

117TH CONGRESS  
1ST SESSION

# H. R. 2033

To amend subpart 1 of part B of title IV of the Social Security Act to ensure that mental health screenings and assessments are provided to children and youth upon entry into foster care.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2021

Mrs. LAWRENCE (for herself, Ms. BASS, Mr. LANGEVIN, Mr. HASTINGS, Mrs. HAYES, Ms. NORTON, Ms. TLAIB, Mr. NADLER, and Mr. CARSON) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend subpart 1 of part B of title IV of the Social Security Act to ensure that mental health screenings and assessments are provided to children and youth upon entry into foster care.

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 “Timely Mental Health  
5 for Foster Youth Act”.

1 **SEC. 2. TIMELY MENTAL HEALTH SCREENINGS AND AS-**  
2 **SESSMENTS FOR CHILDREN AND YOUTH**  
3 **UPON ENTRY INTO FOSTER CARE.**

4 (a) STATE AND TRIBAL PLAN REQUIREMENT.—Sec-  
5 tion 422(b)(15)(A) of the Social Security Act (42 U.S.C.  
6 622(b)(15)(A)) is amended—

7 (1) in clause (i), by inserting “and that require  
8 that an initial mental health screening of any child  
9 in foster care be completed not later than 30 days  
10 after the date the child enters into foster care and,  
11 in the case of any child in foster care for whom a  
12 mental health issue is identified in such initial  
13 screening, that a comprehensive assessment of the  
14 mental health of the child be completed not later  
15 than 60 days after the date the child enters into fos-  
16 ter care” before the semicolon; and

17 (2) in clause (ii)—

18 (A) by striking “screenings” and inserting  
19 “such screenings and assessments”; and

20 (B) by inserting “which shall ensure an-  
21 nual mental health screenings, including, as ap-  
22 propriate, follow-up assessment and treatment,  
23 for the duration of a child’s placement in the  
24 foster care” before the semicolon.

25 (b) TECHNICAL AMENDMENT.—Section  
26 422(b)(15)(A) of such Act (42 U.S.C. 622(b)(15)(A)) is

1 further amended, in the matter before clause (i), by strik-  
2 ing “provides” and inserting “provide”.

3 (c) EFFECTIVE DATE.—

4 (1) IN GENERAL.—Except as provided in para-  
5 graph (2), the amendments made by this section  
6 shall take effect on October 1, 2022.

7 (2) DELAY PERMITTED IF STATE LEGISLATION  
8 REQUIRED.—In the case of a State plan approved  
9 under subpart 1 of part B of title IV of the Social  
10 Security Act which the Secretary of Health and  
11 Human Services determines requires State legisla-  
12 tion (other than legislation appropriating funds) in  
13 order for the plan to meet the additional require-  
14 ments imposed by this section, the State plan shall  
15 not be regarded as failing to comply with the re-  
16 quirements of such subpart solely on the basis of the  
17 failure of the plan to meet such additional require-  
18 ments before the first day of the first calendar quar-  
19 ter beginning after the close of the first regular ses-  
20 sion of the State legislature that begins after the  
21 date of enactment of this section. For purposes of  
22 the previous sentence, in the case of a State that has  
23 a 2-year legislative session, each year of such session  
24 shall be deemed to be a separate regular session of  
25 the State legislature.

1 **SEC. 3. TECHNICAL ASSISTANCE TO STATES.**

2       The Administration for Children and Families and  
3 the Center for Medicare and Medicaid Services of the De-  
4 partment of Health and Human Services shall provide  
5 technical assistance to States on how to comply with the  
6 amendments made by section 2(a) of this Act. The Admin-  
7 istration for Children and Families and the Center for  
8 Medicare and Medicaid Services should consult with other  
9 relevant Federal agencies on the development of the tech-  
10 nical assistance, which should take into account evidence-  
11 based best practices.

12 **SEC. 4. DATA COLLECTION.**

13       (a) IN GENERAL.—The Secretary of Health and  
14 Human Services, in consultation with State and local pub-  
15 lic officials responsible for administering child welfare pro-  
16 grams, child welfare advocates, pediatric mental health ex-  
17 perts, and researchers shall—

18           (1) identify data elements needed to track—

19                   (A) the number of children receiving an  
20 initial mental health screening required under  
21 section 422(b)(15)(A)(i) of the Social Security  
22 Act (42 U.S.C. 622(b)(15)(A)) (as amended by  
23 section 2(a) of this Act);

24                   (B) whether or not such required initial  
25 mental health screening occurs within 30 days  
26 of a child's entry or re-entry into foster care;

1 (C) the number of children who receive a  
2 follow-up comprehensive assessment required  
3 under section 422(b)(15)(A)(i) of the Social Se-  
4 curity Act (42 U.S.C. 622(b)(15)(A)) (as so  
5 amended);

6 (D) whether or not such required follow-up  
7 comprehensive assessment occurs within 60  
8 days of a child's entry or re-entry into foster  
9 care;

10 (E) the number of children in foster care  
11 who are referred for mental health services; and

12 (F) the number and characteristics of such  
13 children who receive mental health services  
14 after being referred for such services; and

15 (2) develop a plan to collect the information de-  
16 scribed in paragraph (1) from States administering  
17 a State plan under subpart 1 of part B of title IV  
18 of the Social Security Act (42 U.S.C. 621 et seq.)  
19 beginning with the second fiscal year that begins  
20 after the date of enactment of this Act.

21 (b) REPORT TO CONGRESS.—Not later than 12  
22 months after the date of enactment of this Act, the Sec-  
23 retary of Health and Human Services shall submit to the  
24 Committee on Finance of the Senate and the Committee  
25 on Ways and Means of the House of Representatives a

- 1 report detailing the plan and timetable for collecting the
- 2 information described in subsection (a)(1) from States.

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