

117TH CONGRESS
1ST SESSION

H. R. 5690

To amend part E of title IV of the Social Security Act to require States to follow certain procedures in placing a child who has been removed from the custody of his or her parents.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 22, 2021

Mrs. DINGELL introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To amend part E of title IV of the Social Security Act to require States to follow certain procedures in placing a child who has been removed from the custody of his or her parents.

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 “Samier Amer Foster
5 Care Improvement Act of 2021”.

1 **SEC. 2. REQUIREMENT THAT STATES FOLLOW CERTAIN**
2 **PROCEDURES IN PLACING A CHILD RE-**
3 **MOVED FROM THE CUSTODY OF HIS OR HER**
4 **PARENTS.**

5 (a) IN GENERAL.—Section 471(a)(29) of the Social
6 Security Act (42 U.S.C. 671(a)(29)) is amended to read
7 as follows:

8 “(29) provides that—

9 “(A) within 30 days after the removal of
10 a child from the custody of the parent or par-
11 ents of the child, the State shall exercise due
12 diligence to identify and provide notice to all
13 adult grandparents and other adult relatives of
14 the child (including any other adult relatives
15 suggested by the parents), subject to exceptions
16 due to family or domestic violence, that—

17 “(i) specifies that the child has been
18 or is being removed from the custody of
19 the parent or parents of the child;

20 “(ii) explains the options the relative
21 has under Federal, State, and local law to
22 participate in the care and placement of
23 the child, including any options that may
24 be lost by failing to respond to the notice;

25 “(iii) describes the requirements
26 under paragraph (10) of this subsection to

1 become a foster family home and the addi-
2 tional services and supports that are avail-
3 able for children placed in such a home;
4 and

5 “(iv) if the State has elected the op-
6 tion to make kinship guardianship assist-
7 ance payments under paragraph (28) of
8 this subsection, describes how the relative
9 guardian of the child may subsequently
10 enter into an agreement with the State
11 under section 473(d) to receive the pay-
12 ments;

13 “(B) within 90 days after the State makes
14 a placement decision with respect to the child,
15 the State shall provide notice of the decision
16 and the reasons therefor to each parent of the
17 child, each relative who has expressed to the
18 State an interest in caring for the child, the
19 guardian, and the guardian ad litem for the
20 child, the attorney for the child, the attorney
21 for each parent of the child, the child (if the
22 child is able to express an opinion regarding
23 placement), and the prosecutor involved; and

24 “(C) the State shall establish procedures
25 to—

1 “(i) allow a person who receives a no-
2 tice pursuant to subparagraph (B) to re-
3 quest, in writing, within 5 days after re-
4 ceipt of the notice, documentation of the
5 reasons for the decision involved;

6 “(ii) allow the attorney for the child
7 to petition the court involved to review the
8 decision; and

9 “(iii) require the court to—

10 “(I) commence such a review
11 within 7 days after receipt of a peti-
12 tion made pursuant to clause (ii); and

13 “(II) conduct such a review on
14 the record;”.

15 (b) EFFECTIVE DATE.—

16 (1) IN GENERAL.—The amendment made by
17 subsection (a) shall take effect on the 1st day of the
18 1st fiscal year beginning on or after the date of the
19 enactment of this Act, and shall apply to payments
20 under part E of title IV of the Social Security Act
21 for calendar quarters beginning on or after such
22 date.

23 (2) DELAY PERMITTED IF STATE LEGISLATION
24 REQUIRED.—If the Secretary of Health and Human
25 Services determines that State legislation (other

1 than legislation appropriating funds) is required in
2 order for a State plan approved under part E of title
3 IV of the Social Security Act to meet the additional
4 requirements imposed by the amendment made by
5 subsection (a), the plan shall not be regarded as fail-
6 ing to meet any of the additional requirements be-
7 fore the 1st day of the 1st calendar quarter begin-
8 ning after the first regular session of the State legis-
9 lature that begins after the date of the enactment of
10 this Act. For purposes of the preceding sentence, if
11 the State has a 2-year legislative session, each year
12 of the session is deemed to be a separate regular
13 session of the State legislature.

○