

# Report for Congress

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## **Child Welfare: Reauthorization of the Promoting Safe and Stable Families Program in the 107<sup>th</sup> Congress**

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# Child Welfare: Reauthorization of the Promoting Safe and Stable Families Program in the 107<sup>th</sup> Congress

## Summary

President Bush signed the Promoting Safe and Stable Families Amendments of 2001 (H.R. 2873) into law on January 17, 2002 (P.L. 107-133). The new law reauthorizes the program for 5 years (FY2002-FY2006), sets its annual mandatory funding level at \$305 million, and authorizes additional discretionary funds up to \$200 million annually. Separately it grants new program authority for the Department of Health and Human Services (HHS) to fund programs that mentor children of prisoners and it expands the Foster Care Independence Program by authorizing new discretionary funds for education and training vouchers. The FY2002 Labor-HHS-Education Appropriations Act (P.L. 107-116) provides \$375 million for the Promoting Safe and Stable Families program (\$305 million mandatory, \$70 million discretionary) but does not fund the newly authorized mentoring services for children of prisoners nor the education and training vouchers.

First created in 1993 (under a different name), the Promoting Safe and Stable Families Program (Title IV-B, Subpart 2 of the Social Security Act) provides grants to states for four kinds of child welfare services: family preservation, family support, time-limited family reunification, and adoption promotion and support. Funds are reserved from Safe and Stable's annual appropriation to allow national evaluations of program activities and for state court grants (to improve child welfare proceedings). P.L. 107-133 expands the definition of family preservation services under the Promoting Safe and Stable Families Program to include infant safe haven programs; clarifies the meaning of family support to include services that "strengthen parental relationships and promote healthy marriages"; provides for reallocation of unused program funds; and stipulates that, out of any discretionary funds appropriated for the program, 3.3% will be added to the existing \$10 million set-aside for Court Improvement Grants; 3.3% will be added to the existing \$6 million reservation for evaluation, technical assistance, research and training; and 2% will be added to the existing set-aside for Indian tribes (1% of mandatory funds).

The Promoting Safe and Stable Families Program is administered by HHS and the House Ways and Means and Senate Finance committees have jurisdiction. Like Safe and Stable Families, grants to states for child welfare services (Title IV-B, Subpart 1) and Adoption Incentive payments (part of Title IV-E), are under the Social Security Act, have related purposes, and share committee jurisdictions. The Child Abuse Prevention and Treatment Act (expired with FY2001, but received FY2002 funding) authorized programs that share goals with Safe and Stable Families, but is under House Education and Workforce and Senate Health, Education, Labor and Pensions jurisdiction. Finally, the Strengthening Abuse and Neglect Courts Act, under Senate and House Judiciary committees jurisdiction, authorizes grants to improve handling of child welfare cases. They are to be administered, primarily, by the Department of Justice and received initial funding of \$2 million in FY2002.

This report reflects legislative action through the first session of the 107<sup>th</sup> Congress and will not be updated.

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# Child Welfare: Reauthorization of the Promoting Safe and Stable Families Program in the 107<sup>th</sup> Congress

## Final Developments

On January 17, 2002, President Bush signed the Promoting Safe and Stable Families Amendments of 2001 (H.R. 2873) into law. The bill passed the House on November 13, 2001 (H.Rept. 107-281) and the Senate on December 13, 2001. The Senate-passed legislation was identical to the House bill. The new law (P.L. 107-133) reauthorizes the Promoting Safe and Stable Families Program for 5 years (FY2002-FY2006), maintains the FY2001 mandatory funding level of \$305 million in each of those years, authorizes additional discretionary funding of \$200 million annually, and grants new program authority to provide mentoring services for children of prisoners (discretionary authorization of \$67 million in FY2002 and FY2003, such sums as necessary in FY2004-FY2006). In addition, the enacted legislation allows states to use Promoting Safe and Stable Families funds for infant “safe haven” programs, provides for reallocation of unused program funds, clarifies language defining family support programs, and gives more explicit instructions to the Department of Health and Human Services (HHS) regarding use of funds set aside for research, evaluation and technical assistance. Finally, the new law amends the Chafee Foster Care Independence Program to add new funds (discretionary authorization of \$60 million in each of FY2002-FY2006) for education and training vouchers to assist older foster care youths and those who have recently aged out of the foster care system.

The FY2002 Labor-HHS-Education Appropriations Act (H.R. 3061) was signed into law on January 10, 2002, and provides \$375 million for the Promoting Safe and Stable Families Program (\$305 million mandatory funds; \$70 million discretionary appropriation). As enacted, the appropriation law does not include FY2002 funding for mentoring children of prisoners grants or the foster-care related education and training vouchers. Although money for these initiatives had been requested by President Bush in his FY2002 budget, they were not authorized at the time final FY2002 appropriation levels were negotiated and neither the House, Senate nor Conference bill included funding for them. (See H.R. 3061, S. 1536, and H.Rept. 107-342). At the January signing of the Promoting Safe and Stable Families Amendments, President Bush announced that his FY2003 budget will call for \$505 million in Safe and Stable funds, along with \$25 million in “start-up” funds for the mentoring children of prisoners initiative and \$60 million for education and training to older or former foster care youths.

## Introduction

Authorization of funding for the Promoting Safe and Stable Families program (first created in 1993 under a different name) had expired at the end of FY2001; thus, the 107<sup>th</sup> Congress acted to reauthorize this program and make some program changes (H.R. 2873, P.L. 107-133). As previously authorized the program (Subpart 2 of Title IV-B of the Social Security Act) used mandatory funds to provides grants to states for use in four categories of services:

- family preservation;
- community-based family support;
- time-limited family reunification; and
- adoption promotion and support.

In addition, funds are reserved from the Safe and Stable Families appropriation each year for national evaluations of activities supported by this program and grants to state courts to help them improve their child welfare proceedings. The Promoting Safe and Stable Families Program, including the grants to courts, is administered by the Department of Health and Human Services (HHS) and its legislation is under the jurisdiction of the House Ways and Means and Senate Finance Committees.

P.L. 107-133 continues to fund these four broad categories of child welfare services, along with state court improvement grants and evaluations; however, it changes the program's funding authorization. The new law sets an annual mandatory funding base of \$305 million and separately allows for discretionary appropriations (up to \$200 million annually). The law also provides that out of any discretionary funds appropriated a certain amount must be added to the previously established set-asides for program evaluation and court improvement grants.

## Legislative History

Congress first created a "family preservation and family support" program in 1993, in response to the widespread perception of a crisis in the nation's child welfare system. The crack cocaine epidemic was generally blamed for precipitating the dramatic growth in foster care that occurred during the mid-to-late 1980s, which highlighted and exacerbated ongoing concerns about the impact on children of other forms of substance and alcohol abuse, poverty, homelessness, AIDS, and mental illness. As the foster care caseload grew, the child welfare system faced high staff turnover and low morale, a shrinking supply of foster parents and foster homes, and a shortage of related support services such as drug and alcohol treatment and mental health care.

To address these issues, child welfare agencies in some states and localities developed innovative services, including intensive family preservation services to help families in crisis avoid losing their children to foster care. However, federal funds were generally available only *after* children were placed in foster care, rather than to help provide services for families to *prevent* placement in foster care. Thus, these early family preservation activities depended largely on nonfederal and private resources. At the same time, growth in the foster care population resulted in large

increases in federal spending to help support these children, and Congress became interested in family preservation services as a means of slowing down this growth.<sup>1</sup>

While proposed by the Clinton Administration, the program enacted in 1993 built upon provisions developed and passed by the 102<sup>nd</sup> Congress (as a component of urban aid and tax legislation). Former President Bush vetoed this earlier legislation (H.R. 11) for reasons unrelated to child welfare. Ultimately, legislation establishing this program was included in the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66), which made a number of changes in federal child welfare law.

The 1993 law authorized capped entitlement grants to states for family preservation and family support services under Subpart 2 of Title IV-B of the Social Security Act. States already had flexibility to spend child welfare services funds available under Subpart 1 of Title IV-B<sup>2</sup> for family support and preservation activities, but few states appeared to use a significant share of such dollars for these kinds of services. Entitlement funding was granted for 5 years at the following ceilings:

- \$60 million in FY1994;
- \$150 million in FY1995;
- \$225 million in FY1996;
- \$240 million in FY1997; and
- either \$255 million in FY1998 or the FY1997 level adjusted for inflation, whichever was greater.

Separate from this legislation, debate was ongoing in the child welfare community about the challenge of achieving an appropriate balance between family preservation and child protection. By 1997, some policy makers were concerned that efforts to promote family preservation had gone too far. Some argued that child safety was jeopardized by premature decisions to return children home, and that extended efforts to rehabilitate parents caused children to linger indefinitely in foster care. In response, Congress enacted the Adoption and Safe Families Act (ASFA) (P.L. 105-89) in November 1997 with two primary goals: to make child safety paramount in child welfare decisions; and to ensure that necessary legal procedures occur quickly, so children who cannot return home can be placed for adoption or another permanent arrangement without unnecessary delay. To achieve these goals, ASFA made significant amendments to the foster care provisions authorized under Title IV-E of the Social Security Act.<sup>3</sup>

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<sup>1</sup> Under Title IV-E of the Social Security Act, the federal government reimburses states for a part of their eligible foster care costs on an open-ended entitlement basis. Thus, as the number of children in the foster care population increases, federal spending also increases. There is no cap on federal foster care expenditures. Between 1985 and 1990, the number of children in foster care nationwide increased from 276,000 to 400,000, while federal spending grew from \$794 million to \$1.9 billion.

<sup>2</sup> For information about this program, see discussion of related programs in this report.

<sup>3</sup> See CRS Report RL30759, *Child Welfare: Implementation of the Adoption and Safe Families Act*.

Because ASFA increased pressure on parents to resolve their problems quickly or potentially face termination of their rights to their children, lawmakers felt additional services should be made available for these parents. Moreover, the law promotes adoption for children who cannot be reunified with their families, and a need for adoption-related services also was identified. Thus, although the Family Preservation and Family Support Program was not yet due to expire, Congress responded to these concerns by including an extension of the program in the 1997 ASFA legislation, along with amendments responding to these concerns.

ASFA changed the program's name to Promoting Safe and Stable Families and reauthorized it through FY2001 at the following entitlement ceiling levels:

- \$275 million for FY1999;
- \$295 million for FY2000; and
- \$305 million for FY2001.

In addition, ASFA added two more categories of services that states are now required to provide under this program: time-limited family reunification; and adoption promotion and support.

The Promoting Safe and Stable Families Amendments of 2001 (H.R. 2873) were introduced on September 10, 2001, by Representatives Wally Herger and Benjamin Cardin. As introduced (and drafted earlier by the Bush Administration), the bill sought mandatory funding for the program of \$505 million in each of FY2002-FY2006. The President's FY2002 budget request also asked for this mandatory funding level. However, at the August 2001 mid-session budget review, the Office of Management and Budget changed the Administration's budget request for additional Promoting Safe and Stable Families program from mandatory to discretionary funds. Subsequently, the September 11 terrorist attacks and related national security and other spending prompted concern among some Congress members about new program costs. Although support for the full \$505 million in mandatory funds remained in the Senate (see bi-partisan support for S. 1503 introduced October 4, 2001) and among House Democrats, Congress ultimately passed a five-year program reauthorization (FY2002-FY2006) that maintained a \$305 million base in mandatory funding and allowing annual discretionary appropriations up to \$200 million.

## Program Elements

From the entitlement ceiling amounts for Safe and Stable Families (now set at \$305 million through FY2006), \$6 million in each fiscal year is reserved for use by the Secretary of HHS to fund research, training, technical assistance and evaluation<sup>4</sup> and \$10 million in each fiscal year is reserved for grants to state courts (program described below).<sup>5</sup> Finally, 1% of the entitlement dollars are reserved for allotment to Indian tribes each year. In addition to these amounts, P.L. 107-133 provides that

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<sup>4</sup> This set-aside was \$2 million in FY1994.

<sup>5</sup> This set-aside was \$5 million in FY1994.

out of any discretionary funds appropriated for the Promoting Safe and Stable Families Program (\$70 million in FY2002), 2% be added to the existing set-aside for Indian Tribes; 3.3% be added to the set-aside for grants to state courts; and an additional 3.3% be added to the set aside for research, training, technical assistance and evaluation. After these set-asides are made, remaining program funds are allocated among states according to their relative shares of children receiving food stamps, subject to a 25% nonfederal match.

States must submit a plan to HHS that provides a detailed account of how money will be used under the Safe and Stable Families program. Prior to enactment of the Adoption and Safe Families Act (P.L. 105-89), at least 90% of each state's allotment had to be used for the original two categories of services: family preservation, and community-based family support services. As described above, P.L. 105-89 added two new categories: time-limited family reunification services, and adoption promotion and support services. States now must use at least 90% for these four categories. No more than 10% of funds can be used for administration.

The federal statute does not specify a percentage or minimum amount of funds that must be spent on any particular category of service, but says that states must devote "significant portions" of their expenditures to each of the four. In annual program instructions, HHS has said that states must have a "strong rationale" for spending less than 20% of their allotments on each of the four categories of services. (See below, **Use of Funds by States**, for more information.) No income eligibility criteria apply to families served in any component of this program.

**Family Preservation Services.** Family preservation services may be defined broadly to encompass a range of activities and service delivery models designed to keep at-risk families together and avoid the need to place children in foster care. The target population is children and families, including extended and adoptive families, that are at risk or in crisis. The statute authorizes the following: programs to help reunite children with their biological families, if safe and appropriate, or to place them for adoption or another permanent arrangement; programs to prevent placement of children in foster care, including intensive family preservation services that can enable children to remain at home safely; programs to provide followup services to families after a child has been returned from foster care; respite care to provide temporary relief for parents and other caregivers (including foster parents); services to improve parenting skills; and (newly authorized by P.L. 107-133) infant safe haven programs "to provide a way for a parent to safely relinquish a newborn infant" at a location designated pursuant to state law.

Among this array of activities, intensive family preservation services have received the greatest attention, especially in the program's early years, as a potentially cost-effective way to prevent children from entering foster care. These services are known by various names at the state and local level but generally share some basic features: round-the-clock availability of the caseworker to the family; very small caseloads to allow services to be intensive; an average of 8 to 10 hours per week spent with the family, primarily with direct face-to-face contact; and a time limit on intensive service delivery, generally ranging from 4 to 12 weeks. One of the earliest and best known family preservation programs is Homebuilders, which began in 1974 in Tacoma, Washington, and has served as a model for other programs around the



country. However, recent evaluations of this model have not produced significant positive impacts on reducing the placement of children into foster care. (See evaluation discussion, below.)

**Family Support Services.** Family support services are intended to reach families that are not yet in crisis and to prevent child abuse or neglect from occurring. As described in the statute, family support services are community-based activities designed to promote the safety and well-being of children and families, to increase the strength and stability of families (including adoptive, foster, and extended families), to increase parents' confidence and competence, to provide children with a safe, stable and supportive family environment, and to enhance child development. P.L. 107-133 clarified this definition of family support services by adding "to strengthen parental relationships and promote healthy marriages" to the kinds of activities they provide.

Examples of services from the conference agreement on the 1993 law include parenting skills training, respite care to relieve parents and other caregivers, structured activities involving parents and children to strengthen their relationships, drop-in centers for families, information and referral services, and early developmental screening for children.

During hearings on the original 1993 legislation, HHS cited the following examples of family support activities: home visiting programs for first-time parents of newborns to connect them with appropriate services if needed; programs to train mothers in the community to visit participating parents and share activities to enhance the development of preschoolers; and state or regional networks of family support centers that provide services to young mothers.

**Time-Limited Family Reunification Services.** As added by the Adoption and Safe Families Act (P.L. 105-89), time-limited reunification services are intended to facilitate the timely reunification of children who have been removed from home and placed in foster care. These services are intended to return children to their families within 15 months of their having entered foster care, if safe and appropriate. Reunification services for children and their families include counseling, substance abuse treatment services, mental health services, assistance to address domestic violence, temporary child care and therapeutic services such as crisis nurseries, and transportation to and from these activities. Lawmakers placed a 15-month limit on these services to be consistent with another provision in the Adoption and Safe Families Act of 1997, which requires states to initiate proceedings to terminate parental rights in the case of children who have been in foster care for 15 of the most recent 22 months.

**Adoption Promotion and Support Services.** Adoption promotion and support services, also added to the law by P.L. 105-89, are activities designed to encourage more adoptions out of the foster care system. Services include pre- and post-adoptive services and activities designed to expedite adoptions and support adoptive families.

## Use of Funds by States

HHS contracted for a study of the implementation of this program, as part of a larger contract to evaluate the program's impact (discussed below). Reports on the program's implementation provide some information on decisions made by states in the use of these funds.

**Allocation Among Service Categories.** In 1999, James Bell Associates released an interim report on the family preservation and family support services implementation study, describing state and local planning efforts, the relationship of planning to service delivery, and the design of programs.<sup>6</sup> This report looked at state activities prior to the enactment of the 1997 amendments, when only two categories of services were authorized. The contractor found that services did not fall neatly into the categories of family preservation and family support as defined in the legislation, although the majority of services were in general more characteristic of family support programs. This was consistent with findings of the General Accounting Office (GAO), which also studied the issue before enactment of the 1997 amendments, and reported that states were using more than half of their funds for family support services.<sup>7</sup> Family support services are designed for a broader population than family preservation activities.

In March 2001, James Bell released another implementation report on the intended use of funds by states in 1999. This was the first year that states were required to spend a portion of their allotments on the two new categories of services: time-limited family reunification and adoption promotion and support.<sup>8</sup> The report shows that four states did not plan to spend the required minimum of 20% of their allotments on family preservation services, and one state did not plan to use 20% of funds for family support. However, 19 states intended to spend less than 20% on time-limited family reunification in 1999, while 18 states planned to spend less than 20% on adoption promotion and support. Nationwide, projected allocations for FY1999 were: 29% for family preservation; 40% for family support; 16% for time-limited family reunification; and 15% for adoption promotion and support.

HHS requires states to submit a rationale for spending less than 20% on each category, and some states indicated they were phasing in the new categories to avoid disruption of existing family preservation and family support activities. Other states said they deferred the decision-making process to local entities, and some states failed to provide a rationale.

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<sup>6</sup> James Bell Associates, *Family Preservation and Family Support Implementation Study: Interim Report*, March 1999, Executive summary at the Administration for Children and Families, Office of Planning, Research and Evaluation web site: [<http://www.acf.dhhs.gov/programs/opre/exsum.htm>]

<sup>7</sup> U.S. General Accounting Office, *Child Welfare: States' Progress in Implementing Family Preservation and Support Services*. HEHS-97-34, Washington, D.C., 1997.

<sup>8</sup> James Bell Associates, *Analysis of States' 1998 Annual Progress and Services Reports: The Family Preservation and Family Support Services (FP/FS) Implementation Study*. Arlington, Va., March 23, 2001.

Looking at 30 states for which comparable data are available for each of the three fiscal years from 1997 to 1999, James Bell noted that states had been devoting more of their resources to family support in the early years than to family preservation. However, when states had to reallocate resources in order to accommodate the two new categories, they shifted program funding away from family support to a greater extent than from family preservation. Specifically, states used 59% of their Safe and Stable Families allotments for family support services in FY1997, which dropped to 39% in FY1999. At the same time, states used 41% of their allotments for family preservation in FY1997, which was reduced to 32% in FY1999.

**Other Sources of Funds.** James Bell also reported that the Safe and Stable Families program contributes only a small part of total spending for the four services it supports. The single largest source of support for family preservation services has been state and local resources, accounting for 48% of total spending in 1997 and an estimated 67% in 1999. Likewise, state and local resources are the single largest source of support for family support services, accounting for 43% of total spending for that category in 1997 and 58% in 1999. The increase in the proportion of state and local spending for these two categories between 1997 and 1999 may reflect efforts to maintain overall service levels, while federal funds have been reallocated to accommodate the two newest categories of services.

The second largest source of funding for family preservation has been the Social Services Block Grant (SSBG), which accounted for 14% of spending in 1997 and 12% in 1999. Meanwhile, Safe and Stable Families accounted for 9% of total spending on family preservation in 1997 and 5% in 1999. SSBG provided 15% of the resources for family support in both 1997 and 1999 (although 21% in 1998), while Safe and Stable Families contributed 12% of total spending in 1997 and 6% in 1999. (Other sources of support for both categories included child welfare services under Subpart 1 of Title IV-B, Medicaid, Temporary Assistance to Needy Families (TANF), other federal funds, and, in the case of family support services, Title II of the Child Abuse and Prevention Treatment Act (CAPTA) and the independent living program for older foster youth in the case of family support services.)

In 1999 – the first year that states were required to devote Safe and Stable Families funds to time-limited family reunification – the program accounted for 9% of total spending in this area, compared to 64% from state and local funds, 18% from Medicaid, 4% from SSBG, 3% from TANF, and 2% from child welfare services. The Safe and Stable Families program was most significant for adoption promotion and support in 1999, providing 37% of total spending in that category. Nonetheless, the largest source of support was state and local resources, which accounted for 56% of total spending. Other sources of support were TANF (4%), child welfare services (2%), and other federal funds (1%).

## Evaluations

The Secretary of HHS is required to evaluate activities funded under this program, and in September 1994, funded three evaluation projects: a study of the implementation of family preservation and family support (discussed above); a

national evaluation of family preservation and reunification programs; and a national evaluation of family support programs. These projects are still underway and no final reports on the national evaluations have yet been published. However, several interim reports are available and more reports are expected to be released this year.

In May 1995, the contractors submitted two products, including a literature review of existing research on family preservation and family reunification and a description of the range of program models then in existence.<sup>9</sup> Although numerous studies had been conducted of individual programs, leading to initial enthusiasm for the family preservation approach, the 1995 literature review found “little solid evidence” demonstrating that programs designed to prevent foster care placement or to reunify families had achieved their intended goals. Nonexperimental studies had produced misleading results, and the few controlled studies that had been conducted yielded mixed findings. The research suggested that family preservation programs had only modest effects on family and child functioning, although the contractors suggested that it would be unrealistic to expect dramatic results in this area, given the scope of problems facing child welfare clients and the short-term nature of family preservation services. Regarding family reunification, the contractors noted that evaluations of such programs were still very preliminary but that a few studies had reported encouraging results.

In 1998, the contractors submitted a final report on one specific family reunification project, known as HomeRebuilders in New York City.<sup>10</sup> This project began in 1993 and tested an alternative payment method for foster care in which six local agencies received a flat rate for serving an identified group of children in foster care for a 3-year period. These funds could be used for foster care or any service the agencies believed would achieve permanency. Funding was “front-loaded” in the first year to encourage early discharge, and agencies could retain any savings they realized if the children left foster care before the end of the 3 years. The impact of HomeRebuilders varied across the six participating agencies. Earlier discharge from foster care and fewer days in care was achieved in one of the three agencies using random assignment, with a 13% difference between the experimental and control groups. This outcome did not occur at the other two random assignment sites, however, although one of the nonrandom assignment agencies did show fewer days in foster care. The contractors concluded that changes in fiscal incentives alone are not likely to result in major child welfare reform, but that other factors are needed for reform to occur, such as clear decisionmaking protocols, triage strategies, and data systems that can be used for case and program management.

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<sup>9</sup> Westat, Inc., James Bell Associates, and Chapin Hall Center for Children at the University of Chicago, *A Review of Family Preservation and Family Reunification Programs*, and *A Synthesis of Research on Family Preservation and Family Reunification Programs*, both May 1995. Available at the Assistant Secretary of HHS for Planning and Evaluation web site: [<http://aspe.hhs.gov/hsp/hspyoung.htm>].

<sup>10</sup> Westat Inc., Chapin Hall Center for Children, and James Bell Associates, *Evaluation of the New York City Home ReBuilders Demonstration*, September 1998. Available at the Assistant Secretary of HHS for Planning and Evaluation web site: [<http://aspe.hhs.gov/hsp/hspyoung.htm>]

Most recently, in January 2001, HHS released an interim report on the national evaluation of family preservation and reunification programs, which studied the impact of the Homebuilders model on outcomes in several sites in three states (Kentucky, New Jersey, and Tennessee).<sup>11</sup> This research found no statistical difference between control and experimental groups in any of the states with regard to rates of placement in foster care or case closings. Likewise, no differences were found with regard to subsequent child maltreatment. Improvements in some family functioning outcomes were seen at the point when services ended, but these findings were not consistent across sites nor maintained over time. Interestingly, however, a significant portion of program participants in two states reported great improvement in their lives at the end of treatment.

In their conclusion, the researchers suggested that these findings should be used to re-evaluate the objectives of family preservation programs. They suggest focusing on improving child and family functioning among families with substantiated maltreatment reports, but where the children are able to remain home, rather than attempting to prevent placement of children who are at imminent risk of foster care. The researchers suggested that tighter targeting of family preservation services might produce more positive impacts. Finally, they noted that the short-term nature of intensive family preservation services might be inconsistent with the real lives of program clients, who are likely to experience chronic or recurring problems, and may need access to longer term services in addition to short-term crisis intervention.

## **Court Improvement Program**

A portion of the Promoting Safe and Stable Families entitlement funds is reserved for a grant program to the highest court in each state to assess and improve certain child welfare proceedings. The court set-aside equaled \$5 million in FY1995 and \$10 million in each of FY1996 through FY2001. Based on the \$375 million funding level for FY2002, including the increased set aside out of appropriated discretionary funds, FY2002 funding for this program is expected to be \$12.3 million. A 25% nonfederal match is required. Each state with an approved application receives \$85,000, with the balance of funds allocated among eligible states according to the relative size of their population of individuals under age 21.

Courts use these grant funds to assess their procedures and effectiveness in determinations regarding foster care placement, termination of parental rights (TPR), and recognition of adoptions. Courts also can use these grant funds to implement changes found necessary as a result of the assessments. The rules for spending these funds were originally set out in Section 13712 of the Omnibus Budget Reconciliation Act of 1993 but, with the enactment of P.L. 107-133, have been moved to Section 438 of the Social Security Act. According to HHS, 49 states and the District of

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<sup>11</sup> Westat Inc., Chapin Hall Center for Children, and James Bell Associates, *Evaluation of Family Preservation and Reunification Programs: Interim Report*, January 2001. Available at the Assistant Secretary of HHS for Planning and Evaluation web site: [<http://aspe.hhs.gov/hsp/hspyoung.htm>].

Columbia participated in this program as of FY1999. South Carolina no longer participated in the program.<sup>12</sup>

According to a review conducted for HHS on court improvement activities during 1995-98, states conducted thorough assessments of their judicial systems and came up with various recommendations.<sup>13</sup> Categories where improvement was most commonly recommended were: representation of parties, timeliness of decisions, management information systems, quality of court hearings, judicial expertise, multidisciplinary training for court participants, coordination between the courts and child welfare agency or service providers, treatment and participation of parties, and resources for courts and social services. The activities most commonly implemented included: development of training and educational materials; pilot programs; revision of legislation, court rules and judicial directives; development of automated case tracking systems, public relations campaigns and local work groups; supplemental assessments or studies; increased number of attorneys, judges and other court personnel; hiring of court improvement coordinating staff; and improved treatment of parties.

The report found that court improvement changes were still at an early stage, partially because initial assessments took longer to complete than expected and also because reforms requiring new legislation or staff require time to implement. However, the report concluded that the Court Improvement Program had raised the visibility of courts within the child welfare system and provided states with flexibility and resources to address court-related challenges.

In September 2001 HHS awarded an 18-month contract to James Bell Associates to design an evaluation model for the Court Improvement Program. The Department currently plans to fund further evaluation of the program, based on this evaluation design, following its completion.

## Related Programs

Several programs exist – either as part of the Social Security Act or free-standing legislation – that have related, or similar goals, to the Promoting Safe and Stable Families program.<sup>14</sup> The following provides brief information on these programs.

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<sup>12</sup> For information on state Court Improvement Projects, see the web site of the American Bar Association, Center on Children and the Law: [<http://www.abanet.org/child/courtimp.html>].

<sup>13</sup> James Bell Associates, *Review and Analysis of State Program Reports Related to The Court Improvement Program*, Arlington, Va., June 1999.

<sup>14</sup> In addition to the programs described in this section, which authorize funds for activities similar or related to those funded under Promoting Safe and Stable Families, Title IV-E of the Social Security Act authorizes open-ended entitlement funding to reimburse states for part of the costs of supporting foster children and providing subsidies to parents who adopt children with special needs. This is the largest source of federal funds for child welfare-related activities, with estimated expenditures of \$5 billion for foster care and \$1.2 billion for adoption assistance in FY2001.

**Child Welfare Services.** Matching grants to states for child welfare services, defined broadly, are authorized under Subpart 1 of Title IV-B of the Social Security Act. The law's definition encompasses virtually everything authorized under Promoting Safe and Stable Families: "public social services which are directed toward the accomplishment of the following purposes: (A) protecting and promoting the welfare of all children, including handicapped, homeless, dependent, or neglected children; (B) preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children; (C) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible; (D) restoring to their families children who have been removed, by the provision of services to the child and the families; (E) placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate; and (F) assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption."

The law permanently authorizes annual funding of \$325 million; however, the amount actually provided is left to the discretion of the appropriations process. For FY2002 program funding held level at \$292 million. Funds are allocated among states according to a formula based on the state's population under age 21 and per capita income, and federal grants require a 25% nonfederal match. States have broad discretion in the use of these funds and no federal eligibility criteria apply to the children or families served. To receive funds under Title IV-B, states must develop a plan jointly with HHS that satisfies various requirements, many of which are intended to assure safety and permanency for children who enter the state's foster care system. However, no information is collected to indicate how states actually use their grants under this program.

**Adoption Incentive Grants.** As an incentive for states to increase their numbers of foster children and special needs children who are adopted, Title IV-E of the Social Security Act authorizes payments to the states for increased adoptions over a baseline level. The payments can be used for any activity authorized under Title IV-B or IV-E, which would include anything authorized under Promoting Safe and Stable Families. The payments equal \$4,000 for each foster child adoption, and \$6,000 for each special needs adoption, above the baseline for each. The law authorizes annual appropriations for these incentive payments in FY1999-FY2003, for adoptions finalized in FY1998-FY2002. To be eligible for the payments, which are 100% federally funded, states must submit necessary data to HHS on the number of their qualifying adoptions and, for FY2001-FY2002, must meet requirements regarding health insurance for adopted children. The FY2002 appropriation for adoption incentive grants is \$43 million.

**Community-Based Family Resource and Support Program.** Title II of the Child Abuse Prevention and Treatment Act (CAPTA) authorizes grants to help establish and operate statewide networks of community-based, prevention-focused, family resource and support programs that coordinate a wide variety of resources within each state. With regard to its overall purpose, this program is similar to the community-based family support services component of Safe and Stable Families.

All of CAPTA, including the Community-Based Family Resource and Support Program under Title II, expired at the end of FY2001. However, both the House and Senate have acted to provide funds for this program in FY2002.<sup>15</sup> (Legislation authorizing CAPTA is overseen by the House Education and the Workforce and Senate Health, Education, Labor and Pensions (HELP) Committees, while Promoting Safe and Stable Families is overseen by the House Ways and Means and Senate Finance Committees).

To receive funds under CAPTA's Community-Based Family Resource and Support Program, states must designate a lead entity to oversee the statewide network, which can be a public, quasi-public, or private nonprofit entity. States submit an application to HHS that describes the lead entity, includes an inventory of family resource and support programs in the state and a description of unmet needs, and contains a budget of which at least 20% comes from nonfederal cash resources. Funds are awarded to states according to a two-part formula: 70% based on population under age 18; and 30% based on the amount of nonfederal funds raised by the state for administration by the lead entity, as compared to all other states. Of funds appropriated, 1% is reserved for grants to Indian tribes and tribal organizations and migrant programs.

Local programs in the statewide network must provide certain "core" services directly, such as parent education, outreach, referral and followup. Other core services, including respite care, must be provided through contracts or arrangements with other local agencies. Programs must provide access to "optional" services, such as adoption counseling, child care, services for families with disabled children, referral to job readiness and educational services, self-sufficiency and life management training, community referral services, and peer counseling. Local programs must involve parents in their operations, show leadership in mobilizing other resources, and participate with other grantees of the statewide network.

Community-based family resource and support grants are a discretionary program, with \$66 million authorized for FY1997 and "such sums as necessary" for each year thereafter through FY2001. Actual appropriations for this program were \$33.4 million in FY2002.

**Adoption Opportunities Program.** The Adoption Opportunities Program, (authorized under Title II of the Child Abuse Prevention and Treatment and Reform Act) also expired at the end of FY2001 and is under the jurisdiction of the House Education and the Workforce and Senate HELP Committees. The program provides grants and contracts to promote and support adoption, particularly for children with special needs. Thus, in its overall purpose, this program is similar to the adoption promotion and support component of Safe and Stable Families; however, Adoption Opportunities grants are competitively awarded to public and private nonprofit organizations, while Safe and Stable Families is administered by the states. Authorization levels for the Adoption Opportunities Program were \$20 million in

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<sup>15</sup> For more information, see CRS Report RL30923, *Child Abuse Prevention and Treatment Act: Reauthorization in the 107<sup>th</sup> Congress*.



FY1997 and “such sums as necessary” thereafter through FY2001. The actual appropriation for FY2002 was \$27.4 million.

**Strengthening Abuse and Neglect Courts Act.** This law was enacted at the end of the 106<sup>th</sup> Congress, and authorizes three grant programs, two of which can offer funds to state and local courts and are related to the purposes of the Court Improvement set-aside within the Promoting Safe and Stable Families program. A total of \$10 million for the period of FY2001-FY2005 is authorized for automation grants to state and local courts, to be administered by the Justice Department and to be used to automate records of child abuse and neglect cases. A total of \$10 million is also authorized for the period of FY2001-FY2002 for grants to state and local courts for activities to reduce their backlogs of child abuse and neglect cases. This program would be administered by the Justice Department, in collaboration with HHS. Congress did not appropriate funding for these grant programs in FY2001. In September the Senate passed an amendment to its FY2002 Commerce-Justice-State Appropriations bill that would have provided \$5 million for grant programs authorized under the Strengthening Abuse and Neglect Act. House and Senate conferees removed mention of the Act from the text of the law but inserted a \$2 million line item for Strengthening Abuse and Neglect Court Acts in the report language. The Conference Report on H.R. 2500 (H.Rept. 107-278) was subsequently approved by Congress and President Bush signed the legislation into law in November 2001 (P.L. 107-77). (For more information, see CRS Report RS20806, *Child Welfare: Strengthening Child Abuse and Neglect Courts Act.*)

## **FY2002 Funding and Legislation in the 107<sup>th</sup> Congress**

On December 13, 2001, the Senate passed (under suspension) the Promoting Safe and Stable Families Amendments of 2001 as the legislation was approved by the House on November 13, 2001 (H.R. 2873, H.Rept 107-281). As adopted by Congress and subsequently signed into law by President Bush (P.L. 107-133), the bill reauthorizes the FY2001 mandatory funding level of \$305 million for each of the next five fiscal years (FY2002-FY2006), allows additional discretionary funding of \$200 million in each of those years, and creates new program authority for a mentoring children of prisoners initiative. The bill also includes a new initiative under the Foster Care Independence Program to provide education and training vouchers for older foster care youths and for those who recently aged out of the foster care system.

The legislation (H.R. 2873) approved by the full Congress matched the bill as it was reported to the floor of the House from the October 31, 2001 Ways and Means Committee’s mark-up. It amends an original Administration-drafted version of the bill that sought an annual *mandatory* \$200 million increase in funds for Safe and Stable Families as well as the new program authority for mentoring children of prisoners. On October 4, 2001, Senator Rockefeller and 11 co-sponsors introduced bipartisan Senate legislation that matched the Administration’s proposal. On September 25, the House Ways and Means Subcommittee on Human Resources, acting in light of fiscal uncertainties created by the September 11 terrorist attacks, had initially scaled-back the Administration-backed bill to approve a two-year funding reauthorization of Promoting Safe and Stable Families at \$305 million

annually. The subcommittee also removed bill language authorizing the mentoring children of prisoners initiative.

Although funding authorization for the Promoting Safe and Stable Families Program expired before the reauthorization legislation cleared Congress, both the House and Senate passed FY2002 appropriations legislation to raise program funding to \$375 million (H.R. 3061, including S.Amdt. 2080) and this amount was included in the final FY2002 Labor-HHS-Education Appropriations Act (P.L. 107-116).

**Changes approved.** The final legislation (H.R. 2873, P.L. 107-133) makes the following changes to current law (Title IV-B, Subpart 2 of the Social Security Act):

- reauthorizes mandatory funding for the Promoting Safe and Stable Families Program for 5 years (FY2002-FY2006) at an annual level of \$305 million;
- authorizes additional discretionary funds of \$200 million in each of FY2002-FY2006 for the Promoting Safe and Stable Families Program;
- maintains the current annual reservations out of the mandatory funds: \$6 million for evaluation, research, training, and technical assistance, \$10 million for state court improvement grants, and 1% for Indian tribes, but provides that out of any discretionary funds appropriated, these additional set-asides be made: 3.3% for evaluations, research, training and technical assistance, 3.3% for state court improvement grants, and 2% for Indian tribes;
- adopts criteria for priority research and defines technical assistance to be offered to states and tribes;
- provides that funds certified as unused by a state in a given year may be reallocated;
- redefines family preservation services to allow states to use these resources to support infant “safe haven” programs; and
- redefines family support services to explicitly include programs that “strengthen parental relationships and promote healthy marriages.”

H.R. 2873 also includes program authority and discretionary funding for a new initiative that would support mentoring services to children of prisoners. The new program would be a separately defined and funded part of the Promoting Safe and Stable Families Program located in Title IV-B, Subpart 2 of the Social Security Act. The final legislation:

- creates new program authority to provide mentoring services to children of prisoners for FY2002-FY2006,

- authorizes \$67 million in discretionary funds for grants to provide mentoring services in each of FY2002 and FY2003, and such sums as necessary in succeeding years,
- assigns administration of these grants to the HHS secretary,
- limits an individual grant to no more than \$5 million, and allows them to be offered to state or local governments, community-based and faith-based organizations, and tribes or tribal groups in areas where there are significant numbers of children of prisoners,
- requires grantees to use non-federal resources to make a minimum 25% in-kind or cash match of federal funds for the first two years of a grant award and a minimum 50% match in succeeding years, and
- reserves 2.5% of the funds appropriated for evaluation of the mentoring program.

Finally, P.L. 107-133 amends Title IV-E of the Social Security Act to provide education and training vouchers for youths who are aging out of foster care and those who have recently aged out of the system. The enacted legislation amends the Chafee Foster Care Independence Program to allow \$60 million in annual discretionary funding (FY2002-FY2006) for this voucher initiative. (For more information see CRS Report RS20230 *Child Welfare: The Chafee Foster Care Independence Program*.)

**Administration proposal.** President Bush made a \$1 billion increase in child welfare spending a 2000 election campaign pledge. In April 2001 the President submitted his FY2002 budget requesting a \$200 million increase in mandatory funding for the Promoting Safe and Stable Families Program in each of 5 years (FY2002-FY2006). The President's budget proposal also called for \$67 million in discretionary FY2002 funding for grants to support mentoring services for children of prisoners and \$60 million in mandatory funds for each of FY2002- FY2006 for education and training vouchers to youths aging out of foster care. In line with this request, the House Budget Resolution (H.Con.Res. 83) anticipated a significant increase in mandatory funding for these programs.<sup>16</sup>

In early August the Administration submitted the President's funding requests to the House as a part of a legislative proposal that sought to reauthorize the Promoting Safe and Stable Families Program for 5 years (at an annual mandatory appropriation of \$505 million); strengthen and clarify the program purposes; allow reallocation of program funds; redefine family support services to include promoting and strengthening marriage; introduce specific criteria for approving research; define technical assistance; delete a provision of current law that allows states to opt out of criminal background checks for prospective foster and adoptive parents; and increase

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<sup>16</sup> See H.Rept. 107-26, p. 46 and explanation of House Resolution in Conference report on the FY2002 budget resolution, H.Rept. 107-60, p. 62-63.

money reserved for Indian tribes, research, evaluation, training and technical assistance, and state court improvement grants.

In addition, the Administration's legislative proposal called for new program authority and mandatory funds (\$300 million over 5 years) to administer education and training vouchers to youth aging out of foster care and to support a separate grant program to provide mentoring services to children of prisoners. The Administration sought this latter program authority to help children during the time their parents are in prison, to enable them to maintain contact with their parents, and to increase the likelihood of family reunification after the parent's release. According to HHS budget justifications for this proposal:

The arrest and incarceration of a parent often results in traumatic separations for children, followed frequently by erratic shifts from one caregiver to another. As a group, these children are less likely than their peers to succeed in school and more likely to succumb to substance abuse, gangs, early childbearing, and delinquency. Children of incarcerated mothers are particularly vulnerable, as these children typically come from households where the mother was the sole provider, making placement in foster care more likely when the mother is in prison. The limited data available indicates that placements in foster care as a result of a parent's incarceration increased from 2.5% of the placements in 1997 to 5.9% (roughly 30,000 children) in 1999.

**Subcommittee markup.** On September 10, Representatives Herger and Cardin introduced the Administration's proposal as H.R. 2873 and on September 25, the House Ways and Means Subcommittee on Human Resources held a mark-up of the legislation. Citing the September 11 terrorists attacks in the United States and a subsequent desire for time to evaluate new fiscal priorities, Chairman Herger introduced an amended bill at the mark-up that significantly scaled back proposals in the Administration-drafted H.R. 2873. As subsequently adopted and reported by the subcommittee, the Chairman's mark reauthorized funding for the Promoting Safe and Stable Families program for two years only (FY2002 and FY2003), maintained the FY2001 mandatory funding level of \$305 million, removed the program authority and funding authorization for both the mentoring services to prisoners program and the education and training vouchers initiative for youths aging out of foster care, and deleted the provision denying states the ability to opt out of criminal background checks for prospective foster and adoptive parents.

At the mark-up Representative Cardin introduced an amendment seeking to restore the 5-year authorization with increased funding, as requested by the Administration, but this amendment was defeated 8-to-5 along party lines. A second Cardin amendment to restore increased funds for education and training vouchers to youth who age out of foster care was ruled non-germane. Noting a lack of bipartisan support, Cardin withdrew his third amendment, which would have restored the plan for providing grants to support mentoring of children of prisoners.

The mid-session budget review, released by the Administration's Office of Management and Budget on August 22, 2001 changed the President's FY2002 budget request for increased Promoting Safe and Stable Families from mandatory to discretionary dollars, but this change was not discussed by the Administration's witness at the subcommittee hearing. Wade Horn, HHS Assistant Secretary for

Children and Families instead emphasized the Administration commitment to obtaining all the resources requested. HHS continues to stand by the legislative proposal it submitted to Congress in August.

Chairman Herger's amendment, as approved by the subcommittee, did retain the Administration's smaller proposals, including, reallocation of any unused Promoting Safe and Stable Families Program funds, expanded guidance on the kinds of research, evaluation, and technical assistance HHS should fund and provide, and clarification of the family support services definition to include services that "strengthen parental relationships and promote healthy marriages." The subcommittee also adopted an amendment brought by Representative English to allow program funds to be used for infant safe haven programs.<sup>17</sup> Since 1999, 35 states have adopted "safe haven" programs intended to allow birthparents to safely relinquish their unharmed infants without fear of prosecution. The English amendment redefines family preservation services, one of the four key components of the Safe and Stable Families Program, to include infant safe haven programs. (See CRS Report RS20901 "*Safe Haven*" for *Abandoned Infants: Background on the Issue and State Laws* by (name redacted).)

**Full committee mark-up.** The full House Ways and Means Committee considered H.R. 2873 at an October 31 mark-up session. At this mark-up Chairman Bill Thomas, with Representative Herger, introduced a substitute to the subcommittee-approved bill. The amendment restored the new program authority sought by the Administration but changed the Administration-drafted H.R. 2873 request for new mandatory funding to discretionary funds.

Representative Cardin, arguing that Congress needed to do all it could to protect the "most vulnerable" families, proposed restoring the mandatory funding for Safe and Stable Families and the education and training vouchers. Members voted 14 to 20, along party lines, to reject this proposal. Members from both parties, however, voiced approval for the policy aims of the Promoting Safe and Stable Families Amendments, and Representative Herger noted that his concerns about increased funding for the program had always been budget-related, rather than program-related.<sup>18</sup>

**Senate action.** On December 13, 2001, the Senate, by unanimous consent, approved H.R. 2873 as it had passed the House one month earlier. Sen. Rockefeller, who along with a bipartisan group of colleagues had sponsored alternative reauthorization legislation, supported the less generously funded House version "as essential for the long-term security of this program." (See *Congressional Record*, December 13, 2001, S13225). As it was introduced on October 4 by Senator Rockefeller and 11 co-sponsors, the Senate bill (S. 1503) closely matched the Administration-drafted legislative proposal in calling for expanded program authority and increased mandatory funds. S. 1503 sought 1) a 5-year reauthorization of Safe and Stable Families with an annual funding ceiling of \$505 million (including

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<sup>17</sup> For a separate report on the subcommittee mark-up, go to the National Journal website: [<http://nationaljournal.com/members/markups/2001/09/200126806.htm>].

<sup>18</sup> For a separate report on the full committee mark-up report, go to the *National Journal* website: [<http://nationaljournal.com/members/markups/2001/10/200130403.htm>].

increased set-asides for state court improvement grants, research and evaluation, and Indian tribes); 2) new program authority to allow grants for provision of mentoring services to children of prisoners (with discretionary funding authorization of \$67 million for FY2002 and such sums as necessary for FY2003-FY2006); 3) elimination of state ability to opt-out of criminal background checks for prospective foster and adoptive parents; and 4) \$60 million in each of FY2002-2006 to provide education and training vouchers for youths who age out of the foster care system.

In both S. 1503 and the Administration proposal, grants for mentoring children of prisoners would have been made to local governments who submitted an application for funds describing how the services would be designed and provided by a network of public and private entities (including faith-based groups). The federal funds would have been administered by HHS and available for up to 80% of program cost for the first fiscal year with the federal share of costs paid declining to 60% in year 2, 40% in year 3 and 20% in each subsequent year. Two-thirds of the grants were allowed in amounts up to \$5 million and one-third in amounts up to \$10 million each. (The legislation did not specify whether these grants were single or multi-year.)<sup>19</sup>

**Differences between final legislation and earlier proposals.** The full House Ways and Means Committee approved the legislation as it was ultimately passed by the House. Differences between this version, the bill reported by Ways and Means Subcommittee on Human Resources and the Administration's proposal/S. 1503 are described in **Table 1** below.

**Funding history.** Funding levels, approved and proposed, for the Promoting Safe and Stable Families Program (FY2000 through FY2002) are shown in **Table 2** below.

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<sup>19</sup> On February 13, 2001 Senator Hatch introduced S. 304, which, among other things, would establish a program of counseling, training and mentoring for children of prisoners. However, this legislation differs from S.1503/the Bush Administration mentoring proposal in several ways. First, it would be administered by the Department of Justice, rather than by HHS. Second, the Justice Department would competitively award grants directly to community-based organizations to provide services, rather than through grants to local governments. Funding would come from the Violent Crime Reduction Trust Fund, and would equal \$25 million in FY2002 and such sums as necessary in the subsequent 2 years.

**Table 1. Major Differences Between Promoting Safe and Stable Families Amendments Enacted and Earlier Proposals**

	<b>Safe and Stable Families Amendments Enacted (P.L. 107-133)</b>	<b>Proposal Reported by subcommittee (H.R. 2873)</b>	<b>Proposed by Administration/ S. 1503</b>
<i>Promoting Safe and Stable Families: funding and set-asides</i>	Annual mandatory funding: \$305 million. Annual discretionary funding: \$200 million	Annual mandatory funding: \$305 million	Annual mandatory funding: \$505 million
	Out of any discretionary funds appropriated: reserves 3.3% for research and training; 3.3% for state court improvement grants and 2% for Indian tribes. (Maintains current set-aside out of \$305 million in mandatory funds: \$6 million for research and training; \$10 million for state court improvement grants; 1% for Indian tribes)	No provision. (Maintains current set asides out of \$305 million in mandatory funds.)	Out of \$505 million: \$15 million for FY2002 and \$20 million FY2003-FY2006 for research and training; \$20 million for state court improvement grants and 2% for Indian tribes
	Infant Safe Haven programs among list of defined family preservation services	Infant safe haven programs among list of defined family preservation services	No provision
<i>New program authority: Grants for Mentoring Children of Prisoners</i>	Grants may be made to state or local government groups, community- or faith-based organizations, and Indian tribes or tribal consortia	No provision	Grants may be made to local governments (working with public and private groups, including faith-based organizations)
	No grant to exceed \$5 million	No provision	Up to one-third of grants may equal \$10 million
	Federal share of program cost capped at 75% in first two years of grant; 50% in succeeding years	No provision	Federal share of program cost capped at 80% in first year of grant; 60% second year; 40% third year; and 20% in succeeding years.
	Discretionary funds authorized: \$67 million in each of FY2002-FY2003 and such sums as necessary for succeeding years	No provision	Discretionary funds authorized: \$67 million in FY2002 and such sums as necessary for succeeding years

	<b>Safe and Stable Families Amendments Enacted (P.L. 107-133)</b>	<b>Proposal Reported by subcommittee (H.R. 2873)</b>	<b>Proposed by Administration/ S. 1503</b>
<i>Criminal background checks</i>	No provision (maintains opt-out provision)	No provision (maintains opt-out provision)	State's may not opt out of criminal background checks for prospective foster and adoptive parents
<i>New program authority: Education and training vouchers</i>	Discretionary funds authorized: \$60 million in each of FY2002-FY2006	No provision	Mandatory funds authorized: \$60 million in each of FY2002-FY2006



**Table 2. Final and Proposed Appropriations for the Promoting Safe and Stable Families and Selected Related Programs, FY2000-FY2002**  
(\$ in millions)

Program	Final Appropriation		FY2002 Appropriations, proposed and final			
	FY2000	FY2001	President's request	House	Senate	Final
Promoting Safe and Stable Families	\$295	\$305	\$505	\$375	\$375	\$375
Child Welfare Services (Title IV-B, Subpart 1)	\$292	\$292	\$292	\$292	\$292	\$292
CAPTA: Community Based Family Resource and Support Program <sup>a</sup>	\$33	\$33	\$33	\$34	\$33	\$33
Adoption Incentive Program	\$42	\$43	\$43	\$43	\$43	\$43
Adoption Opportunities Program	\$27	\$27	\$27	\$27	\$27	\$27
Strengthening Abuse and Neglect Courts <sup>b</sup>	NA	\$0	\$0	\$0	\$5	\$2

**Source:** Table prepared by Congressional Research Service (CRS) from U.S. Department of Health and Human Services Budget Justifications, Administration budget documents, H.R. 2500 and H.R. 3061 (as passed by the House, passed by the Senate, and enacted).

<sup>a</sup> This program is authorized under Title II of Child Abuse Prevention and Treatment Act (CAPTA) and funds programs similar to many of those authorized under the Promoting Safe and Stable Families Program. Title I of CAPTA provides additional funds for research and demonstration and grants to states to improve their child protective services systems.

<sup>b</sup> As of November 16 both the Senate and House had approved Conference Report language on the Commerce, Justice and State Appropriations bill (H.R. 2500). The language includes a line item in the report requesting \$2 million for these grants. The Conference Report bill, unlike the Senate version, does not include direct reference to the Strengthening Abuse and Neglect Courts Act.

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