
18 a grant under subsection (b) shall use the grant funds to
19 address needs stemming from the COVID–19 public
20 health emergency, which may include any of the following:

21 (1) Technology investments to facilitate the
22 transition to remote hearings for dependency courts
23 when necessary as a direct result of the COVID–19
24 public health emergency.

1 (2) Training for judges, attorneys, and case-
2 workers on facilitating and participating in remote
3 hearings that comply with due process and all appli-
4 cable law, ensure child safety and well-being, and
5 help inform judicial decision-making.

6 (3) Programs to help families address aspects
7 of the case plan to avoid delays in legal proceedings
8 that would occur as a direct result of the COVID–
9 19 public health emergency.

10 (4) Other purposes to assist courts, court per-
11 sonnel, or related staff related to the COVID–19
12 public health emergency.

13 **SEC. 8. ALLOWING HOME VISITING PROGRAMS TO CON-**
14 **TINUE SERVING FAMILIES SAFELY.**

15 (a) IN GENERAL.—For purposes of section 511 of the
16 Social Security Act, during the COVID–19 public health
17 emergency period—

18 (1) a virtual home visit shall be considered a
19 home visit;

20 (2) funding for, and staffing levels of, a pro-
21 gram conducted pursuant to such section shall not
22 be reduced on account of reduced enrollment in the
23 program; and

24 (3) funds provided for such a program may be
25 used—

1 (A) to train home visitors in conducting a
2 virtual home visit and in emergency prepared-
3 ness and response planning for families served,
4 and may include training on how to safely con-
5 duct intimate partner violence screenings re-
6 motely, training on safety and planning for
7 families served;

8 (B) for the acquisition by families enrolled
9 in the program of such technological means as
10 are needed to conduct and support a virtual
11 home visit; and

12 (C) to provide emergency supplies to fami-
13 lies served, regardless of whether the provision
14 of such supplies is within the scope of the ap-
15 proved program, such as diapers, formula, non-
16 perishable food, water, hand soap, and hand
17 sanitizer.

18 (b) VIRTUAL HOME VISIT DEFINED.—In subsection
19 (a), the term “virtual home visit” means a home visit, as
20 described in an applicable service delivery model, that is
21 conducted solely by the use of electronic information and
22 telecommunications technologies.

23 (c) AUTHORITY TO DELAY DEADLINES.—

24 (1) IN GENERAL.—The Secretary may extend
25 the deadline by which a requirement of section 511

1 of the Social Security Act must be met, by such pe-
2 riod of time as the Secretary deems appropriate,
3 taking into consideration the impact of the COVID-
4 19 public health emergency on eligible entity home
5 visiting programs and the impact of families enrolled
6 in home visiting programs. The Secretary may delay
7 the deadline for submission, waive performance
8 measures, or allow for alternative data sources to be
9 used to show improvement in performance in the
10 manner provided in section 511(d)(1) of such Act.

11 (2) DELAY OF DEADLINE FOR STATEWIDE
12 NEEDS ASSESSMENT.—The Secretary may delay the
13 October 1, 2020, deadline for reviewing and updat-
14 ing any needs assessment required by section
15 511(b)(1) or 511(h)(2)(A) of the Social Security
16 Act, but any such delay shall not affect the timing
17 for, or amount of, any payment to the State involved
18 from the fiscal year allotments available to the State
19 under section 502(c) of such Act.

20 (3) GUIDANCE.—The Secretary shall provide to
21 eligible entities funded under section 511 of the So-
22 cial Security Act information on the parameters
23 used in extending a deadline under paragraph (1) or
24 (2) of this subsection.

1 (d) EXTENSION OF GRANT OBLIGATION PERIOD.—
2 Notwithstanding section 511(j)(3)(A) of the Social Secu-
3 rity Act, funds made available to an eligible entity for fis-
4 cal year 2018 under section 511 of such Act shall remain
5 available for expenditure by the eligible entity through
6 September 30, 2021.

7 (e) TIMELY RELEASE OF TITLE V FUNDS.—The au-
8 thorities provided in this section shall not be interpreted
9 to authorize or require any delay in the timely release of
10 funds under title V of the Social Security Act.

11 **SEC. 9. KINSHIP NAVIGATOR PROGRAMS PANDEMIC FLEXI-**
12 **BILITY.**

13 (a) INAPPLICABILITY OF MATCHING FUNDS RE-
14 QUIREMENTS.—During the COVID–19 public health
15 emergency period, the percentage specified in section
16 474(a)(7) of the Social Security Act is deemed to be 100
17 percent.

18 (b) WAIVER OF EVIDENCE STANDARD.—During the
19 COVID–19 public health emergency period, the require-
20 ment in section 474(a)(7) of the Social Security Act that
21 the Secretary determine that a kinship navigator program
22 be operated in accordance with promising, supported, or
23 well-supported practices that meet the applicable criteria
24 specified for the practices in section 471(e)(4)(C) of such
25 Act shall have no force or effect.

1 (c) OTHER ALLOWABLE USES OF FUNDS.—A State
2 may use funds provided to carry out a kinship navigator
3 program—

4 (1) for evaluations, independent systematic re-
5 view, and related activities;

6 (2) to provide short-term support to kinship
7 families for direct services or assistance during the
8 COVID–19 public health emergency period; and

9 (3) to ensure that kinship caregivers have the
10 information and resources to allow kinship families
11 to function at their full potential, including—

12 (A) ensuring that those who are at risk of
13 contracting COVID–19 have access to informa-
14 tion and resources for necessities, including
15 food, safety supplies, and testing and treatment
16 for COVID–19;

17 (B) access to technology and technological
18 supports needed for remote learning or other
19 activities that must be carried out virtually due
20 to the COVID–19 public health emergency;

21 (C) health care and other assistance, in-
22 cluding legal assistance and assistance with
23 making alternative care plans for the children
24 in their care if the caregivers were to become
25 unable to continue caring for the children;

1 (D) services to kinship families, including
2 kinship families raising children outside of the
3 foster care system; and

4 (E) assistance to allow children to continue
5 safely living with kin.

6 (d) TERRITORY CAP EXEMPTION.—Section
7 1108(a)(1) of the Social Security Act shall be applied
8 without regard to any amount paid to a territory pursuant
9 to this section that would not have been paid to the terri-
10 tory in the absence of this section.

11 **SEC. 10. ADJUSTMENT OF FUNDING CERTAINTY BASELINES**
12 **FOR FAMILY FIRST TRANSITION ACT FUND-**
13 **ING CERTAINTY GRANTS.**

14 Section 602(c)(2) of division N of the Further Con-
15 solidated Appropriations Act, 2020 (Public Law 116–94)
16 is amended—

17 (1) in subparagraph (C), in the matter pre-
18 ceding clause (i), by striking “The calculation” and
19 inserting “Except as provided in subparagraph (G),
20 the calculation”; and

21 (2) by adding at the end the following:

22 “(G) ADJUSTMENT OF FUNDING CER-
23 TAINTY BASELINES.—

24 “(i) HOLD HARMLESS FOR TEM-
25 PORARY INCREASE IN FMAP.—For each fis-

1 cal year specified in subparagraph (B), the
2 Secretary shall increase the maximum
3 capped allocation for fiscal year 2019 or
4 the final cost neutrality limit for fiscal year
5 2018 for a State or sub-State jurisdiction
6 referred to in subparagraph (A)(i), by the
7 amount equal to the difference between—

8 “(I) the amount of the foster
9 care maintenance payments portion of
10 such maximum capped allocation or
11 final cost neutrality limit; and

12 “(II) the amount that the foster
13 care maintenance payments portion of
14 such maximum capped allocation or
15 final cost neutrality limit would be if
16 the Federal medical assistance per-
17 centage applicable to the State under
18 clause (ii) for the fiscal year so speci-
19 fied were used to determine the
20 amount of such portion.

21 “(ii) APPLICABLE FEDERAL MEDICAL
22 ASSISTANCE PERCENTAGE.—For purposes
23 of clause (i)(II), the Federal medical as-
24 sistance percentage applicable to a State
25 for a fiscal year specified in subparagraph

1 (B) is the average of the values of the Fed-
2 eral medical assistance percentage applica-
3 ble to the State in each quarter of such fis-
4 cal year under section 474(a)(1) of the So-
5 cial Security Act (42 U.S.C. 674(a)(1))
6 after application of any temporary increase
7 in the Federal medical assistance percent-
8 age for the State and quarter under sec-
9 tion 6008 of the Families First
10 Coronavirus Response Act (42 U.S.C.
11 1396d note) and any other Federal legisla-
12 tion enacted during the period that begins
13 on July 1, 2020, and ends on September
14 30, 2021.”.

15 **SEC. 11. TECHNICAL CORRECTION TO TEMPORARY IN-**
16 **CREASE OF MEDICAID FMAP.**

17 Section 6008 of the Families First Coronavirus Re-
18 sponse Act (Public Law 116–127) is amended by adding
19 at the end the following:

20 “(d) APPLICATION TO TITLE IV-E PAYMENTS.—If
21 the District of Columbia receives the increase described
22 in subsection (a) in the Federal medical assistance per-
23 centage for the District of Columbia with respect to a
24 quarter, the Federal medical assistance percentage for the
25 District of Columbia, as so increased, shall apply to pay-

1 ments made to the District of Columbia under part E of
2 title IV of the Social Security Act (42 U.S.C. 670 et seq.)
3 for that quarter, and the payments under such part shall
4 be deemed to be made on the basis of the Federal medical
5 assistance percentage applied with respect to such District
6 for purposes of title XIX of such Act (42 U.S.C. 1396
7 et seq.) and as increased under subsection (a).”.