

105TH CONGRESS
1ST SESSION

S. 178

To amend the Social Security Act to clarify that the reasonable efforts requirement includes consideration of the health and safety of the child.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. DEWINE introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Social Security Act to clarify that the reasonable efforts requirement includes consideration of the health and safety of the child.

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. CLARIFICATION OF REASONABLE EFFORTS RE-**
4 **QUIREMENT BEFORE PLACEMENT IN FOSTER**
5 **CARE.**

6 (a) IN GENERAL.—Section 471(a)(15) of the Social
7 Security Act (42 U.S.C. 671(a)(15)) is amended to read
8 as follows:

9 “(15) provides that, in each case—

10 “(A) reasonable efforts will be made—

1 “(i) prior to the placement of the
 2 child in foster care, to prevent or eliminate
 3 the need for removing the child from the
 4 child’s home; and

5 “(ii) to make it possible for the child
 6 to return home; and

7 “(B) in determining reasonable efforts, the
 8 best interests of the child, including the child’s
 9 health and safety, shall be of primary con-
 10 cern;”.

11 (b) EFFECTIVE DATE.—

12 (1) IN GENERAL.—Except as provided in para-
 13 graph (2), the amendment made by subsection (a)
 14 shall be effective on the date of enactment of this
 15 Act.

16 (2) EXCEPTION.—In the case of a State plan
 17 for foster care and adoption assistance under part E
 18 of title IV of the Social Security Act which the Sec-
 19 retary of Health and Human Services determines re-
 20 quires State legislation (other than legislation appro-
 21 priating funds) in order for the plan to meet the ad-
 22 ditional requirement imposed by the amendment
 23 made by subsection (a), such plan shall not be re-
 24 garded as failing to comply with the requirements of
 25 such title solely on the basis of its failure to meet

1 this additional requirement before the first day of
2 the first calendar quarter beginning after the close
3 of the first regular session of the State legislature
4 that begins after the date of enactment of this Act.
5 For purposes of the previous sentence, in the case
6 of a State that has a 2-year legislative session, each
7 year of such session shall be deemed to be a sepa-
8 rate regular session of the State legislature.

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