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Introduced in House (06/22/2022)

117TH CONGRESS
2^D 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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2022

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

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Access to Foster Care to 21 Act”.

SEC. 2. FINDINGS.

The Congress finds that each additional year in extended foster care has—

(1) significantly increased the probability that youth completed a high school credential by approximately 8 percent;

(2) increased their expected probability of enrolling in college by between 10 percent and 11 percent;

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

(4) increased the amount of money youth have had in bank accounts by an average of approximately \$404;

(5) increased the odds that youth have described a professional as a source of social support;

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

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

(8) decreased the odds of being homeless or couch-surfing between the ages of 17 and 21 by approximately 28 percent;

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

(10) decreased the odds that youth have been arrested between the ages of 17 and 21 by approximately 41 percent and decreased the odds that youth have been convicted of a crime during the same period by approximately 40 percent.

SEC. 3. EXTENDED CHILD WELFARE SUPPORT AND SERVICES FOR YOUTH TRANSITIONING FROM FOSTER CARE.

(a) IN GENERAL.—Section 475(8) of the Social Security Act ([42 U.S.C. 675\(8\)](#)) is amended—

(1) by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”;

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

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

(3) by adding at the end the following:

“(C) The term shall include a youth—

“(i) (I) with respect to whom an adoption assistance agreement is in effect under section 473 if the youth had attained 16 years of age before the agreement became effective; or

“(II) with respect to whom a kinship guardianship assistance agreement is in effect under section 473(d) if the youth had attained 16 years of age before the agreement became effective; and

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

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

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

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

(b) ENFORCEMENT.—Section 474 of such Act ([42 U.S.C. 674](#)) is amended by adding at the end the following:

“(h) (1) If the Secretary finds, as a result of a review conducted under section 1123A, or otherwise, that a State program operated under this part (other than under section 477) in a fiscal year has been operated using a definition of ‘child’ that excludes any youth within the meaning of the applicable provisions of section 475(8), then, notwithstanding subsection (a) of this section and any regulations promulgated under section 1123A(b)(3), the Secretary shall assess a penalty against the State in an amount equal to not less than 1 percent and not more than 5 percent of the amount of the total amount otherwise payable to the State under this part (other than under section 477) for the fiscal year involved.

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

“(3) (A) Before imposing a penalty against a State under this subsection, the Secretary shall notify the State of the noncompliance and afford the State an opportunity to correct the noncompliance and prevent future noncompliance.

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

SEC. 4. PROMOTING THE RE-ENTRY OF YOUTH INTO EXTENDED FOSTER CARE.

(a) IN GENERAL.—Section 471(a) of the Social Security Act ([42 U.S.C. 671\(a\)](#)) is amended—

- (1) by striking “and” at the end of paragraph (36);
- (2) by adding “and” at the end of paragraph (37); and
- (3) by adding at the end the following:
“(38) requires the State to—

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

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

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

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

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

SEC. 6. EFFECTIVE DATE.

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

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, if the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.