

117TH CONGRESS  
2D SESSION

# H. R. 8177

To extend child welfare support and services for youth under 21 years of age, and to allow youth to re-enter foster care after attaining 18 years of age without regard to the AFDC eligibility of their parents or legal guardians, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2022

Ms. CHU introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To extend child welfare support and services for youth under 21 years of age, and to allow youth to re-enter foster care after attaining 18 years of age without regard to the AFDC eligibility of their parents or legal guardians, and for other purposes.

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 “Access to Foster Care  
5 to 21 Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds that each additional year in ex-  
3 tended foster care has—

4 (1) significantly increased the probability that  
5 youth completed a high school credential by approxi-  
6 mately 8 percent;

7 (2) increased their expected probability of en-  
8 rolling in college by between 10 percent and 11 per-  
9 cent;

10 (3) increased the number of quarters that youth  
11 have been employed between their 18th and 21st  
12 birthdays;

13 (4) increased the amount of money youth have  
14 had in bank accounts by an average of approxi-  
15 mately \$404;

16 (5) increased the odds that youth have de-  
17 scribed a professional as a source of social support;

18 (6) significantly decreased the amount of money  
19 youth have received in need-based public food assist-  
20 ance by an average of more than \$700;

21 (7) decreased the odds of having experienced an  
22 additional economic hardship between the ages of 17  
23 and 21 by approximately 12 percent;

24 (8) decreased the odds of being homeless or  
25 couch-surfing between the ages of 17 and 21 by ap-  
26 proximately 28 percent;

1           (9) decreased the odds that youth have become  
 2           pregnant or impregnated a female between the ages  
 3           of 17 and 21 by approximately 28 percent; and

4           (10) decreased the odds that youth have been  
 5           arrested between the ages of 17 and 21 by approxi-  
 6           mately 41 percent and decreased the odds that  
 7           youth have been convicted of a crime during the  
 8           same period by approximately 40 percent.

9   **SEC. 3. EXTENDED CHILD WELFARE SUPPORT AND SERV-**  
 10                   **ICES FOR YOUTH TRANSITIONING FROM FOS-**  
 11                   **TER CARE.**

12           (a) IN GENERAL.—Section 475(8) of the Social Secu-  
 13   rity Act (42 U.S.C. 675(8)) is amended—

14           (1) by striking “subparagraph (B)” and insert-  
 15           ing “subparagraphs (B) and (C)”;

16           (2) by striking subparagraph (B) and inserting  
 17           the following:

18                   “(B) At the option of the youth involved,  
 19                   the term shall include a youth who is in foster  
 20                   care under the responsibility of the State.”; and

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

22                   “(C) The term shall include a youth—

23                           “(i)(I) with respect to whom an adop-  
 24                           tion assistance agreement is in effect  
 25                           under section 473 if the youth had at-

1           tained 16 years of age before the agree-  
2           ment became effective; or

3           “(II) with respect to whom a kinship  
4           guardianship assistance agreement is in ef-  
5           fect under section 473(d) if the youth had  
6           attained 16 years of age before the agree-  
7           ment became effective; and

8           “(ii) who has not attained 19, 20, or  
9           21 years of age, as the State may elect.

10          “(D) In this paragraph, the term ‘youth’  
11          means an individual—

12                 “(i) who has attained 18 years of age;  
13                 and

14                 “(ii) who has not attained 21 years of  
15                 age.”.

16          (b) ENFORCEMENT.—Section 474 of such Act (42  
17          U.S.C. 674) is amended by adding at the end the fol-  
18          lowing:

19                 “(h)(1) If the Secretary finds, as a result of a review  
20          conducted under section 1123A, or otherwise, that a State  
21          program operated under this part (other than under sec-  
22          tion 477) in a fiscal year has been operated using a defini-  
23          tion of ‘child’ that excludes any youth within the meaning  
24          of the applicable provisions of section 475(8), then, not-  
25          withstanding subsection (a) of this section and any regula-

1 tions promulgated under section 1123A(b)(3), the Sec-  
 2 retary shall assess a penalty against the State in an  
 3 amount equal to not less than 1 percent and not more  
 4 than 5 percent of the amount of the total amount other-  
 5 wise payable to the State under this part (other than  
 6 under section 477) for the fiscal year involved.

7 “(2) The Secretary shall assess penalties under this  
 8 subsection based on the degree of noncompliance.

9 “(3)(A) Before imposing a penalty against a State  
 10 under this subsection, the Secretary shall notify the State  
 11 of the noncompliance and afford the State an opportunity  
 12 to correct the noncompliance and prevent future non-  
 13 compliance.

14 “(B) The Secretary may not impose a penalty against  
 15 a State under this subsection with respect to any non-  
 16 compliance covered by a corrective compliance plan agreed  
 17 to by the State and the Secretary if the State corrects  
 18 the noncompliance in accordance with the plan.”.

19 **SEC. 4. PROMOTING THE RE-ENTRY OF YOUTH INTO EX-**  
 20 **TENDED FOSTER CARE.**

21 (a) IN GENERAL.—Section 471(a) of the Social Secu-  
 22 rity Act (42 U.S.C. 671(a)) is amended—

23 (1) by striking “and” at the end of paragraph  
 24 (36);

1           (2) by adding “and” at the end of paragraph  
2           (37); and

3           (3) by adding at the end the following:

4           “(38) requires the State to—

5                 “(A) permit any youth who has attained  
6                 18 years of age and meets the requirements of  
7                 section 475(8)(C) to voluntarily re-enter foster  
8                 care; and

9                 “(B) facilitate the voluntary return of any  
10                such youth to foster care.”.

11       (b) GUIDANCE AND TECHNICAL ASSISTANCE.—The  
12 Secretary of Health and Human Services shall provide  
13 guidance and technical assistance to States on best prac-  
14 tices for outreach to youth who have left foster care, and  
15 are otherwise eligible for re-entry into foster care.

16 **SEC. 5. IMPROVE OUTCOMES FOR TRANSITION-AGED**  
17 **YOUTH AND YOUNG ADULTS.**

18       Section 472(a)(1)(B) of the Social Security Act (42  
19 U.S.C. 672(a)(1)(B)) is amended by inserting “except in  
20 the case of a youth who has attained 18 years of age and  
21 meets the requirements of section 475(8)(C),” before “the  
22 child”.

23 **SEC. 6. EFFECTIVE DATE.**

24       (a) IN GENERAL.—The amendments made by this  
25 Act shall take effect on the 1st day of the 1st fiscal year

1 beginning on or after the date of the enactment of this  
2 Act, and shall apply to payments under part E of title  
3 IV of the Social Security Act for calendar quarters begin-  
4 ning on or after such date.

5 (b) DELAY PERMITTED IF STATE LEGISLATION RE-  
6 QUIRED.—If the Secretary of Health and Human Services  
7 determines that State legislation (other than legislation  
8 appropriating funds) is required in order for a State plan  
9 developed pursuant to part E of title IV of the Social Se-  
10 curity Act to meet the additional requirements imposed  
11 by the amendments made by this Act, the plan shall not  
12 be regarded as failing to meet any of the additional re-  
13 quirements before the 1st day of the 1st calendar quarter  
14 beginning after the first regular session of the State legis-  
15 lature that begins after the date of the enactment of this  
16 Act. For purposes of the preceding sentence, if the State  
17 has a 2-year legislative session, each year of the session  
18 is deemed to be a separate regular session of the State  
19 legislature.

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