

# **Child Welfare and Child Support: The Supporting America's Children and Families Act (P.L. 118-258)**

April 7, 2025

**Congressional Research Service**

<https://crsreports.congress.gov>

R48503



**R48503**

April 7, 2025

**Emilie Stoltzfus**  
Specialist in Social Policy

**Jessica Tollestrup**  
Specialist in Social Policy

# Child Welfare and Child Support: The Supporting America's Children and Families Act (P.L. 118-258)

The Supporting America's Children and Families Act (H.R. 9076, 118<sup>th</sup> Congress) was signed into law on January 4, 2025 (P.L. 118-258). Title I extends funding authorizations for and makes other amendments to child welfare programs in Title IV-B of the Social Security Act (SSA). Title II principally amends the Internal Revenue Code (IRC) to expand access to federal tax information (FTI) for child support purposes (Title IV-D of the SSA). The measure passed the House (405-10) on September 18, 2024, and the Senate (unanimous consent) on December 21, 2024. When taken together the Congressional Budget Office (CBO) estimates of the two titles anticipate a net direct spending reduction of \$167 million over the FY2025-FY2034 period.

Title IV-B of the SSA includes the Stephanie Tubbs Jones Child Welfare Services (CWS) program (Subpart 1) and the MaryLee Allen Promoting Safe and Stable Families (PSSF) program (Subpart 2). Under the CWS and PSSF programs, states, territories, and tribes receive funding to support a broad range of services, including to protect children from abuse, neglect, or exploitation (CWS); strengthen families (CWS and PSSF); help children to remain safely with their families (CWS and PSSF); ensure the well-being of children in foster care and enable them to be safely reunited with their families (CWS and PSSF); or, if necessary, find children new permanent families (CWS and PSSF). Additionally, some PSSF funding must be reserved each year for the Court Improvement Program (CIP), Monthly Caseworker Visit (MCV) grants, and Regional Partnership Grants (RPGs) to improve outcomes for children affected by parent/caretaker substance use disorder, and for child and family services-related research, evaluation, and technical assistance.

Title I of P.L. 118-258 extends funding authorities for the CWS and PSSF programs through FY2029 and increases (as of FY2026) mandatory support for the PSSF program to \$420 million (compared to \$345 million in current law). Most of the \$75 million in additional PSSF funds will increase formula grant funding to states, territories, and tribes for child and family services, but a part of it is directed (as of FY2026) to increase annual mandatory funds reserved for the CIP, RPGs, and MCV grants. The new law reorganizes PSSF support for evaluation and technical assistance and directs new set-asides of discretionary PSSF funds for competitive grants to support kinship navigator programs and to develop evidence-based services to prevent foster care. Other amendments to the PSSF program focus on boosting resources to strengthen families in their own communities, developing policies to prevent family separations due to poverty alone, offering short-term benefits to address a family crisis, serving kinship families and older youth, and incorporating lived experience in service planning. Changes to the CWS program address offering information on available independent legal representation, developing standards for virtual caseworker visits of older youth in care, and addressing the mental health needs of children in care.

A number of changes in the new law are designed to increase support for and improve access to funding for tribes, including by directing a full 3% of all CWS and PSSF funding to formula grants for tribal child and family services and doubling funding for tribal court improvement (+\$1 million). As part of its focus on strengthening compliance with the Indian Child Welfare Act (ICWA), P.L. 118-258 requires the U.S. Department of Health and Human Services (HHS) to produce guidance for states on improved ICWA compliance, and to provide a biennial report to Congress on this work. In addition, Title I newly authorizes \$35 million in annual discretionary appropriations (FY2026-FY2029) for collaborative projects to promote meaningful relationships between incarcerated parents and their children in foster care. All the child welfare provisions in Title I of P.L. 118-258 are generally effective as of FY2026.

Title II of P.L. 118-258 expands access to FTI for child support programs operated by the states and 63 tribal nations pursuant to Title IV-D of the SSA. Certain services (e.g., the Federal Tax Refund Offset Program) are supported via the exchange of FTI, which is governed by the IRC. Prior to the enactment of Title II, state and local Title IV-D programs could access FTI for child support purposes, while tribal IV-D programs could not. In addition, the contractors of these programs only could access FTI on a limited basis. Title II amended the IRC to provide tribal IV-D programs the authority to access FTI on a comparable basis as state and local IV-D programs. In addition, it amended the law to allow contractors of state, local, and tribal IV-D agencies access to federal tax data on a comparable basis as IV-D agency employees. These changes were generally effective upon the enactment of P.L. 118-258.

# Contents

The Protecting America's Children by Strengthening Families Act (Title I)	1
Reauthorizing CWS and PSSF; Increasing Mandatory Funding	2
New Activities to Support and Strengthen Families; Increased Flexibility in Spending	
PSSF Funds	2
Services to Strengthen and Maintain Families	3
Flexibility in Counting Spending for New Activities and Services	4
Serving Youth and Kin Care Families	4
Revised or New Program Plan Requirements	5
Efforts to Prevent Family Separation Solely Due to Poverty	5
Including Voices of Youth and Parents with Lived Experience in Planning	6
Informing Parents and Children About Independent Legal Representation	6
Focus on Mental Health in Health Oversight Plan for Children in Foster Care	7
Video Visits for Youth in Care at Age 18 or Older	7
Effective Date of Revised State Plan Requirements	8
Eliminating the Cost Sharing Penalty Under the CWS Program for Failure to Meet	
Required Caseworker Visit Standards	8
Addressing Administrative Burden and Ensuring Public Access to Plan Information	9
Required Efforts to Reduce Administrative Burden	9
Access to State Plan Information	10
Tribal Support and Access to Funds Under Title IV-B	10
Other Provisions Related to Tribal Access to Title IV-B Funding	11
Increase in Tribal Court Improvement Program Funds	11
State Compliance with the Indian Child Welfare Act (ICWA)	12
CWS State Plan Requirement on ICWA	12
Technical Assistance on ICWA Compliance	12
Biennial Report to Congress on How States Are Carrying Out ICWA	13
Guidance on Court Compliance with ICWA	13
Funding and Policy Changes in Other Title IV-B Programs and Activities	13
Increase in Court Improvement Funding; New Purposes, Use of Funds	14
Increase in Funding for RPGs; Focus on Expanding Evidence-Based Programs and Services	15
Increased Funding for Monthly Caseworker Visit Grants and Other Revisions	17
Competitive Grants for Kinship Navigator Programs	18
Grants to Accelerate Development of the Evidence Base for Prevention Services	19
PSSF and Related Evaluation, Research, and Technical Assistance	20
Limit on Use of CWS Funds for Grants Related to Dual-Status Youth	21
Demonstration Grants to Support Relationships Between Incarcerated Parents and Their Children in Foster Care	22
Eligible Partnerships and Applications	22
Required Activities of Partnerships	23
Cost Sharing, Technical Assistance, Evaluation, and Reports	23
Other Required Work by HHS	23
Guidelines for Improved Data Collection and Reporting on Youth in Residential Treatment Programs	23
Post-Adoption/Guardianship Study	24
Effective Date	24
The Strengthening State and Tribal Child Support Enforcement Act (Title II)	25

Title IV-D Access to and Use of Federal Tax Data .....	25
Tribal IV-D Program Access .....	26
Title IV-D Agency Contractor Access.....	27
CBO Cost Estimates of the Supporting America’s Children and Families Act .....	27
Title I Child Welfare Provisions.....	28
Title II Child Support Provisions .....	28
The Origins and Enactment of the Supporting America’s Children and Families Act .....	28
Title I—Introduction, Related Bills, and Committee Action in the 118 <sup>th</sup> Congress .....	29
Title II—Introduction, Related Bills, and Committee Action in the 118 <sup>th</sup> Congress.....	30

## **Tables**

Table B-1. FY2024 Title IV-B Funding: Distribution by Program, State, Other Jurisdictions, or Activity .....	36
Table C-1. Authorizations of Appropriations for FY2024 and FY2026 .....	39
Table C-2. Title IV-B Funds Reserved for Specific Programs or Activities .....	40

## **Appendixes**

Appendix A. Program Background .....	32
Appendix B. Recent Title IV-B Funding and Distribution of FY2024 Funds .....	35
Appendix C. Funding Authorized, Funding Set-Asides, and Formula Distribution Rules .....	39

## **Contacts**

Author Information.....	42
-------------------------	----

**T**he Supporting America's Children and Families Act (H.R. 9076, 118<sup>th</sup> Congress) was signed into law on January 4, 2025 (P.L. 118-258). The bill passed the House (405-10) on September 18, 2024, and was approved in the Senate (unanimous consent) on December 21, 2024.

Title I of the law extends funding authorities for child and family services programs under Title IV-B of the Social Security Act (SSA), including the Stephanie Tubbs Jones Child Welfare Services (CWS) program (Subpart 1) and the MaryLee Allen Promoting Safe and Stable Families (PSSF) program (Subpart 2), and makes funding, distribution, and program requirement changes to those programs. The enacted provisions are largely identical to the Protecting America's Children by Strengthening Families Act (also numbered H.R. 9076), which was unanimously approved and ordered reported by the House Ways and Means Committee in July 2024. The Title I provisions of P.L. 118-258 will generally be effective on October 1, 2025 (i.e., the first day of FY2026).

Title II of the law expands access to federal tax information (FTI) for specified child support programs (under Title IV-D of the SSA) and their contractors. It is substantively identical to the Strengthening State and Tribal Child Support Enforcement Act (H.R. 7906, 118<sup>th</sup> Congress), which was also approved unanimously and ordered reported by the House Ways and Means Committee on July 24, 2024. The Title II provisions of P.L. 118-258 are effective as of the enactment date of the law.

This report begins with separate descriptions of Title I (the Protecting America's Children by Strengthening Families Act) and Title II (the Strengthening Tribal Child Support Enforcement Act) of P.L. 118-258. This is followed by sections reviewing the Congressional Budget Office (CBO) cost estimates of provisions in the enacted bill, and describing legislative origins of the bill. **Appendix A** provides brief background on the programs amended, or principally impacted, by the enactment of the law. **Appendix B** shows the distribution of FY2024 funding for the various programs and activities authorized under Title IV-B of the SSA, including by state. **Appendix C** compares overall distribution of Title IV-B funding as authorized for FY2024 to the distribution authorized by P.L. 118-258 as of FY2026.

## The Protecting America's Children by Strengthening Families Act (Title I)

Title I of P.L. 118-258 extends funding authorizations for, and makes certain amendments to, child welfare programs included in Title IV-B of the SSA. Principally, these are the CWS program (Subpart 1) and the PSSF program (Subpart 2).

Under the CWS and PSSF programs, all 50 states and the District of Columbia (DC), five territories (American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands), and numerous federally recognized Indian tribes and tribal organizations (hereinafter, "states and tribes") receive formula grant funding to provide a broad range of child welfare services to children and their families. In addition, a portion of funding provided for the PSSF program must be reserved to support related programs and activities, including for the Court Improvement Program (CIP), Regional Partnership Grants (RPGs) to improve outcomes for children affected by parental/caretaker substance use disorder, and Monthly Caseworker Visit (MCV) grants. In each of FY2018-FY2024, final appropriations acts have also directed that a portion of PSSF funding be used for support of kinship navigator programs and certain other work, including, in some of those years, the Title IV-E Prevention Services Clearinghouse. (For FY2024 distribution of funds, including by state, see **Appendix B**.)

Title IV-B programs are administered at the federal level by the Children's Bureau, an agency within the U.S. Department of Health and Human Services (HHS), Administration for Children and Families (ACF), Administration on Children Youth, and Families (ACYF). At the state level, child and family services agencies that administer Title IV-B formula grant funding are often located in larger state social services or human services agencies, although in a few states they are independent state agencies. Although receipt of federal Title IV-B funds and accountability for compliance with federal Title IV-B program requirements is always at the state level, in some states the administration of the programs is carried out by an agency at the local/county level under *supervision* of the state-level agency.

## **Reauthorizing CWS and PSSF; Increasing Mandatory Funding**

P.L. 118-258 extends the authorization of appropriations for the CWS and PSSF programs through FY2029. It makes no change to the annual level of discretionary funding authorized to be appropriated for these programs: \$325 million (CWS) and \$200 million (PSSF); however, beginning with FY2026 it increases annual mandatory funding for the PSSF program to \$420 million instead of the \$345 million in current law.<sup>1</sup>

The \$75 million annual increase in mandatory PSSF funding is the first such permanent increase in this PSSF funding authority in nearly two decades.<sup>2</sup> Unlike the most recent permanent increase,<sup>3</sup> which reserved all of the new funding for related grant activities, P.L. 118-258 directs the bulk of those new dollars (\$55 million annually) to increase support for PSSF formula grant funding to states, territories, and tribes. A smaller portion of the new funding is directed to increase (as of FY2026) annual mandatory PSSF funding reserved for the CIP, RPGs, and MCV grants.

## **New Activities to Support and Strengthen Families; Increased Flexibility in Spending PSSF Funds**

Under the PSSF program, states must spend at least 90% of their federal program funds on four defined categories of services: "family support," "family preservation," "family reunification," and "adoption promotion and support." Further, they must spend a significant portion of those PSSF funds in each of those service categories.<sup>4</sup> In guidance, HHS has generally interpreted "significant" as 20%.<sup>5</sup>

---

<sup>1</sup> Section 103 in Title I of P.L. 118-258 adds language to the SSA to extend funding authorizations for the CWS and PSSF programs for fiscal years "2025 through 2029." At the same time, Section 117 of P.L. 118-258 provides that none of the provisions in Title I are effective before October 1, 2025 (i.e., the first day of FY2026). Accordingly, while the SSA is to be amended to authorize funding for FY2025, this authorization will become effective with FY2026.

<sup>2</sup> In this case, "permanent" means that the increase is expected to stay in the CBO baseline even beyond FY2029, which is the last authorization year given by P.L. 118-258. See CBO, H.R. 9076, *Protecting America's Children by Strengthening Families Act*, October 23, 2024, p. 3, which notes that it makes this assumption under the rules of the Balanced Budget and Emergency Deficit Control Act (BBEDCA).

<sup>3</sup> For more information, see CRS Report RL33354, *Child Welfare: Enactment of the Child and Family Services Improvement Act of 2006 (P.L. 109-288)*.

<sup>4</sup> Section 432(a)(4) of the SSA. This requirement is not applicable to tribes receiving PSSF funding, see Section 432(b)(2)(A) of the SSA.

<sup>5</sup> For example, see HHS, ACF, ACYF, Children's Bureau, PI-24-02, February 15, 2024, p. 57, which notes that in reporting its planned PSSF spending, a state that does not show 20% spending for each category of service must provide a written "rationale for the disproportion" (<https://acf.gov/sites/default/files/documents/cb/PI-24-02.pdf>). States that reported spending less than 20% in a given service category typically indicated "other funds were available to (continued...)"



Effective with FY2026 (beginning October 1, 2025), P.L. 118-258 revises the definitions of most PSSF service categories and adds several new definitions to the program. Together, these changes (1) describe or define new PSSF activities and forms of services to strengthen and support families; (2) permit PSSF spending on some activities to count toward meeting the “significant” spending requirement in any one of the four PSSF service categories (under certain circumstances); and (3) clarify which individuals or families may be served.

## **Services to Strengthen and Maintain Families**

P.L. 118-258 makes several changes to service definitions included in the PSSF program that highlight and clarify services and supports to strengthen families in the community, prevent children from experiencing abuse or neglect, and/or allow children to return to or remain living safely at home.

### ***Short-Term Benefits***

The new law amends the definition of “family preservation services” to explicitly authorize use of PSSF funds for nonrecurring “short-term benefits” that address a specific crisis or family event that threatens the ability of a child to remain living in the home. It adds that these short-term benefits may be used to address housing instability, utility payments, transportation needs, food assistance, or other basic needs; however, they must not be intended to meet an ongoing need.<sup>6</sup> The use of flexible funds to address specific, concrete needs of families has been shown to reduce re-reports for child maltreatment (within one year of the support) and to improve parental engagement and satisfaction with services received.<sup>7</sup>

### ***Peer-to-Peer Mentoring***

The new law also adds a reference to “peer-to-peer mentoring and support programs” to the PSSF definition of “family preservation services.”<sup>8</sup> These programs are designed to help children and families learn from others with direct child welfare system experience and have been shown in some studies to improve outcomes for families, including by increasing the likelihood of reunification.<sup>9</sup>

---

support the purpose.” See HHS, ACF,ACYF, Children’s Bureau, *Report to Congress on State Child Welfare Expenditures, 2023*, p. 5, <https://www.acf.hhs.gov/system/files/documents/cb/2023-report-to-congress-cfs101.pdf>.

<sup>6</sup> Section 111(a)(3)(i) of P.L. 118-258.

<sup>7</sup> Whitney L. Rostad, Tia McGill Rogers, and Mark J. Chaffin, “The Influence of Concrete Support on Child Welfare Program Engagement, Progress, and Recurrence,” *Children and Youth Services Review*, vol. 72, 2017, pp. 26-33. For related information, see Clare Anderson et al., “Family and Child Well-being System: Economic and Concrete Supports as a Core Component” (PowerPoint slides), Chapin Hall at the University of Chicago, March 2023, p. 113, <https://www.chapinhall.org/wp-content/uploads/Economic-Supports-deck.pdf>.

<sup>8</sup> Family preservation services may be used to prevent a child’s removal from the home or to aid reunification of families. Separately, the PSSF definition of “family reunification services” (formerly, “time-limited family reunification services”) has included a reference to “peer-to-peer mentoring and support groups for parents and primary caregivers” beginning with FY2012 (see Sections 102(c)(2) and 107 of the Child and Family Services Improvement and Innovation Act [P.L. 112-34]).

<sup>9</sup> Parents who participated in peer parent programs were more likely to reunite with their children than those who did not, according to a systemic review of four such programs. That review found more-mixed outcomes with regard to length of time in care and re-entries to care post-reunification. However, citing them as a “promising intervention,” the researchers concluded that child welfare agencies should consider using these programs to “support parents and increase positive child welfare outcomes.” Emily Rian Saeteurn et al., “Peer Parent Programs in Child Welfare: A Systemic Review,” *Child Abuse & Neglect*, vol. 129, 2022.

## ***Family Resource Centers and Digital Portals***

P.L. 118-258 adds a focus on two forms of service provision that are community-based: “family resource centers” and “digital portals.”<sup>10</sup>

The new law adds a specific mention of “family resource centers” in the PSSF definition of community-based “family support” services. For the purposes of the PSSF program, it also defines those resource centers as community- or school-based hubs of support services for families that (1) use a multi-generational, strengths-based, and family-centered approach; (2) reflect, and are responsive to, community interests and needs; (3) provide support at no cost or low cost for participants; and (4) build communities of peer support for families to develop social connections.<sup>11</sup>

Separately, the law allows use of PSSF service funds to support access to, and use of, electronic or digital portals. Caseworkers may use such portals to link specific community resources (e.g., a bed, toddler clothing) with the specific needs of families they are working with.<sup>12</sup> The law stipulates, however, that such a digital portal must not be permitted to retain or share any personally identifiable information about a beneficiary without consent or for any purpose other than a referral.

## **Flexibility in Counting Spending for New Activities and Services**

For the purpose of meeting the Title IV-B requirement for significant spending of PSSF federal funds in each of the four defined service categories (“family support,” “family preservation,” “family reunification,” and “adoption promotion and support”), P.L. 118-258 permits states to consider spending related to a “digital portal” as spending in any one of the four PSSF service categories.<sup>13</sup>

Further, states will be permitted to count provision of short-term benefits to address a specific crisis or event, peer-to-peer mentoring and support programs, or support for family resource centers as spending in any one or more of the PSSF service categories. As of FY2026, this will be permissible, however, only to the extent that the spending was related to serving children and families in the category for which it was to be counted and consistent with the purposes of the service category.<sup>14</sup> For example, even though peer-to-peer mentoring and support programs are not specifically mentioned in the PSSF definition of “adoption promotion and support services,” a state that offered such mentoring and support services specifically targeted to prospective adoptive or adoptive families could count spending on services for those families toward its required share of PSSF spending on adoption and promotion and support services.

## **Serving Youth and Kin Care Families**

P.L. 118-258 further clarifies that some or all PSSF family support and family preservation services may be made available to youth (in addition to children and families as noted in current law) and it defines a “youth” as “an individual who has not attained 26 years of age.” (This

---

<sup>10</sup> Section 106(a) and (b) of P.L. 118-258.

<sup>11</sup> The National Family Support Network describes “family resource centers” in a similar manner. (See “What is a Family Resource Center,” <https://www.nationalfamilysupportnetwork.org/family-support-programs>).

<sup>12</sup> CarePortal (<https://www.careportal.org/>) is one example of such a digital portal.

<sup>13</sup> See amendment to PSSF in Section 106(a) of P.L. 118-258, effective October 1, 2025.

<sup>14</sup> See amendments to PSSF definitions section, included in Section 110(a), Section 106(b) and Section 111(a) of P.L. 118-258 and effective as of October 1, 2025.



definition applies, effective October 1, 2025, to any use of the term in Subpart 2, Title IV-B of the SSA, which principally includes the PSSF program.)<sup>15</sup>

Separately, the new law adds an explicit reference to “kinship families” or “kinship caregivers” in the PSSF definitions of “family support” and “family preservation” services (in place of current law references to “extended families” and “other caregivers”). Additionally, it provides that family reunification services may include services to children placed with a kinship caregiver.<sup>16</sup>

## **Revised or New Program Plan Requirements<sup>17</sup>**

Under the CWS and PSSF programs, states and tribes must develop program plans that meet specific requirements included in Title IV-B law. HHS approval of these plans is generally a condition for receipt of funding under the programs.<sup>18</sup> P.L. 118-258 makes several changes to the PSSF and CWS plan requirements.<sup>19</sup>

## **Efforts to Prevent Family Separation Solely Due to Poverty**

Families experiencing poverty are more likely to be reported to the child welfare system for child neglect than are nonpoor families<sup>20</sup> and as many as 19 states and Puerto Rico do not provide an explicit exemption in their “child abuse and neglect” definition for “financial inability to provide for a child.”<sup>21</sup> In its report on the Title IV-B legislation, the House Ways and Means Committee wrote that it “aims to clarify that a family experiencing material hardship should not be the sole grounds for considering a child neglected or for their removal.” The committee also asserted that child welfare agencies “should prioritize keeping children in their homes whenever it is safe and feasible, using available resources to address immediate material needs.”<sup>22</sup>

P.L. 118-258 newly requires states to describe in their PSSF plans the policies they have in place to prevent separation of a parent and child solely due to poverty. More specifically, the policies will need to describe how the state addresses child welfare reports that concern living

---

<sup>15</sup> See Section 110(a) of P.L. 118-258, effective as of October 1, 2025. There has not been a definition of “children” included in Title IV-B of the SSA; however, in regulations applicable to Title IV-B (CWS and PSSF) the term is defined as “individuals from birth to the age of 21 (or such age of majority as provided under State law) including infants, children, youth, adolescents and young adults” (45 C.F.R. §1357.10(c)).

<sup>16</sup> Section 110(a) of P.L. 118-258.

<sup>17</sup> This section of the report discusses provisions included in Section 106(d) and (e), Section 109, and Section 110(b) of P.L. 118-258.

<sup>18</sup> Under federal regulations given at 45 C.F.R. §97, certain territories, including American Samoa (AS), Guam (GU), the Northern Mariana Islands (NMI), and the U.S. Virgin Islands (USVI), are able to receive CWS and PSSF funding under a consolidated social services funding stream. These territories may opt to receive the funds under different program rules and thus may not be required to have an approved CWS or PSSF plan. Currently AS, GU, and the NMI receive Title IV-B funds as part of a consolidated grant subject to rules of the Social Services Block Grant (SSBG, Title XX-A of the SSA). However, since receiving approval of its Title IV-E plan (effective with FY2017), the USVI has submitted required Title IV-B plan documents.

<sup>19</sup> Although not otherwise discussed in this report, as of FY2026 the new law also removes a CWS plan requirement that generally required the agency that administers the SSBG in a given state to also administer the CWS plan. Section 106(c) removes this provision while maintaining the requirement that the CWS plan be administered by a single agency in the state.

<sup>20</sup> See Child Welfare Information Gateway, *Separating Poverty from Neglect in Child Welfare*, February 2023, (<https://www.childwelfare.gov/resources/separating-poverty-neglect-child-welfare/>). HHS released new policy guidance alerting states that they may define child “neglect” to exclude poverty or income-related concerns. HHS, ACF,ACYF, Children’s Bureau, *Child Welfare Policy Manual*, Section 2.3, Q&A 5.

<sup>21</sup> State Child Abuse & Neglect (SCAN) Policies Database, Codebook 2023, January 2025, p. 32.

<sup>22</sup> House Ways and Means Committee, H.Rept. 118-679, September 17, 2024, p. 28.

arrangements or subsistence needs of a child. Further, the policies must address caseworker training on them and ensure access to short-term benefits for families. As discussed previously, these benefits are intended to meet a specific and immediate need or event affecting the ability of a child to remain at home and are defined in the PSSF program to include concerns related to utilities, housing instability, transportation, food assistance, and other basic needs.<sup>23</sup>

### **Including Voices of Youth and Parents with Lived Experience in Planning**

Under the PSSF program, states and tribes must develop a five-year plan outlining the full continuum of child and family services they intend to provide, the goals they seek to achieve, and how the state/tribe will measure its success in meeting its goals. Among other things, the PSSF plan must also indicate how the state/tribe will identify populations at greatest risk of maltreatment and how it will target services to those families. Under current law, HHS must approve a PSSF plan—enabling the state/tribe to receive federal PSSF funding—only if the state/tribe jointly develops it in consultation with appropriate public and private nonprofit agencies, community-based organizations with experience in serving children and families, and HHS.<sup>24</sup>

P.L. 118-258 requires that this consultation on plan development also include young people with experience in the child welfare system (including those on state boards or councils with lived experience) as well as parents with child welfare experience, foster parents, adoptive parents, and kinship caregivers. Further, HHS may only approve a PSSF plan if a state/tribe also prepared a report outlining how it has implemented suggestions from the children and youth consulted in the planning process and made the report publicly available (via an agency website).<sup>25</sup>

### **Informing Parents and Children About Independent Legal Representation**

A variety of research has found that high quality independent legal representation for children and for parents is associated with more timely permanency for children and can improve parental engagement and effective case planning.<sup>26</sup>

P.L. 118-258 requires a state/tribe, as part of its CWS plan, to describe the steps it will take to ensure a child (as appropriate)—as well as the parent, guardian, or custodian of the child—is informed about available independent legal representation whenever the child is involved in a child abuse or neglect-related judicial proceeding. As described in the law, these include proceedings related to dependency, adoption, guardianship, or termination of parental rights.<sup>27</sup>

---

<sup>23</sup> This kind of aid is not explicitly provided for in current law. However, “protective services” offered under the CWS program and crisis prevention/family preservation services offered under the PSSF program are described in guidance as permitting some related supports and limited assistance. See HHS, ACF,ACYF, Children’s Bureau, PI-24-02, February 15, 2024, Attachment B, CFS Instructions (Part II), <https://acf.gov/sites/default/files/documents/cb/Attachment%20B%20FY%202025%20CFS-101%20Instructions.pdf>.

<sup>24</sup> Section 432(a) and (b)(1) of the SSA.

<sup>25</sup> In regulations, HHS has for some years required a state/tribe in developing its five-year plan for Child and Family Services (developed as part of responding to Title IV-B plan requirements) to consult with a variety of groups and individuals. Although not mentioning “lived experience,” it lists “parents, including birth and adoptive parents, foster parents, families with a member with a disability, children both in and outside the child welfare system, and consumers of services from diverse groups” (see 45 C.F.R. §1357.15(l)(3)(iv)).

<sup>26</sup> See research cited in HHS, ACF,ACYF, Children’s Bureau, “High Quality Legal Representation,” Information Memorandum (IM) 21-06, January 14, 2021, <https://acf.gov/sites/default/files/documents/cb/im2106.pdf>.

<sup>27</sup> Ibid. Beginning in FY2019, the first Trump Administration clarified that under the Title IV-E foster care program, states may claim federal support for 50% of the cost of providing independent legal representation to Title IV-E- (continued...)

## **Focus on Mental Health in Health Oversight Plan for Children in Foster Care**

Under the CWS program, states are required to develop a health oversight plan to ensure the health care needs of each child in foster care are met. The plan must be developed via collaboration of state child welfare and Medicaid agencies and in consultation with health care providers and other stakeholders. P.L. 118-258 directs that the state mental health agency (as applicable) and mental health service providers must also be a part of the collaboration and consultation, respectively, in the development of the health oversight plan.

Among other things, this plan has been required to outline the state's (1) schedule for initial and follow up screening of the health care needs for each child in foster care, (2) process for monitoring and treating identified health needs, (3) steps to ensure continuity of health care services, (4) oversight of prescription medication (including protocols for use of psychotropic medication), and (5) active consultation with appropriate medical and nonmedical professionals to assess health and well-being of children in foster care and determine appropriate medical treatment for them.<sup>28</sup>

P.L. 118-258 revises the list of items to be outlined in the state's health oversight plan to require it to further include

- a list of services provided with regard to the “physical and emotional trauma associated with a child’s maltreatment and removal from the home” (as part of the process for monitoring and treating identified health care needs);
- continuity in provision of “mental health” services (as part of the process for ensuring continuity of health care services more generally);
- informed consent of youth and compliance with professional practice guidelines (as part of its oversight of the use of prescription medication for children in foster care, including protocols for the use of psychotropic medication); and
- consultation with “licensed mental health providers” in assessing the health and well-being of children in foster care and determining appropriate medical treatment for them.

## **Video Visits for Youth in Care at Age 18 or Older**

Under the CWS plan, states are required to have standards related to caseworker visits with children in foster care. The standards must ensure children are visited on at least a monthly basis and that the visits are well-planned and focused on what is necessary to ensure the child's safety, permanency, and well-being.<sup>29</sup>

---

eligible children and their parents/guardians involved in child welfare-related proceedings. The Biden Administration issued final regulations (effective July 9, 2024) to formalize the policy related to support for independent legal representation under Title IV-E. The final rule added that this Title IV-E support was also available in certain civil legal proceedings for children who are eligible, or potentially eligible, for Title IV-E foster care and their parents/guardians/custodians. These civil proceedings must be related to addressing issues or service needs identified in the case plan for the eligible child (and might, for example, address housing issues or domestic violence concerns). See *Federal Register*, May 10, 2024, p. 40400-40417, <https://www.govinfo.gov/content/pkg/FR-2024-05-10/pdf/2024-09663.pdf>.

<sup>28</sup> Section 422(b)(15) of the SSA.

<sup>29</sup> Section 422(b)(17) of the SSA.

P.L. 118-258 adds that these standards are also to describe how the state may offer virtual caseworker visits to youth in care who are age 18 or older (and who have provided informed consent regarding virtual visits).

### Effective Date of Revised State Plan Requirements

Along with all other provisions in Title I of P.L. 118-258, the effective date for the revised and new CWS and PSSF state plan requirements is the first day of FY2026 (October 1, 2025). Generally, this means that a state's/tribe's CWS and PSSF plans must as of that day meet all of the new requirements in order for the state/tribe to be approved to receive federal CWS and/or PSSF funds. However, under limited circumstances, the law provides that some states may effectively delay compliance to a specified later date without jeopardizing their ability to receive federal Title IV-B funding. Separately, the law requires HHS to grant tribal entities whatever time the agency determines is necessary in order for the tribal entity to be in compliance with the new requirements.<sup>30</sup>

### Eliminating the Cost Sharing Penalty Under the CWS Program for Failure to Meet Required Caseworker Visit Standards<sup>31</sup>

Beginning with FY2007, states have been required to collect and report data on the frequency of caseworker visits with children in foster care.<sup>32</sup> Originally done via a separate reporting process,<sup>33</sup> effective with FY2023, states must report information related to the frequency and location of caseworker visits with children in foster care via the Adoption and Foster Care Analysis and Reporting System (AFCARS). This reporting requirement remains unchanged by P.L. 118-258.<sup>34</sup>

Beginning with FY2026, however, P.L. 118-258 removes a requirement that HHS determine and make reductions in federal cost sharing under the CWS program for states that fail to carry out 95% of their required monthly caseworker visits with children in foster care and/or do not ensure

---

<sup>30</sup> Section 117(b) of P.L. 118-258 provides that if HHS determines a state needs to enact legislation (other than appropriations) to comply with any of the new plan requirements, that state may in certain circumstances have additional time to be in compliance. Specifically, that state may have until the first day of the first calendar quarter that begins after the end date of the first regular state legislative session (or annual start of a two-year session) that began after the law's enactment. P.L. 118-258 was enacted on January 4, 2025. This falls just days or weeks before the start of a new legislative session (or annual session) in most states. Further, most of those legislative sessions end before October 1, 2025. Therefore, other than a handful of states with legislative sessions that began in December 2024 or that are scheduled to end their current session after October 1, 2025, this language is not expected to apply. See "Legislative Session Dates,"

<https://s3.amazonaws.com/multistate.us/production/resources/rUKcyVEiJZGb8lf1S/attachment/multistate-2025-legislative-session-dates.pdf>.

<sup>31</sup> This section of the report discusses Section 112(d) of P.L. 118-258.

<sup>32</sup> HHS, ACF, ACYF, Children's Bureau, *Child Welfare Outcomes, 2015, Report to Congress*, Appendix C. See also "Monthly Caseworker Visit Standards" in CRS Report RL33354, *Child Welfare: Enactment of the Child and Family Services Improvement Act of 2006 (P.L. 109-288)*; and for a discussion of how the initial standards were revised, see "Continued Attention to Caseworker Visits with Children in Foster Care" in CRS Report R42027, *Child Welfare: The Child and Family Services Improvement and Innovation Act (P.L. 112-34)*.

<sup>33</sup> HHS, ACF, ACYF, Children's Bureau, "Data Requirements for States Related to Monthly Caseworker Visits under Title IV-B of the Social Security Act," PI-12-01, January 6, 2012, <https://acf.gov/sites/default/files/documents/cb/pi1201.pdf>. These program instructions indicated state performance vis a vis the caseworker standards was to be based on visits to children in care under age 18 only. Further, except in limited circumstances (typically related to certain public health emergencies or individual health challenges), states have only been permitted to count "face-to-face" visits (with children under age 18) toward meeting the monthly caseworker visit standard. (See *Child Welfare Policy Manual*, Section 7.3, Question 8, as revised in 2020).

<sup>34</sup> The reporting requirements as included in the AFCARS regulation are at 45 C.F.R. §1355.44(f)(5) and (6).

that at least 50% of those visits occur where the child is living. The federal share of CWS program costs is regularly 75% (up to a state's maximum allotment). However, for states failing to meet one or both of the caseworker standards, the federal share was reduced, to between 65% and 74% of state CWS program spending (up to the state's maximum allotment) depending on the degree to which a state failed to meet one or both standards.<sup>35</sup>

While the new law removes this potential cost-sharing penalty, it leaves unchanged the CWS program law that instructs each state to take steps to ensure that at least 95% of its required monthly caseworker visits are completed.<sup>36</sup> Further, it continues to require HHS to report annual state-by-state data to Congress on the total number of monthly caseworker visits completed, and the share of those visits that occur where the child is living.<sup>37</sup> Separately, under the CWS state plan (as described previously) each state continues to be required to have standards ensuring well-planned, and at least monthly, caseworker visits with children in foster care (see Section 422(b)(17) of the SSA, discussed in the "Video Visits for Youth in Care at Age 18 or Older" section of this report).

## **Addressing Administrative Burden and Ensuring Public Access to Plan Information<sup>38</sup>**

P.L. 118-258 seeks to reduce paperwork and other administrative burdens for agencies receiving Title IV-B funding and to increase public access to and information about CWS and PSSF plans.

### **Required Efforts to Reduce Administrative Burden**

The law requires HHS to

- review, revise, and streamline data collection forms required under Title IV-B;
- make changes to ensure consistency between Title IV-B fiscal and oversight requirements and those in other federal programs (based on input from recipients);
- conduct an analysis of the number of hours recipients spend completing Title IV-B paperwork requirements;
- consult with the recipients on how to reduce those hours by at least 15%; and
- respect the sovereignty of tribes while completing this work.

Within two years of the enactment of these provisions (i.e., as of January 4, 2027), and having completed each of the tasks listed above, HHS must inform recipients of any resulting changes in

---

<sup>35</sup> See Section 424(f) of the SSA as in effect through FY2025 (i.e., through September 30, 2025). A reduction in federal cost sharing meant that to claim that full allotment, the state had to provide a higher level of nonfederal CWS program support. The number of states meeting the 95% monthly caseworker visit standard varied (reaching a high of 37 in FY2021 and declining to 31 in FY2022). However, in every year beginning with FY2013 all states have met the requirement that at least 50% of these monthly caseworker visits occur where the child lives. See the Child Welfare Outcomes data site (<https://cwoutcomes.acf.hhs.gov/cwodatasite/caseworkerVisits/index>) for performance from FY2018-FY2022; performance from earlier years is based on information provided to CRS by HHS, ACF, Office of Legislative Affairs and Budget (OLAB), various dates; see also the annual *Child Welfare Outcome* report for earlier years (<https://www.acf.hhs.gov/cb/data-research/child-welfare-outcomes>).

<sup>36</sup> Under Section 479A(a)(6) of the SSA, HHS is required to include information in the annual *Child Welfare Outcomes* report to Congress on monthly caseworker visits, including the percentage of those visits completed and the share done where the child in foster care is living.

<sup>37</sup> Section 479A(a)(6) of the SSA. HHS reports these data via the annual *Child Welfare Outcomes Report to Congress*.

<sup>38</sup> This section of the report discusses provisions in Section 106(f) of P.L. 118-258.



actions they must take to receive Title IV-B funds. Further, within three years of enactment, (i.e., as of January 4, 2028), HHS must provide a report to the House Ways and Means and Senate Finance committees on the work it has done to reduce administrative burden under Title IV-B.

### **Access to State Plan Information**

Separately, P.L. 118-258 requires HHS to

- develop a standardized format for CWS and PSSF state plans used for monitoring compliance with federal plan requirements;
- make the plans available on a public website;<sup>39</sup>
- produce comparisons and analyses of trends in state plans (to inform technical assistance and policy development); and
- as it deems appropriate, include aggregated national summaries of state plan information on the public website.

This requirement is effective as of October 1, 2025.

### **Tribal Support and Access to Funds Under Title IV-B<sup>40</sup>**

Beginning with FY2026, P.L. 118-258 makes a number of changes designed to increase Title IV-B funding directed to tribes. Among these, it requires that a full 3% of PSSF funding be reserved for formula grants to tribes (compared to an effective rate of 2.6% in FY2024). That change, combined with the increase in overall mandatory funding (also effective with FY2026), is expected to boost PSSF mandatory funding for tribes by roughly \$2.1 million (from \$9.8 million to \$11.9 million, post-sequestration). P.L. 118-258 maintains a separate and additional 3% reservation of PSSF discretionary funding for tribes. It also makes other changes to the PSSF program that, combined with the funding increase, are expected to expand the number of federally recognized tribes or tribal organizations that may be eligible to receive PSSF funding.

Separately, as of FY2026 the law establishes a 3% reservation of CWS funds for tribes (compared to about 2.8% of total CWS funds in FY2024) and requires that this reservation be taken out of total CWS funding and before allotment of any funds to states. (Under current law, tribal CWS allotments must be taken out of amounts initially designated for the state or states in which the tribal entity is located in an amount determined by HHS.) If CWS discretionary funding is provided at no less than the level appropriated for FY2024, this too would boost funding available to tribes overall (although the effect on individual tribes may vary).<sup>41</sup>

---

<sup>39</sup> Current law requires states to make a final report on their planned child and family services available to the public (SSA §432(a)(1)(C)(ii)) and annually to prepare, and make available to the public, a report describing the provision of PSSF services (by service category). The law does not describe how these reports must be made available. Separately, current law requires HHS annually to compile certain information reported by states (principally on their planned and actual expenditure of Title IV-B funding) and make this report available on its website (SSA §432(c)). This report may be accessed at the HHS, Children's Bureau website under "Annual Report of State Child Welfare Expenditures," <https://www.acf.hhs.gov/cb/data-research/program-reports>.

<sup>40</sup> This section of the report discusses provisions in Section 107(a)(1), (a)(3) and (b) of P.L. 118-258.

<sup>41</sup> Based on the statutory formula for distribution of CWS funds, states with higher per capita income relative to the nation as a whole receive less funding per individual (under age 21) than do states with lower relative per capita income (SSA §423). In accordance with Section 428 of the SSA (as in effect prior to October 1, 2025) and regulation (45 C.F.R. §1357.40(d)(6)), HHS distributes CWS funds to tribes in a manner that ensures each tribe receives support per individual under age 21 that is a multiple of the amount paid to the state in which the tribe operates; across tribes, then, (continued...)



## Other Provisions Related to Tribal Access to Title IV-B Funding

### *Administrative Cap for Tribes on Certain Title IV-B Spending*

Under current law, both states and tribes are required to limit their CWS administrative spending to 10%. As of FY2026, P.L. 118-258 seeks to permit tribes to opt instead to use a separate negotiated rate (i.e., the “indirect cost ratio”) that is applicable to the tribe in other federal programs and as negotiated under a separate regulation. This provision appears intended to offer tribes with negotiated indirect cost rates that are higher than 10% greater flexibility in the use of CWS funds.<sup>42</sup>

HHS currently exempts tribes from the 10% administrative spending cap included for states under the PSSF program. P.L. 118-258 retains the statutory authority currently used by HHS to exempt tribes from the administrative spending cap.<sup>43</sup>

### *Reducing Certain Administrative Burden of Required Reporting*

Tribal organizations that receive CWS and/or PSSF funding must submit various planning and other documents to HHS as a condition of receiving Title IV-B funding.<sup>44</sup> P.L. 118-258 seeks to “reduce administrative burden” on certain tribes receiving smaller Title IV-B grants.<sup>45</sup> Specifically, it requires HHS to consult with tribes that receive combined Title IV-B funding (CWS and PSSF) of \$50,000 or less and to modify any reporting requirement included in Title IV-B in a manner that reduces the administrative burden on any tribe that receives a CWS allotment that is \$50,000 or less. In FY2024, about 82% (140 out of 171 total) of the tribal entities allotted CWS funds had an allotment of \$50,000 or less.<sup>46</sup>

### *Increase in Tribal Court Improvement Program Funds*

As of FY2026, P.L. 118-258 doubles the amount of reserved CIP funding that must be used for tribal court improvement grants, increasing this support to \$2 million each year. Tribal court improvement funding is awarded on a competitive basis and may be provided to the highest court of any tribe that handles adoption and foster care proceedings.<sup>47</sup>

---

the per child rate of funding varies. Beginning with FY2026, the CWS funding for tribes will be distributed equally among all tribes participating in the CWS program in proportion to the share of children (under age 21) in each participating tribe/tribal entity. Accordingly, depending on the CWS funding level appropriated certain smaller population tribes located in states with lower relative per capita income could see slight reductions in CWS grant awards even with higher *overall* CWS support for tribes.

<sup>42</sup> With regard to these negotiated rates, P.L. 118-258 adds a reference to 2 C.F.R. §220. That section of federal regulations is currently reserved (i.e., it does not include any provisions). However, 2 C.F.R. §200 addresses this issue and may be the reference intended to have been included in the law by P.L. 118-258.

<sup>43</sup> Section 432(b)(2)(A) of the SSA permits HHS to exempt tribes from any requirement under Section 432(a)(4) that it determines is inappropriate for the tribe. Under this authority HHS has, in regulation, exempted all tribes from the 10% cap on administrative spending (45 C.F.R. §1357.50(f)(1)). The regulation references a tribe’s negotiated indirect cost ratio; however, in more current program instructions, HHS simply notes that tribes are not required to limit their PSSF administrative costs to 10%. See HHS, ACF, ACYF, Children’s Bureau, PI-24-03, February 21, 2024.

<sup>44</sup> See, for example, HHS, ACF, ACYF, Children’s Bureau, PI-24-03, February 21, 2024.

<sup>45</sup> House Ways and Means Committee, H.Rept. 118-679, p. 24, <https://www.congress.gov/118/crpt/hrpt679/CRPT-118hrpt679.pdf>.

<sup>46</sup> Based on FY2024 allotment amounts to tribes under the CWS program as provided to CRS by HHS, ACF, Office of Legislative Affairs and Budget (OLAB), on February 10, 2025. These numbers may be different in FY2026 due to the revised distribution formula for CWS funds given in P.L. 118-258.

<sup>47</sup> Section 438(c)(3) of the SSA.

## State Compliance with the Indian Child Welfare Act (ICWA)<sup>48</sup>

Under ICWA, state agencies, courts, and other nontribal actors are required to abide by certain federal standards whenever they are involved in a child custody proceeding related to an “Indian child.”<sup>49</sup> Among other things, states must provide timely notice to tribes of any such custody proceedings and tribes may intervene to assume jurisdiction or otherwise participate in the proceeding. Relevant custody proceedings include those concerning removal of the child from an Indian parent or custodian, placement of the child in foster care, termination of parental rights to an Indian child, and adoption. ICWA regulations have been issued by the U.S. Department of the Interior.<sup>50</sup>

## CWS State Plan Requirement on ICWA

As part of the CWS program plan and beginning with FY1996, each state is required, after consultation with federally recognized tribes in the state, to describe for HHS how it will comply with ICWA.<sup>51</sup> As of October 1, 2025, P.L. 118-258 requires that this description must specifically address how the state “will ensure timely notice to Indian tribes of State custody proceedings involving Indian children, foster care or adoptive placements of Indian children, and case recordkeeping as such matters related to transfers of jurisdiction, termination of parental rights, and active efforts.”<sup>52</sup>

## Technical Assistance on ICWA Compliance

P.L. 118-258 further requires HHS, in consultation with tribes/tribal organizations and states, to develop a plan and provide technical assistance to support the effective implementation of ICWA. The technical assistance plan is expected to be based on data sufficient to assess states’ strengths in complying with federal ICWA standards as well as areas in need of improvement and is expected to be ready by October 1, 2025.<sup>53</sup> At a minimum, it must address state work with regard to

---

<sup>48</sup> This section of the report discusses provisions in Section 107(a)(2) of H.R. 9076.

<sup>49</sup> P.L. 118-258 does not directly reference this definition; however, under the ICWA an “Indian child” is defined, generally, as an unmarried individual under age 18 who is a member of a federally recognized Indian tribe or is eligible for membership in a federally recognized tribe and is the biological child of such a tribal member. See 25 U.S.C. §1903(4).

<sup>50</sup> See 25 C.F.R. §23. For additional information and guidelines see <https://www.bia.gov/bia/ois/dhs/icwa>.

<sup>51</sup> This requirement was added to CWS by Section 204 of the Social Security Amendments of 1994 (P.L. 103-432). Contemporary report language noted that there was “currently no statutory link between the Indian Child Welfare Act and the child welfare services programs under the Social Security Act” (p. 846 of H. Rept. 103-213). Although the state plan provision was not included in the reconciliation bill described in that conference agreement (which became P.L. 103-66), it was adopted later in the 103<sup>rd</sup> Congress as part of P.L. 103-432 and made effective October 1, 1995.

<sup>52</sup> The House Ways and Means Committee notes that it understands this revised CWS plan provision as continuing to require a description of measures the state takes to comply with ICWA and “not [as a] specific measure of state ICWA compliance,” H.Rept. 118-679, p. 24.

<sup>53</sup> Data reporting requirements under the 2020 AFCARS rule, which was required to be implemented by states with FY2023, collect only a limited number of ICWA-related items relevant to those listed in P.L. 118-258. At the same time, in a recent revision to that AFCARS rule HHS requires states (as of FY2029) to collect and report information relevant to each of the ICWA issues identified as part of the technical assistance plan required under P.L. 118-258 (*Federal Register*, December 5, 2024, pp. 96569-96588). See also technical correction at *Federal Register*, December 30, 2024, p. 106364 and HHS, ACF, ACYF, Children’s Bureau, *Final Rule on AFCARS*, IM-24-09, issued December 5, 2024. For further background on AFCARS and the ICWA related reporting requirements, see HHS, ACF, ACYF, *Overview of AFCARS NPRM*, no date, <https://www.acf.hhs.gov/sites/default/files/documents/cb/2024-afcars-nprm.pdf>.

- timely identification of Indian children;
- timely notice of state child custody proceedings involving Indian children;
- reports related to transfers of jurisdiction in custody proceedings subject to ICWA, including transfers granted and those denied (and if denied, the reasons given for the denial);
- whether ICWA standards were met related to active efforts to prevent the break-up of the Indian family, testimony of a qualified expert witness, and evidentiary standards as applicable in any case where the state court orders the foster care placement of an Indian child or that involves termination of parental rights to an Indian child; and
- whether an Indian child was placed in accordance with the placement preferences included in ICWA, or if not, the reason why the placement preference was not followed.

At the request of HHS, the U.S. Department of the Interior must provide guidance and assistance to HHS, as needed, to help inform states and public child welfare agencies on complying with ICWA.

### **Biennial Report to Congress on How States Are Carrying Out ICWA**

Every other year, HHS will need to submit a written report to the House Ways and Means and Senate Finance committees discussing how states are complying with ICWA (including how HHS is assisting states and tribes to improve implementation of the federal standards established by ICWA in 1978). (The law does not give a date by which an initial report must be provided.)

### **Guidance on Court Compliance with ICWA**

P.L. 118-258 separately directs HHS to consult with tribes on the development of appropriate guidelines for state court proceedings that involve Indian children (i.e., proceedings subject to ICWA standards), including how to maximize engagement of Indian tribes.<sup>54</sup>

### **Funding and Policy Changes in Other Title IV-B Programs and Activities**

As described previously, most PSSF and CWS funding is distributed by formula to states, territories, and tribes for the provision of a broad range of child and family services. Under program law, a portion of PSSF funding must be reserved each year for more specific programs and activities that are targeted to more particular purposes.

Generally, P.L. 118-258 continues the currently supported activities with increases, in most instances, in reserved PSSF funds for this work. It also establishes two new set-asides of PSSF discretionary funding to support competitive grants related to evaluating and implementing prevention services and for kinship navigator programs.

Separately, it establishes a limit on certain discretionary CWS funds that may be reserved for grants related to improving services to “dual-status” youth (i.e., youth served by both the juvenile justice and child welfare systems).

---

<sup>54</sup> Section 438(e)(3) of the SSA, as added by Section 104(d) of P.L. 118-258, effective October 1, 2025.

### **Increase in Court Improvement Funding; New Purposes, Use of Funds<sup>55</sup>**

CIP grants are distributed by formula to the highest court in each state or territory that is operating a Title IV-E plan. The grants are made to help courts assess their role, responsibilities, and effectiveness with regard to carrying out child abuse and neglect/child welfare proceedings and to make improvements deemed necessary based on those assessments.

### ***Increase in Funding; Cost Sharing Requirement Maintained***

As of FY2026, P.L. 118-258 increases the amount of mandatory PSSF funding reserved annually for the CIP to \$40 million (from \$30 million in current law). Separately, it maintains the current law CIP reservation of 3.3% of any discretionary PSSF funding. Further, it maintains (through FY2029) the existing requirement that each state's highest court share in the cost of CIP work (i.e., providing no less than 25% of total program spending or \$1 in nonfederal CIP funding for every \$3 in federal CIP funding received).

### ***Use of Remote Technology; Continuity of Operations***

The COVID-19 public health emergency impacted the activities of many courts handling child welfare proceedings. In response, including with the support of additional federal CIP funding provided to respond to the COVID-19-pandemic disruptions, some states invested in new technology to enable remote proceedings, trainings, or other activities.<sup>56</sup> Some of these court practices may be beneficial on a permanent basis.<sup>57</sup>

P.L. 118-258 adds appropriateness of court use of technology to carry out remote proceedings to the list of activities courts may assess under the CIP. Courts are expected to assess best practices to enable maximum participation of individuals involved in child welfare proceedings and to allow courts to continue operations during public health or other emergencies. P.L. 118-258 explicitly permits use of CIP funds to ensure the courts optimal use of remote technology.

P.L. 118-258 adds a new purpose to the CIP concerned with ensuring continuity of needed court operations in the event of all kinds of public health emergencies, natural disasters, or other crises, including cyberattacks. Under this purpose, CIP grant funds may be used to support technology for remote proceedings (with participant consent), develop guidance related to maintaining continuity of operations, and ensure backup systems are in place.

---

<sup>55</sup> This section of the report discusses provisions in Section 104 of P.L. 118-258.

<sup>56</sup> HHS, ACF,ACYF, Children's Bureau, "Dear Child Welfare Legal and Judicial Leaders," March 27, 2020, which outlines court proceedings required under federal child welfare law and their importance in achieving good outcomes for children and families served; see [https://acf.gov/sites/default/files/documents/cb/covid\\_19\\_childlegalandjudicial.pdf](https://acf.gov/sites/default/files/documents/cb/covid_19_childlegalandjudicial.pdf). The Supporting Foster Youth and Families through the Pandemic Act (Division X of P.L. 116-260) appropriated \$10 million in additional CIP funding to assist courts in meeting the pandemic challenges, including through use of remote technology. See also the Capacity Building Center for Courts, *National Report on Court Improvement Projects and Initiatives FY2021*, "COVID-19 Challenges and Efforts," pp. 17-19.

<sup>57</sup> See, for example, National Center for State Courts, *Pandemic Era Procedural Improvements that Courts Should Adopt Permanently*, September 2022, [https://www.ncsc.org/\\_\\_data/assets/pdf\\_file/0030/84873/Pandemic-Improvements-10.31.2022.pdf](https://www.ncsc.org/__data/assets/pdf_file/0030/84873/Pandemic-Improvements-10.31.2022.pdf).

### ***Regularly Updated Guidelines on Use of Remote Technology***

P.L. 118-258 requires HHS to develop guidance for courts on optimal ways to share information on best practices for the use of remote technology. Initial guidance is to be available as of October 1, 2025, and HHS is directed to issue updated guidance every five years.

### **Increase in Funding for RPGs; Focus on Expanding Evidence-Based Programs and Services<sup>58</sup>**

RPGs are provided to collaborating partnerships for provision of services to children who are in, or are at risk of entering, foster care due to substance use by a parent or caregiver. The grant program is designed to facilitate integration of child welfare, substance use treatment, other social services, and court work to build systems that improve the safety, permanency, and well-being of children and families served. Since the first RPG grants were announced in 2007, HHS has awarded funding to more than 100 regional partnerships across 40 states, and these partnerships have served 53,000 children, 42,000 adults, and 36,000 families. Evaluation findings indicate higher treatment enrollment and completion of programs, as well as reduced severity in substance abuse for adults served. Among children served, evaluations found fewer removals from home, along with greater permanency/reunification for children that are removed. Findings also indicated reduced child behavior issues, better socialization, and less experience of abuse and neglect. RPGs are typically awarded for five years (but may be made for as few as two years).<sup>59</sup>

### ***Funding Increase***

Beginning with FY2026, P.L. 118-258 increases annual support reserved for these grants out of mandatory PSSF funding to \$30 million (from \$20 million).<sup>60</sup> Further, it requires HHS to award grants under the RPG program in each year through FY2029 and continues to permit the department to reserve up to 5% of the funding reserved for RPGs for program administration.

<sup>58</sup> This section of the report discusses Section 105 of P.L. 118-258.

<sup>59</sup> See information at the HHS-funded National Center on Substance Abuse and Child Welfare (NCSACW), <https://ncsacw.acf.hhs.gov/technical/> (scroll down to find information on RPGs). There have been seven rounds (cohorts) of RPG awards, with the most recent made in 2022. See also Angelo D'Angelo and Betsy Keating "Regional Partnership Grants, National Cross-Site Evaluation," submitted by Mathematica to HHS, ACF,ACYF, Children's Bureau, April 2023, Figure 11.1, p. 3, <https://www.mathematica.org/publications/regional-partnership-grants-cross-site-evaluation-annual-report-for-oct-2021-through-sep-2022>.

<sup>60</sup> In the first five years of the RPG program (FY2007-FY2011), total PSSF mandatory funding reserved for the grants was \$145 million (§4(b) of P.L. 109-288). Annual PSSF mandatory funding reserved for RPGs was set at \$20 million for each of FY2012-FY2016 (§102(a)(2) of P.L. 112-34) and funding reserved for the grants for those five years totaled roughly \$95 million (after required sequestration of mandatory PSSF support for the grants, which has applied in each year beginning with FY2013). The Family First Prevention Services Act (FFPSA, §50752(c)(2) of P.L. 115-123), extended the annual \$20 million reservation of mandatory PSSF funds for RPGs through FY2021. However, the FY2017-FY2021 support for RPGs totaled roughly \$141 million due to additional PSSF discretionary funding directed to RPGs (via annual appropriations laws: P.L. 115-141, P.L. 115-245, and P.L. 116-94) in three of those five years. RPGs have received just under \$20 million (\$18,860,000) in mandatory PSSF funding in subsequent fiscal years through extension of the earlier reservation of funding (§305(a), Division CC, P.L. 116-260; §6103(a)(3), Division FF, P.L. 117-328; and §402, Division G, P.L. 118-42). Section 105(a) of P.L. 118-258 intends to retain this same level of RPG funding in FY2025 but raises the amount of mandatory PSSF funding reserved for the program to \$30 million for FY2026 and each subsequent fiscal year. That amount is expected to be reduced annually by sequestration to \$28,290,000 (through FY2031) and to \$29,160,000 (for FY2032). Under current law, sequestration does not apply to this funding as of FY2033.



### ***Focus on Increasing Evidence-Based Services***

The current-law purpose of the RPG program is to enable HHS to make grants to support services to improve outcomes for children affected by the substance use of a parent or caregiver.

P.L. 118-258 adds, as of FY2026, that the funding is also made available to expand the scope of evidence-based services that may be supported under the Title IV-E prevention services program. Consistent with this change, HHS, when awarding grants, is expected to consider an applicant partnership's ability to carry out a rigorous evaluation of its work. And as part of its annual report to Congress on the RPG program, HHS is to include information about submission of any RPG evaluation work to the Title IV-E Prevention Services Clearinghouse, including the rating results of any review by the clearinghouse.<sup>61</sup>

### ***Participation of Court Partners and Other Revisions to Grant Programs***

A wide range of public or private entities may lead a regional partnership. Generally, however, every partnership must include the state agency administering child welfare programs (in Title IV-B or Title IV-E of the SSA) and the state agency that administers federal substance abuse prevention and treatment block grant funding (provided under the Public Health Service Act).<sup>62</sup> As of FY2026, P.L. 118-258 newly requires *all* partnerships to involve a relevant administrative office of the most appropriate juvenile/family or state court handling child abuse and neglect proceedings. (Involvement of such a court-related office has been required beginning with FY2019, but only if the grantee partnership intends to work with families whose children are in foster care.<sup>63</sup>) The new law further offers that a partnership might *optionally* include state or local agencies administering federal health care, housing, family support, or related programs.

P.L. 118-258 requires HHS, in awarding RPGs, to consider whether the applicant partnership is led by a state or public agency or has outlined a plan to expand services on a statewide basis. Separately, as of FY2026, it permits HHS to waive a planning phase for any applicant partnership that demonstrates its readiness to implement the grant. However, for grantees that do make use of a planning phase, it strikes a \$250,000 limit on the amount of planning phase funding.

### ***Core Performance Indicators***

Since the first RPG grants were awarded in FY2007, each partnership has been required to collect and report implementation and outcome data used to assess the performance of grantees.<sup>64</sup> P.L.

<sup>61</sup> The Title IV-E Prevention Services Clearinghouse, created consistent with Section 476(d)(3)(2) of the SSA, is charged with carrying out independent, systematic reviews of prevention services and programs (and kinship navigator programs), to identify and rate them in accordance with the practice and evidence standards necessary for support under the Title IV-E program (as given at Section 471(e)(4) of the SSA); <https://preventionservices.acf.hhs.gov>.

<sup>62</sup> A regional partnership that includes an Indian tribe or tribal consortium is not required to include the state child welfare agency (although it may choose to do so).

<sup>63</sup> P.L. 118-258 also strikes, as of FY2026, a provision that allows a regional partnership serving families with children in foster care, and that includes a tribe or tribal consortium, to opt instead to partner with tribal court organizations (i.e., in lieu of the administrative office of a juvenile court overseeing child abuse and neglect proceedings). See Section 437(f)(2)(D)(iii) of the SSA as in effect prior to October 1, 2025.

<sup>64</sup> Section 437(f)(8) of the SSA initially required HHS to establish indicators to assess the performance of regional partnership grantees. As amended by P.L. 115-123, the law now references “core indicators” related to child safety, parental recovery, parenting capacity, and family well-being, HHS, ACF,ACYF, Children’s Bureau, *Regional Partnership Grants to Increase the Wellbeing of, and Increase the Permanency Outcomes for, Children in Families Affected by Substance Abuse: Eighth Report to Congress*, submitted December 2024; and Betsy Keating, Angela D’Angelo, and Juliette Henke, *Regional Partnership Grant Cross-Site Evaluation: Annual Report*, October 2022- (continued...)



118-258 requires HHS, within 9 months of its enactment (i.e., by early October 2025) to review the indicators used to assess RPG performance and to develop a set of core indicators. Current law calls for core indicators to enable assessment of child safety, parental recovery, parenting capacity and family well-being. The new law adds that the core indicators must further enable assessment of permanency for children served, including whether they were reunited with family and/or if they re-entered foster care. And as well, the core indicators are to measure access to services for families with substance use disorder, including for families with children that are over-represented in foster care, are difficult to place, or that have low permanency rates.

The new law directs HHS to consult with the National Institute on Drug Abuse in developing these indicators along with the HHS agencies described in current law (i.e., ACF, and the Substance Abuse and Mental Health Services Administration [SAMHSA]).

### **Increased Funding for Monthly Caseworker Visit Grants and Other Revisions<sup>65</sup>**

Monthly Caseworker Visit (MCV) grants are distributed by formula to each state and territory to support activities designed to increase the retention, recruitment, and training of caseworkers, and to improve the quality of monthly caseworker visits with children in foster care.<sup>66</sup>

#### ***Funding Reserved and Revised Distribution***

Beginning with FY2026, P.L. 118-258 increases the mandatory PSSF funding reserved for MCV grants to \$26 million (from \$20 million).<sup>67</sup> In addition, the new law revises the allocation of funding for these grants, also beginning with FY2026, to provide a base award of \$100,000 to each state and territory; remaining funds will be distributed in accordance with the existing formula.<sup>68</sup>

#### ***Use of Funds***

The new law maintains all of the current-law provisions regarding use of MCV grants, but it also suggests some additional uses focused on support for recruitment and retention of caseworkers.

---

September 2023, submitted by Mathematica to HHS, ACF,ACYF, Children's Bureau, February 2024, <https://www.mathematica.org/publications/regional-partnership-grants-cross-site-evaluation>.

<sup>65</sup> This section of the report discusses provisions in Section 112 (a), (b), and (c) of P.L. 118-258.

<sup>66</sup> Section 436(b)(4)(B) of the SSA. Effective with October 1, 2025, P.L. 118-258 amends this provision and moves it to Section 436(b)(3)(B) of the SSA.

<sup>67</sup> MCV grants are funded solely via a reservation of PSSF funding stipulated in the SSA. They were first funded in FY2006 at \$40 million (with funds available for expenditure through FY2009 [§2(c)(2) of P.L. 109-288]); no additional funds were reserved for FY2007; for FY2008, \$5 million was provided, for FY2009, \$10 million, and in each subsequent fiscal year (through FY2025) a reservation of \$20 million in mandatory PSSF funds has been made available for MCV grants (§4(a) of P.L. 109-288; §103(a) of P.L. 112-34; §50752(c)(1) of P.L. 115-123; §305, Division CC of P.L. 116-260; and §6103(a)(2) of P.L. 117-328). Section 112(a) of P.L. 118-258 increases the MCV grant set-aside to \$26 million for FY2026 and each succeeding fiscal year. Beginning with FY2013, this set-aside has been affected by sequestration and this has reduced the amount available for MCV grant allotments by roughly \$1.0 million to \$1.5 million annually. After sequestration, MCV grant funding for FY2026 is expected to be roughly \$24.5 million (i.e., a reduction of about \$1.5 million).

<sup>68</sup> Based on the overall increase in PSSF mandatory funds set aside for MCV grants, all states and territories are expected to see some increase in MCV funding beginning with FY2026. In addition, due to the base grant provision in the formula, any state or territory that received less than \$100,000 in MCV funding in FY2024 is expected to see the largest percentage boost in support. As shown in **Table B-1**, 15 states, the District of Columbia, and four territories received MCV allotments of less than \$100,000 in FY2024.

For example, it cites support for activities intended to reduce caseload and administrative burdens for caseworkers, streamlines caseworker duties (using technology and modernized systems), improves caseworker safety, and addresses mental health resources for caseworkers, including with peer-to-peer support programs.

### Competitive Grants for Kinship Navigator Programs<sup>69</sup>

Kinship navigator programs are intended to enable kinship caregivers to learn about and access supports necessary to care for children they are raising, as well as for themselves.<sup>70</sup> The PSSF program (as now given in Subpart 2 of the SSA) does not authorize specific support for kinship navigator programs. However, from FY2018 through FY2024 each final appropriations act has directed a portion of PSSF discretionary funding for “grants to each State, territory, and Indian tribe operating title IV-E plans for developing, enhancing, or evaluating kinship navigator programs.”<sup>71</sup> This funding has been intended to enable development of kinship navigator programs that meet all the evidence standards and other requirements necessary for a state to claim support for their kinship navigator program under the Title IV-E kinship navigator funding authority (as added to the SSA by the Family First Prevention Services Act [FFPSA; Title VII, Division E of P.L. 115-123]).<sup>72</sup> As directed via the annual appropriations act language, this PSSF kinship navigator funding has been distributed so that each eligible state or territory that applies for it receives no less than \$200,000 and no eligible tribe that applies receives less than \$25,000.<sup>73</sup> The appropriations language has also provided that no matching (nonfederal) funding is required to receive these funds.

P.L. 118-258 requires HHS, for each of FY2026-FY2029, to reserve \$10 million in PSSF discretionary funding to support kinship navigator programs. As described below, unlike the *formula* funding states received under the PSSF for kinship navigators in recent years, the new PSSF kinship navigator funding must be awarded on a *competitive* basis and state and tribal child welfare agencies will need to compete (along with other non-public eligible entities) to receive the funding. Among other new features, HHS will be able to award a maximum of 30 new grants

<sup>69</sup> This section of the report discusses provisions in Section 110(b) of P.L. 118-258.

<sup>70</sup> “Children’s Bureau Grantee Synthesis: Kinship Navigator Programs,” January 2019, <https://cwig-prod-prod-drupal-s3fs-us-east-1.s3.amazonaws.com/public/documents/kinshippnavigator.pdf>.

<sup>71</sup> See appropriations provision for HHS, ACF, “Promoting Safe and Stable Families” account in P.L. 115-141, P.L. 115-245, P.L. 116-94, P.L. 116-260, P.L. 117-103, P.L. 117-328, and P.L. 118-47. See also “Grants for Kinship Navigator Programs,” in CRS Report R45270, *Child Welfare Funding in FY2018*.

<sup>72</sup> Section 474(a)(7) of the SSA, as added by the FFPSA, authorizes states, territories, and tribes with a Title IV-E plan to claim federal support for 50% of the costs of a kinship navigator program that includes the components required in Section 427(a)(1) and meets at least the “promising” evidence standards given in Section 471(e)(4)(C). This support was authorized as of FY2019; however, no program was identified as meeting the necessary evidence standards before October 2021. Currently, five kinship navigator programs—30 Days to Family, Arizona Kinship Support Services, Colorado Kinconnected Kinship Navigator Program, Foster Kinship Navigator Program, and Ohio’s Kinship Supports Intervention/Protect/OHIO—are identified as meeting those criteria; see [https://preventionservices.acf.hhs.gov/program?combine\\_1=&prograting%5B1%5D=1&prograting%5B2%5D=2&prograting%5B3%5D=3&prograting%5B4%5D=4](https://preventionservices.acf.hhs.gov/program?combine_1=&prograting%5B1%5D=1&prograting%5B2%5D=2&prograting%5B3%5D=3&prograting%5B4%5D=4).

<sup>73</sup> PSSF discretionary funding directed to the support of kinship navigator programs was \$19 million in each of FY2018 to FY2023, and \$9.5 million for FY2024. All 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands were eligible for and, generally, received these funds (in several recent years, Tennessee did not request this support). As many as 13 tribes were eligible for this funding in FY2024. The level of funding provided for FY2024 was not sufficient to ensure that all eligible states and tribes received the minimum allotment. Accordingly, HHS awarded all agencies that applied an equal amount that brought the state or tribal agency as close as possible to its relevant minimum award. This was \$177,212 for each of 55 states and territories and \$21,923 for each of 13 eligible tribal entities (**Table B-1**). See also HHS, ACF, ACYF, Children’s Bureau, PI-24-08, June 5, 2024, <https://acf.gov/sites/default/files/documents/cb/PI-24-08.pdf>.

per year, it must make the grants for no less than one and not more than three years, and successful applicants must provide no less than 25% of the kinship navigator program funding to receive the grant award.<sup>74</sup>

### ***Eligible Grantees; New Program Rules***

Entities eligible to compete for the new PSSF kinship navigator grant funding (as of FY2026) are state, local, or tribal child welfare agencies; private nonprofit organizations with experience working with children in foster care or kinship care; and institutions of higher education. HHS may award up to 30 new kinship navigator grants each year and each grant award must be for not less than one year nor more than three years.

An entity seeking funding under the new PSSF kinship navigator program will need to provide an application describing, among other things, how it intends to use the funds to (1) help the state transition to operating a kinship navigator program with Title IV-E support or (2) fund a published evaluation, or otherwise provide data to HHS that will be submitted for review to the Title IV-E Prevention Services Clearinghouse. (In accordance with requirements added to Title IV-E by FFPSA, the clearinghouse is the entity designated by HHS to systematically review evidence from operation of kinship navigator programs, as well as prevention services and programs, to determine if they may be rated as meeting the “promising,” “supported,” or “well-supported” criteria given in Title IV-E.)<sup>75</sup>

A grantee receiving this PSSF kinship navigator funding will need to provide nonfederal resources of not less than 25% of its total spending under the grant (i.e., \$1 in nonfederal resources for every \$3 in federal grant funds). HHS is permitted to reserve up to 2% (\$200,000) of the \$10 million in reserved kinship navigator funding to support technical assistance for grantees.

### **Grants to Accelerate Development of the Evidence Base for Prevention Services<sup>76</sup>**

Under current law, in order for a state to use Title IV-E dollars for prevention services the program or service must (1) address mental health or substance abuse prevention and treatment needs or in-home parent skills (including through parent education, training, and individual or group counseling), (2) meet general practice standards (e.g., have a written manual and no findings of harm done through provision of the service), and (3) have been found superior at achieving one or more important child or family outcomes when compared to an appropriate alternative program or practice.<sup>77</sup> A service or program may be rated as “promising,” “supported,” or “well-supported” depending on the level of evidence for it.<sup>78</sup>

---

<sup>74</sup> The new kinship navigator grant program revises/replaces a prior law program known as Family Connection Grants. That program (§427 of the SSA) received independent funding (i.e., it was not a part of PSSF) for each of FY2009-FY2014. The program established grants for four different types of projects—kinship navigator programs, family group decisionmaking, intensive family finding efforts, and residential family treatment programs—intended to demonstrate activities that could help children safely stay with or reconnect to family. To read about the projects funded, see James Bell Associates, Inc, *Cross-Site Evaluation of the Family Connection Grants*, <https://www.jbassoc.com/project/cross-site-evaluation-family-connection-discretionary-grants/>.

<sup>75</sup> Sections 476(d)(2) and 471(e)(4) of the SSA.

<sup>76</sup> This section of the report discusses provisions in Section 108 of P.L. 118-258.

<sup>77</sup> Sections 471(e)(1) and 474(e)(4)(C) of the SSA.

<sup>78</sup> Support for Title IV-E prevention services or programs is authorized under Section 474(a)(6) of the SSA. It is distinct from the Title IV-E support for kinship navigator programs authorized at Section 474(a)(7).

P.L. 118-258 directs that \$5 million in PSSF discretionary funding must be made available (FY2026-FY2029) to enable HHS to make competitive grants for the evaluation of prevention services or programs and kinship navigator programs in a manner that will allow them to be rated by the Title IV-E Prevention Services Clearinghouse as eligible for Title IV-E support.

### ***Eligible Grantees and Requirements***

Eligible grantees include any state or county, or any agency or department of a state or county, including the agency administering a CWS or PSSF plan, an Indian tribe or tribal organization, a public or nonprofit child welfare research organization, or a nonprofit institution of higher learning.

Additionally, to compete for a grant award any such entity must (1) be carrying out a prevention service or program (or a kinship navigator program), or be deemed by HHS as capable of doing so; (2) provide specified application information to HHS; and (3) be in partnership with an agency that administers a Title IV-E program and has a program evaluator (or agree to work with an external evaluator appointed by HHS).

### ***Grant Priorities***

In making the grants, HHS must prioritize addressing gaps identified in prevention services or programs that may be supported with Title IV-E funds (as identified in consultation with states, localities and tribes, individuals with lived experience, and child welfare experts) and, among other things, an applicant's ability to complete evaluations and produce evidence on a timely basis.

### ***Technical Assistance and Reports***

HHS is permitted to reserve up to 5% of the annual \$5 million in discretionary PSSF funds (\$250,000) to provide technical assistance to grantees. Each grantee will be required to provide annual reports on their work to HHS. In turn, HHS must provide annual reports to the House Ways and Means and Senate Finance committees on work being done under the grant program, including provision of any technical assistance and any efforts it has made to support program evaluation and review related to increasing the number of programs that may be supported with Title IV-E funding (as indicated through the Title IV-E Prevention Services Clearinghouse).

### **PSSF and Related Evaluation, Research, and Technical Assistance<sup>79</sup>**

Under current law, certain mandatory and discretionary funding annually reserved for evaluation, research, training, and technical assistance is provided to HHS and may be used to evaluate PSSF-supported programs or other funded programs with similar or related purposes.<sup>80</sup> The law directs HHS to spend no less than \$1 million of the mandatory PSSF funding reserved for evaluation, research, and technical assistance for work to support MCV grants and a separate \$1 million for work related to RPGs.<sup>81</sup> To the extent funding is available, HHS is also permitted to use these funds to provide certain technical assistance to states and tribes.<sup>82</sup>

---

<sup>79</sup> This section of the report discusses provisions in Sections 115, 106(g), and 105(e) of P.L. 118-258.

<sup>80</sup> Sections 436(b)(1) and 437(b)(1) of the SSA. Also see Section 435.

<sup>81</sup> Section 435(c) of the SSA.

<sup>82</sup> Section 435(d) of the SSA.

### ***Mandatory Funding Reservation Ended; Revised Use of Funds***

Beginning with FY2026, P.L. 118-258 ends the annual reservation of PSSF mandatory funding for research, evaluation, training, and technical assistance (\$6 million); however, it maintains a separate 3.3% reservation of any PSSF discretionary funding for those purposes.<sup>83</sup> (At the level of discretionary funding provided for FY2024, this 3.3% reservation would be about \$2.4 million.<sup>84</sup>)

P.L. 118-258 also removes from the law (as of FY2026) the provisions directing the use of \$2 million in mandatory PSSF funds for work related to MCV grants and the RPG program. It newly directs HHS to use \$2 million of discretionary PSSF funding reserved for research, evaluation, and technical assistance to support required technical assistance work related to state compliance with ICWA (\$1 million) and, separately, to help ensure regional partnerships (current or former) are able to publish data and submit evidence of program effectiveness to the Title IV-E Prevention Services Clearinghouse (\$1 million).

P.L. 118-258 also maintains general language now in the law regarding use of PSSF research, evaluation, and technical assistance funding. With regard to that language, it directs inclusion of “community-based partners with expertise in preventing unnecessary child welfare system involvement” in development of any evaluation criteria to be used under the PSSF and related programs. It also newly provides that, to the extent funding is available, HHS is to offer technical assistance to states and tribes related to coordinating any RPG grants with other federal funds to better serve child welfare-involved families and children affected by substance use disorder.

### **Limit on Use of CWS Funds for Grants Related to Dual-Status Youth**

CWS funding is discretionary and, to date, has been fully directed to formula grants to states, territories, and tribes for support of child and family services. Beginning with FY2023, however, in any year annual CWS funding exceeds \$270 million HHS must reserve some portion of the *excess* (i.e., funding above \$270 million) to make competitive grants for improved services to youth served by both the child welfare and juvenile justice systems (“dual-status” youth).<sup>85</sup>

Current law does not set a limit on the amount of excess funds that may be reserved for this purpose. However, as of FY2026, P.L. 118-258 caps this set-aside at no more than \$10 million.<sup>86</sup> In recent years, regular annual CWS funding has been \$269 million and thus (through FY2024) has not triggered the reservation of funds for this grant program.

---

<sup>83</sup> Since the PSSF program was established in the early 1990s, a portion of the program’s mandatory funding has been annually reserved for research, evaluation, technical assistance, and/or training activities. The initial annual reservation of mandatory funding was set at \$2 million in FY1994. It was increased to \$6 million in FY1995 (P.L. 103-66) and has remained at that level. The PSSF Reauthorization Act of 2001 (P.L. 107-133) authorized additional annual support for this same work (3.3% of any discretionary funding provided).

<sup>84</sup> For FY2024, discretionary funding provided for PSSF was \$72.5 million. The appropriations act (P.L. 118-47) directed that a portion of this funding should be used in a manner different than as given in program law. However, if program law were applied only to that level of discretionary funding (i.e., 3.3% was reserved for PSSF evaluation, research, and technical assistance), it would total about \$2.4 million.

<sup>85</sup> The Trafficking Victims Prevention and Protection Reauthorization Act of 2022 (P.L. 117-348) added this reservation of CWS funds (contingent on certain funding levels) to Section 423(a)(2) of the SSA. Further, it spelled out the grant program to be funded in provisions included at Section 429A of the SSA.

<sup>86</sup> Section 103(d) of P.L. 118-258.



## Demonstration Grants to Support Relationships Between Incarcerated Parents and Their Children in Foster Care<sup>87</sup>

P.L. 118-258 provides a new and independent authorization of discretionary funding (\$35 million for each of FY2026-FY2029) for support of state partnerships to develop, implement, and carry out programs to enable and sustain relationships between children in foster care and any incarcerated parents of those children, including for related technical assistance and evaluation. The new grant program strikes and replaces existing language in Title IV-B, Subpart 2 of the SSA that previously authorized funding for the Mentoring Children of Prisoners (MCP) program. The MCP authorization expired in FY2011 and was not extended.<sup>88</sup>

The number of children in foster care who have an incarcerated parent is not known. However, in the most recent year for which there are published data as many as 11,800 children who *entered* care during FY2022 were reported as having done so in some part due to the incarceration of parents.<sup>89</sup> Children who enter foster care due in some part to parental incarceration are more likely to have a parent with drug or alcohol abuse issues than are children who enter care for other reasons.<sup>90</sup> A 2010 report from the U.S. Department of Justice, Bureau of Justice Statistics, notes that parents of children in foster care who are incarcerated in state or federal prisons are often serving sentences of five years or less for drug related offenses.<sup>91</sup> These parents will frequently be a part of their children's lives after they leave prison. Supporting relationships through visits and other communications may be approached from a child's developmental perspective and is understood to be important for the well-being of the child and the child's parent.<sup>92</sup>

### Eligible Partnerships and Applications

Under this newly authorized (as of FY2026) Title IV-B demonstration grant program to support meaningful relationships between incarcerated parents and their children in foster care, an eligible state partnership must include the state child welfare agency and the state agency in charge of adult correctional facilities. It may additionally include an organization or entity with experience

---

<sup>87</sup> This section of the report discusses provisions in Section 113 of P.L. 118-258.

<sup>88</sup> The MCP program was added to Title IV-B by the Promoting Safe and Stable Families Reauthorization Act of 2001 (P.L. 107-133, see also H.Rept. 107-281). It received its first funding in FY2003 (\$10 million), and in each of FY2004 through FY2010 it was funded at between \$49 million and \$50 million. In its FY2012 budget (released in February 2011), the Obama Administration requested a 50% reduction in funding for the program, citing concerns about evaluation findings. Full-year funding for FY2011 was provided several months after that FY2012 budget request was made, via a full-year continuing resolution (P.L. 112-10, enacted April 2011). Based on the HHS, ACF operating plan for FY2011, it does not appear that MCP was continued in FY2011. For FY2012, the Obama Administration requested no MCP funding and Congress did not provide any. See HHS, ACF, Justification of Estimates for the Appropriations Committees, FY2012 (pp. 115-122) and FY2013 (p. 74).

<sup>89</sup> HHS, ACF, ACYF, Children's Bureau, *The AFCARS Report #30*, preliminary data for FY2022 (as of May 9, 2023), p. 3, <https://www.acf.hhs.gov/sites/default/files/documents/cb/afcars-report-30.pdf>.

<sup>90</sup> Maria Morrison and Brett Drake, "Foster Children in Care Due to Parental Incarceration: A National Longitudinal Study," *Children and Youth Services Review*, vol. 144, January 2023, 106708.

<sup>91</sup> Cited in "Supporting Relationships Between Children and Their Incarcerated Parents," Families Impacted by Incarceration (FII) Tip Sheet, from the National Child Abuse and Neglect Technical Assistance and Strategic Dissemination Center (CANTASD), produced in partnership with the National Resource Center on Children and Families of the Incarcerated (NRCCFI) at Rutgers University-Camden, with support from HHS, ACF, ACYF, Children's Bureau, no date.

<sup>92</sup> "Supporting Relationships Between Children and Their Incarcerated Parents," FII Tip Sheet from CANTASD. See also "Supporting Communication for Families Impacted by Incarceration," FII Tip Sheet from CANTASD. Additional and related resources are available at the National Resource Center for Children & Families of the Incarcerated, <https://nrccfi.camden.rutgers.edu/>.



in serving incarcerated parents and their children. (Additionally, an Indian tribe/tribal organization or consortium could be considered an eligible partnership so long as it partners with more than just a tribal child welfare agency.)

Applicant partnerships will be required to describe the activities they intend to carry out with the funding, including responsibilities of each partner and how children in foster care with incarcerated parents will be identified and served. Among additional application requirements, a partnership must also commit to participation in evaluation of their work (as directly or indirectly conducted by HHS).

## **Required Activities of Partnerships**

In general, grantees are expected to do the following with regard to children in foster care and their incarcerated parents:

- promote an organizational culture at the child welfare agency, and at collaborating correctional facilities, that supports meaningful relationships between these children and their parents, including through regular and developmentally appropriate visits;
- provide training for child welfare workers and correctional facilities staff to understand the importance of these relationships;
- offer case management services for incarcerated parents to promote relationships with their children in foster care and to allow them to access services; and
- permit access to necessary legal services that are not otherwise supported with federal funding.

## **Cost Sharing, Technical Assistance, Evaluation, and Reports**

The federal share of support for this work will be no more than 75% of the total costs (i.e., a minimum of 25% in nonfederal support from partnerships is required). HHS is required to provide technical assistance to grantees and to carry out an evaluation to determine the effectiveness of the programs and identify opportunities for improvements.

No later than three years after the enactment of P.L. 118-258 (i.e., no later than January 4, 2028), HHS must submit an initial report on the grant program to the House Ways and Means and Senate Finance committees. It must also submit a final report no later than six years after enactment.

## **Other Required Work by HHS**

### **Guidelines for Improved Data Collection and Reporting on Youth in Residential Treatment Programs<sup>93</sup>**

Within two years of enactment of P.L. 118-258 (i.e., as of January 4, 2027), HHS must prepare and disseminate to state child welfare agencies best practices for

- federal and state agencies to collect and share data concerning the well-being of youth in residential treatment facilities, including those operating in more than one state;

---

<sup>93</sup> This section of the report discusses provisions in Section 114 of H.R. 9076.

- improving state collection and sharing of data regarding any maltreatment of youth in those facilities, including youth in foster care;<sup>94</sup>
- improving oversight of youth residential programs that receive federal funding; and
- improving strategies for risk assessment related to the health, safety, and well-being of youth in residential treatment facilities.

The guidance must be developed after HHS consults with several of its own agencies (i.e., Centers for Medicare and Medicaid [CMS], ACF, and the Administration for Community Living [ACL]), as well as with the U.S. Department of Justice, the U.S. Department of Education, and other relevant policy experts.

The development of this guidance is expected to occur concurrent with broader and more extensive study of issues related to youth in a wide variety of residential settings, which is to be carried out by the National Academies of Science, Engineering and Medicine (under contract with HHS), as required by the Stop Institutional Child Abuse and Neglect Act (P.L. 118-194, enacted December 23, 2024).

### **Post-Adoption/Guardianship Study<sup>95</sup>**

Within two years of enactment of P.L. 118-258 (i.e., as of January 4, 2027), HHS must prepare a report on children who enter foster care after an earlier finalized adoption or legal guardianship is disrupted or dissolved. The report, which must be provided to the House Ways and Means and Senate Finance committees, is to include information on the incidence of adoption disruption and dissolution among children entering foster care along with associated factors (e.g., age of the child, whether pre- and post-adoption services were provided). The report is also expected to provide state-by-state summary information on post-adoption and guardianship services available to families that adopt children out of foster care (including whether the services are evidence-based or informed) and funding sources used by each state to provide post-adoption or guardianship services.

### **Effective Date**

All provisions of Title I of P.L. 118-258 are effective as of October 1, 2025 (i.e., the first day of FY2026). Further, as described previously, if HHS determines that a state will be required to enact legislation in order to meet any new Title IV-B plan requirements of the bill (other than appropriations legislation) it may be permitted to allow the state some additional time to meet the requirements. In addition, if HHS determines that a tribe/tribal organization needs additional time to meet any of the requirements, HHS must allow the tribe the additional time necessary (as determined by HHS).<sup>96</sup>

---

<sup>94</sup> For any child who receives federal child welfare aid with federal funds (via Title IV-B or Title IV-E of the SSA), Section 471(a)(9)(A) of the SSA requires states to “report to an appropriate agency or official, known or suspected instance of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child ... under circumstances which indicate that the child’s health or welfare is threatened thereby.”

<sup>95</sup> This section of the report discusses Section 116 of P.L. 118-258.

<sup>96</sup> See the “Effective Date of Revised State Plan Requirements” section.

## The Strengthening State and Tribal Child Support Enforcement Act (Title II)

Title II of P.L. 118-258 contains provisions that expand access to FTI to tribal child support programs and contractors of state, local, and tribal agencies.

The child support program is authorized by Title IV-D of the SSA. All 50 states, the District of Columbia, Guam, Puerto Rico, the U.S. Virgin Islands, and 63 tribal nations operate Title IV-D programs.<sup>97</sup> The program is administered at the federal level by the Office of Child Support Services (OCSS) in HHS, ACF.<sup>98</sup> Program services include parent location, the initial establishment and review and modification of child support orders, the collection and distribution of child support payments, and the establishment and enforcement of medical support.<sup>99</sup> The Title IV-D program is estimated to handle the majority of all child support cases; the remaining cases are handled by private attorneys, by collection agencies, or through mutual agreements between parents.<sup>100</sup> In FY2023, the program was estimated to serve 12.1 million families and collected an estimated \$27 billion in child support, of which about \$8 billion was for obligations that were past-due (arrears). The amount of arrears paid represented about 8% of the \$115 billion in cumulative arrears owed to cases enforced by the program.<sup>101</sup>

### Title IV-D Access to and Use of Federal Tax Data

Certain child support services are supported via the exchange of federal tax data. For instance, such data are exchanged with state and local child support agencies to locate noncustodial parents (via external locate requests) and to verify annual wages earned, generally for the purposes of establishing or modifying a support order.<sup>102</sup> Tax data are also exchanged with state and local programs as part of the Federal Tax Refund Offset Program (FOP), which withholds past-due support from federal income tax refunds before they are issued.<sup>103</sup> The FOP operates through a partnership between OCSS and the U.S. Department of the Treasury.<sup>104</sup>

---

<sup>97</sup> For a list of these programs, see HHS, Office of Child Support Services (OCSS), Contact information for State and Tribal Child Support Agencies, <https://www.acf.hhs.gov/css/map/state-and-tribal-child-support-agency-contacts>.

<sup>98</sup> This office was titled Office of Child Support Enforcement (OCSE) prior to June 5, 2023; HHS published a notice in the *Federal Register* changing the name of the program and administering entity within HHS to the Office of Child Support Services in Part K of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services, Administration for Children and Families (ACF) (*Federal Register*, vol. 88, no. 107, June 5, 2023, p. 36587).

<sup>99</sup> For further background, see CRS Report RS22380, *Child Support Services: Program Basics*.

<sup>100</sup> Elaine Sorensen, Arthur Pashi, and Melody Morales, "Characteristics of Families Served by the Child Support (IV-D) Program: 2016 U.S. Census Survey Results," HHS, OCSE, November 2018, p. 3 [https://www.acf.hhs.gov/sites/default/files/documents/ocse/iv\\_d\\_characteristics\\_2016\\_census\\_results.pdf](https://www.acf.hhs.gov/sites/default/files/documents/ocse/iv_d_characteristics_2016_census_results.pdf).

<sup>101</sup> HHS, OCSS, "Preliminary Report for FY2023," [https://www.acf.hhs.gov/sites/default/files/documents/ocse/fy\\_2023\\_preliminary\\_report.pdf](https://www.acf.hhs.gov/sites/default/files/documents/ocse/fy_2023_preliminary_report.pdf).

<sup>102</sup> See HHS, OCSS, "External Locate Sources, Information for Families," June 2, 2023, <https://www.acf.hhs.gov/css/outreach-material/external-locate-sources>.

<sup>103</sup> FOP is authorized in Section 464 of the SSA and Section 6402 of the Internal Revenue Code (IRC). For further information, see HHS, OCSS, "How does a federal tax refund offset work?," June 2, 2023, <http://acf.hhs.gov/css/faq/how-does-federal-tax-refund-offset-program-work>.

<sup>104</sup> See U.S. Department of the Treasury, Bureau of the Fiscal Service, "Treasury Offset Program," <https://www.fiscal.treasury.gov/top/>.

The sharing of data used by FOP, and for other specified purposes, is generally governed by the tax code.<sup>105</sup> Under these provisions, the IRS may disclose to federal, state, and local child support enforcement agencies, if requested, specific tax data on any individual with respect to whom child support obligations are sought to be established or enforced, or any individual owed child support, for the specified use of establishing or collecting those child support obligations or locating that individual.<sup>106</sup> Information that may be disclosed includes social security numbers (SSNs), addresses, tax filing statuses, amounts and nature of income, and the number of dependents reported on returns filed by the person from whom child support obligations are sought, and returns filed with respect to such person or the person to whom the obligation is owed. The tax code also allows employees of federal, state, and local child support agencies to have access to the amount of the child support offset.<sup>107</sup> In addition, certain tax data disclosed from the IRS to the Social Security Administration for administering social security programs may be redisclosed to federal, state, and local child support enforcement agencies for child support enforcement purposes.<sup>108</sup> This includes data on SSNs, net-earnings from self-employment, wages, and certain amounts of retirement income. Failure to follow the law regarding the disclosure of taxpayer information may subject employees (and contractors) of child support agencies to penalties.<sup>109</sup>

### **Tribal IV-D Program Access**

Prior to the enactment of P.L. 118-258, tribal IV-D programs were required to contract with a state IV-D entity to utilize tools involving FTI (e.g., the FOP program), and could only have FTI redisclosed to them.<sup>110</sup> This difference in access raised long-standing parity concerns among stakeholders.<sup>111</sup>

P.L. 118-258 amends the SSA to explicitly provide that the FOP authorities apply to tribal IV-D programs.<sup>112</sup> (A related technical amendment allows federal reimbursement to tribal programs for the costs of the information exchange.<sup>113</sup>) P.L. 118-258 also amends the tax code to allow tribal IV-D programs access to taxpayer data governed by those sections on par with the access given to federal, state, and local child support agencies.<sup>114</sup>

In order to have direct access to the child support locate, establishment, and enforcement tools that utilize taxpayer data, a tribal IV-D program will need to demonstrate its ability to comply with applicable federal safeguards.<sup>115</sup> Failure to follow the law regarding the disclosure of

---

<sup>105</sup> IRC §6103.

<sup>106</sup> IRC §6103(l)(6).

<sup>107</sup> IRC Section 6103(l)(10) governs the FTI access authorities for this purpose. The amount of child support that may be disclosed is that offset pursuant to IRC Section 6402(c).

<sup>108</sup> IRC §6103(l)(8).

<sup>109</sup> Security guidelines for Title IV-D agencies using these data can be found in IRS Publication 1075, *Tax Information Security Guidelines for Federal, State, and Local Agencies*, Section 2.B.2., <https://www.irs.gov/pub/irs-pdf/p1075.pdf>.

<sup>110</sup> HHS, OCSE, “IRS Requirements for Tribes Accessing Federal Tax Information,” IM-19-03, July 5, 2019, <https://www.acf.hhs.gov/css/policy-guidance/irs-requirements-tribes-accessing-federal-tax-information>.

<sup>111</sup> See, for example, National Child Support Enforcement Association, letter to Senator Thune and Senator Wyden, RE: Support for the Tribal Child Support Enforcement Act, January 7, 2020, <https://www.ncsea.org/wp-content/uploads/2020/01/NCSEA-Letter-in-Support-of-Tribal-Child-Support-Enforcement-Act.pdf>.

<sup>112</sup> These amendments were made to SSA Section 464.

<sup>113</sup> SSA §453(g).

<sup>114</sup> IRC §§6103 and 6402(c).

<sup>115</sup> IRC §6103(p)(4).

taxpayer information may subject employees and contractors of tribal child support agencies to the same penalties as employees and contractors of state and local child support agencies.

### Title IV-D Agency Contractor Access

In addition, P.L. 118-258 addresses what had been the lack of parity in IV-D child support contractor access to FTI. As discussed in the previous section, several categories of FTI may be shared with employees of IV-D agencies. However, prior to the enactment of P.L. 118-258 only some of these data (i.e., SSNs, addresses, offset amounts) could be disclosed to contractors of those IV-D agencies for the purposes of child support enforcement.<sup>116</sup> The child support community had long expressed concern that these categories of data were overly limited and could hamper program effectiveness.<sup>117</sup> At the same time, there were general concerns that statutorily expanding data access may risk the security of taxpayer information.<sup>118</sup> These issues were complicated by the long-standing practice of the IRS to hold in abeyance findings of IV-D program noncompliance with required contractor access safeguards. If this abeyance were to have ceased, the operations of programs that had continued to be out of compliance would have been at risk.<sup>119</sup>

P.L. 118-258 amends the tax code to remove the enumerated categories of taxpayer data that may be disclosed to IV-D agency contractors.<sup>120</sup> It also expressly applies the safeguard requirements to taxpayer data shared with IV-D agencies and their contractors.<sup>121</sup> This effectively allows contractors of all IV-D agencies to have the same access to data as employees of these agencies.

## CBO Cost Estimates of the Supporting America's Children and Families Act

CBO provided separate estimates for the provisions of Title I and Title II of P.L. 118-258 when those provisions were ordered to be reported in the House. Combined, these estimates suggest the enacted bill could result in a net reduction in federal *direct spending*<sup>122</sup> of \$167 million across 10 years (FY2025-FY2034). That is generally because CBO's estimate of expected *increases* in direct spending tied to the child welfare provisions in Title I were more than fully offset by its estimate of the expected *decrease* in direct spending due to the inclusion of the child support-related provisions in Title II. The separate CBO cost estimates of the provisions in Title I and Title II, which were produced with regard to these proposals at the House committee stage of

<sup>116</sup> IRC §6103(l)(6).

<sup>117</sup> See, for example, National Child Support Enforcement Association, "Confidentiality of IRS Information," board resolution, August 11, 2018, [https://www.ncsea.org/documents/Confidentiality-of-IRS-Information\\_08.11.2001-1.pdf](https://www.ncsea.org/documents/Confidentiality-of-IRS-Information_08.11.2001-1.pdf).

<sup>118</sup> See, for example, Government Accountability Office, "Taxpayer Privacy: A Guide for Screening and Assessing Proposals to Disclose Confidential Tax Information to Specific Parties for Specific Purposes," December 2011, <https://www.gao.gov/assets/gao-12-231sp.pdf>.

<sup>119</sup> Governor Tony Evers et. al., letter to Senator Schumer, Senator Mitch McConnell, Representative Mike Johnson, and Representative Hakeem Jeffries, July 23, 2024, <https://waysandmeans.house.gov/wp-content/uploads/2024/07/7.23.24-HR7906-Governor-Letter.pdf>.

<sup>120</sup> IRC §6103(l)(6)(B).

<sup>121</sup> These safeguard requirements are in IRC Section 6103(p)(4).

<sup>122</sup> Direct spending (also referred to as *mandatory spending*) is funding that is controlled by authorization acts, such as the SSA. For further information, see CRS Report R44582, *Overview of Funding Mechanisms in the Federal Budget Process, and Selected Examples*.

consideration, are discussed below. (These provisions are substantially the same as those eventually enacted in P.L. 118-258.)

## **Title I Child Welfare Provisions**

CBO estimated that the provisions later enacted in Title I of P.L. 118-258 would increase federal direct spending by \$610 million across FY2025-FY2034.<sup>123</sup> That 10-year sum included \$574 million in increased federal outlays for PSSF services and activities (under Title IV-B of the SSA) and \$36 million in increased federal outlays for provision of “independent legal representation” (under Title IV-E of the SSA). P.L. 118-258 does not amend the Title IV-E program authorities directly. All the same, CBO estimated that the law’s change in CWS program policy (under Title IV-B, Subpart 1 of the SSA), requiring states to inform certain child welfare-involved children and their parents of any available independent legal representation, would result in states accessing some additional federal support for independent legal representation which may be supported under the Title IV-E program.<sup>124</sup>

## **Title II Child Support Provisions**

CBO estimated that the provisions later enacted in Title II of P.L. 118-258 would decrease direct spending outlays by \$777 million across FY2025-FY2034.<sup>125</sup> This estimate included the budgetary effects of both the tribal IV-D FTI access provisions and those expanding contractor access. CBO noted in its estimate that “the staff of the Joint Committee on Taxation (JCT) estimate that enacting H.R. 7906 would have a negligible effect on revenues over the 2024-2034 period.”

# **The Origins and Enactment of the Supporting America’s Children and Families Act**

Both titles of P.L. 118-258 were developed as independent bills and each carried the same name that it now has as a separate title (i.e., Title I—the Protecting America’s Children by Strengthening Families Act; and Title II—the Strengthening State and Tribal Child Support Enforcement Act). During the 118<sup>th</sup> Congress, the child welfare provisions that became Title I of

---

<sup>123</sup> CBO Cost Estimates, H.R. 9076, *Protecting America’s Children by Strengthening Families Act*, October 23, 2024, <https://www.cbo.gov/system/files/2024-10/hr9076.pdf>. This estimate is based on legislative provisions that were ordered reported by the House Ways and Means Committee on July 24, 2024. Those provisions were substantively the same as the enacted provisions.

<sup>124</sup> The ability to use Title IV-E funds for independent legal representation was first articulated in 2019 via informal guidance (see HHS, ACF,ACYF, *Child Welfare Policy Manual*, Section 8.1B, Question 30, [https://acf.hhs.gov/cwpm/public\\_html/programs/cb/laws\\_policies/laws/cwpm/policy\\_dsp.jsp?citID=36](https://acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=36)). In November 2024, this authority was formalized via federal regulations (45 C.F.R. §1356.60(c)(2)(xi) and (c)(4)). As was initially permitted in guidance, the formal regulation permits states and tribes with an approved plan under Title IV-E of the SSA to seek federal support for 50% of the cost of providing independent legal representation during foster care proceedings for eligible children in foster care, eligible children at imminent risk of entering foster care, and the parents of those children. Beyond this, the formal regulations permit, for this same child and parent population, provision of Title IV-E-supported independent legal representation in certain civil legal proceedings related to the child welfare case (e.g., matters concerning domestic violence or housing).

<sup>125</sup> CBO, H.R. 7906, *Strengthening State and Tribal Child Support Enforcement Act*, Cost Estimate, August 12, 2024, <https://www.cbo.gov/system/files/2024-08/hr7906.pdf>. This estimate is based on legislative provisions that were approved by the House Ways and Means Committee in July 2024. Those provisions were substantively the same as those enacted in Title II of P.L. 118-258.



P.L. 118-258 were introduced as H.R. 9076 on July 22, 2024, and the child support related provisions that became Title II were introduced in the House as H.R. 7906 on April 9, 2024.

These bills were given separate consideration by the House Ways and Means Committee at a July 24, 2024, markup, after incorporating minor manager's amendments proposed by Ways and Means Committee Chair Jason Smith. Each received unanimous approval and was ordered reported to the House.

When H.R. 9076 was considered on the House floor in September, the House adopted an amendment that renamed the bill the Supporting America's Children and Families Act and reorganized it so that its earlier committee-approved child welfare provisions were redesignated as Title I, and a new Title II was added to the bill comprised of the committee-approved child support-related provisions in H.R. 7906.

The amended H.R. 9076—merging child welfare (Title I) and child support (Title II) provisions—was approved by the House on September 18, 2024, by a vote of 405-10. The merged bill was then sent to the Senate, where it was approved, without amendment, by unanimous consent on December 21, 2024.<sup>126</sup>

On January 4, 2025, the bill was signed by the President and was subsequently designated as P.L. 118-258.

## **Title I—Introduction, Related Bills, and Committee Action in the 118<sup>th</sup> Congress**

Representative Darin LaHood introduced the Protecting America's Children by Strengthening Families Act (H.R. 9076), with Representative Danny K. Davis, on July 22, 2024. The bill was informed by several child welfare-specific hearings held by the full House Ways and Means Committee or its Work and Welfare Subcommittee<sup>127</sup> and incorporated some or all provisions or ideas included in a range of child welfare bills introduced in the 118<sup>th</sup> Congress.<sup>128</sup>

---

<sup>126</sup> Prior to its Senate approval, the text of the House-passed version of H.R. 9076 was proposed for inclusion in a legislative package that would have provided for an extension of the FY2025 continuing resolution and addressed a variety of other matters. This package was not ultimately taken up by the House or the Senate. For background and the text of this package (see Division E, Title III for the child welfare and child support provisions), see House Appropriations Committee, *Committee Releases Bill to Continue Current Funding and Provide Much-Needed Disaster Relief*, majority staff press release, December 17, 2024, <https://appropriations.house.gov/news/press-releases/committee-releases-bill-continue-current-funding-and-provide-much-needed>.

<sup>127</sup> Child welfare-specific hearings included Modernizing Child Welfare to Protect Vulnerable Children, September 28, 2023 (subcommittee); Pathways to Independence: Supporting Youth Aging Out of Foster, January 17, 2024 (subcommittee); and Strengthening Child Welfare and Protecting America's Children, June 26, 2024 (full committee). In addition, the hearing Empowering Native American and Rural Communities (full committee) was held in Arizona and included some child welfare-specific testimony related to support for tribal child welfare and concerns related to compliance with the ICWA. See hearing information at <https://waysandmeans.house.gov/hearings>.

<sup>128</sup> Bills with at least *some* provisions included in Title I of the Supporting America's Children and Families Act (P.L. 118-258) include the Helping Hands for Families Act (H.R. 476, by Rep. Carol Miller, with Rep. Judy Chu/S. 73 by Sen. Marco Rubio with Sen. Robert Casey); Tribal Family Fairness Act (H.R. 2762 by Rep. Sydney Kamlager-Dove, with Reps. Don Bacon and Sharice Davids); Court Improvement Program Enhancement Act (H.R. 8460 by Rep. Blake Moore, with Reps. Judy Chu and Carol Miller); Strengthening Tribal Families Act (S. 4471 by Sen. Tammy Baldwin/H.R. 8621 by Rep. Don Bacon, with Reps. Judy Chu, Daniel Kildee, Tom Cole, and Sharice Davids); Foster Youth Mental Health Support Act (H.R. 8643 by Rep. Michelle Steel); Empowering Kinship Caregivers and Youth through Title IV-B (H.R. 8743 by Rep. Lloyd Smucker, with Rep. Don Davis); Reducing Administrative Burden for Child Welfare Agencies Act (H.R. 8744) and Child Welfare Workforce Development Act (H.R. 8745), both by Rep. Lloyd Smucker; Foster Care Adoption Oversight and Support Act (H.R. 8793 by Rep. Brad Wenstrup with Rep. Lloyd Smucker) (continued...)

At a July 24, 2024, markup of H.R. 9076, the full committee adopted an Amendment in the Nature of a Substitute (AINS) by a voice vote, which was offered by House Ways and Means Committee Chair Jason Smith. (The AINS made limited and largely technical changes to the bill.<sup>129</sup>) The committee then ordered the bill reported, as amended, by a vote of 38-0. A report on the bill was submitted to the House on September 17, 2024 (H.Rept. 118-679).

On November 18, 2024, Senator John Cornyn (with Senator Michael Bennet) introduced identical legislation in the Senate (S. 5336). (However, Senate action on these provisions ultimately occurred as part of the House-passed H.R. 9076.)

## **Title II—Introduction, Related Bills, and Committee Action in the 118<sup>th</sup> Congress**

Representative Kevin Hern introduced the Strengthening State and Tribal Child Support Enforcement Act (H.R. 7906), with Representative Suzan DelBene, Representative Lloyd Smucker, Representative Gwen Moore, Representative David Schweikert, and Representative Darin LaHood, on April 9, 2024. The bill was substantially the same as earlier legislation, S. 534, that was passed by the Senate in the 117<sup>th</sup> Congress but received no further congressional action. (This legislation was re-introduced in the Senate as S. 3154 in the 118<sup>th</sup> Congress, but Senate action on the proposal ultimately occurred with regard to the final version of this proposal in H.R. 9076.)

At a July 24, 2024, markup of H.R. 7906, the full committee adopted an AINS by a voice vote, which was offered by House Ways and Means Committee Chair Jason Smith. (The AINS made minor technical changes to the bill.<sup>130</sup>) The committee then ordered the bill reported, as amended, by a vote of 37-0. The committee reported the bill to the House on December 24, 2024 (H.Rept. 118-951).<sup>131</sup>

---

Smucker); Promoting Community-Based Prevention Services Act (H.R. 8798 by Rep. Mike Carey, with Rep. John Larsen), Promoting Active Relationships to Enable Nurturing Ties (PARENT) Act (H.R. 8799 by Rep. Danny K. Davis, with Rep. Darin LaHood); Ensuring Legal Representation for Child Welfare Act (H.R. 8810 by Rep. Claudia Tenney, with Rep. Mary Gay Scanlon); Preventing Child Welfare Entry Caused by Poverty (H.R. 8813 by Rep. Jason Smith, with Rep. Gwen Moore); Strengthening Evidence-based Prevention Services Act (H.R. 8814 by Rep. Randy Feenstra, with Rep. Daniel Kildee); Youth and Family Engagement in Child Welfare Act (H.R. 8815 by Rep. Adrian Smith, with Rep. Gwen Moore); Promoting Accountability, Reporting, Information Sharing and Health Act (H.R. 8817 by Rep. Gregory Steube, with Rep. Jimmy Panetta); Partnership Grants to Strengthen Families Affected by Parental Substance Use Disorder Act (H.R. 8885 by Rep. Danny K. Davis, with Rep. Steven Horsford); Regional Partnership Grants Reauthorization Act (H.R. 8890 by Rep. Steven Horsford, with Rep. Danny K. Davis) and Tribal Child Welfare Support Act (H.R. 8921 by Rep. Kevin Hern, with Rep. Judy Chu). This list is similar, but not identical, to a list of relevant House-sponsored language included by the House Ways and Means Committee in its report on H.R. 9076; see H.Rept. 118-679, pp. 17-18, <https://www.congress.gov/118/crpt/hrpt679/CRPT-118hrpt679.pdf>.

<sup>129</sup> See the AINS, a description of changes made in the AINS, and the vote tally at <https://waysandmeans.house.gov/event/markup-of-h-r-7906-and-h-r-9076/>.

<sup>130</sup> See the AINS, a description of changes made in the AINS, and the vote tally at <https://waysandmeans.house.gov/event/markup-of-h-r-7906-and-h-r-9076/>.

<sup>131</sup> House Ways and Means Committee, H.Rept. 118-951, to accompany the Strengthening State and Tribal Child Support Enforcement Act (H.R. 7906), <https://www.congress.gov/congressional-report/118th-congress/house-report/951>.

Earlier in the Congress, the House Ways and Means Committee's Work and Welfare Subcommittee and Oversight Subcommittee held a joint hearing on November 29, 2023. The primary topics discussed were the issues addressed by the legislation.<sup>132</sup>

---

<sup>132</sup> House Ways and Means Committee, Joint Hearing of the Work and Welfare Subcommittee and Oversight Subcommittee, *Strengthening the Child Support Enforcement Program for States and Tribes*, November 29, 2023, <http://gop-waysandmeans.house.gov/event/joint-work-welfare-and-oversight-subcommittee-hearing-on-strengthening-the-child-support-enforcement-program-for-states-and-tribes/>.

## Appendix A. Program Background

### Title I: Child Welfare

Title I of P.L. 118-258 extends funding authorities for, and makes amendments to, the primary child welfare programs included in Title IV-B of the SSA. These are the Stephanie Tubbs Jones Child Welfare Services (CWS, Subpart 1) program and the MaryLee Allen Promoting Safe and Stable Families (PSSF, Subpart 2) program. It repeals the prior-law Mentoring Children of Prisoners program (last funded in FY2010), and replaces it with a new authorization of funding for state partnership grants to support meaningful relationships between children in foster care and their incarcerated parents.

### CWS and PSSF Program Background

The CWS program was authorized as part of the original SSA in 1935 (P.L. 74-271). The Public Welfare Amendments of 1967 (P.L. 90-248) moved the CWS program from its original location (Title V of the SSA) to a newly established Title IV-B of the SSA. As the founding federal child welfare program, CWS has the broadest purposes and may be used to support nearly any child welfare activity authorized in any federal child welfare program.<sup>133</sup> Funding for the program is authorized on a discretionary basis.

The PSSF program was established in the early 1990s (P.L. 103-66), at a time when the number of children in foster care was climbing. The program initially offered support for services to strengthen and preserve families to prevent the need for foster care. It was expanded in 1997 (via the Adoption and Safe Families Act [ASFA], P.L. 105-89) to also support services to reunite children in foster care with their families and, if that was not possible, to identify a new permanent family for those children via adoption. The program was originally supported wholly with capped mandatory funding; however, the Promoting Safe and Stable Families Reauthorization Act of 2001 (P.L. 107-133) added a separate authorization of discretionary appropriations for it.<sup>134</sup>

Both the CWS and PSSF programs have received funding in every year since their respective enactments and both programs have been amended multiple times. Although appropriations for the CWS program were initially authorized on a permanent (no-year limit) basis, the Child and Family Services Improvement Act of 2006 (P.L. 109-288) added a five-year limit. That law also aligned the timeframe for the CWS authorization of appropriations with the one given for the PSSF program. A portion of PSSF funding has been reserved for evaluation and research in every year of the program and for the Court Improvement Program (CIP) in every year beginning with FY1995. The 2006 reauthorization (P.L. 109-288) added new reservations of PSSF funding for the Regional Partnership Grants (RPGs) and Monthly Caseworker Visit (MCV) grants.

Since the 2006 reauthorization, the CWS and PSSF programs have been amended and jointly reauthorized in 2011 (P.L. 112-34, through FY2016) and 2018 (§50751 of P.L. 115-123, through FY2021). Amendments to the SSA subsequently extended funding authorizations under the

---

<sup>133</sup> The Child and Family Services Improvement Act of 2006 (P.L. 109-288) prohibited CWS spending for foster care maintenance, adoption assistance, and certain child care *unless* a state had used CWS funds for those purposes in FY2005. In that case, the state may spend CWS funds for any of the given purposes in an amount no greater than was spent on that purpose in FY2005. See Section 424(c) of the SSA.

<sup>134</sup> For more information on this change, see CRS Report RL30894, *Child Welfare: Reauthorization of the Promoting Safe and Stable Families Program in the 107th Congress*.

programs through FY2023, largely without any permanent policy changes.<sup>135</sup> Under the Consolidated Appropriations Act, 2024 (§402, Division G of P.L. 118-42), activities under Title IV-B are authorized to continue (as they were supported in FY2023) through December 31, 2024.

Title I of P.L. 118-258 amends the CWS and PSSF programs and extends their funding authorities through FY2029. This includes extension of PSSF funding reserved for the CIP, MCV grants, and RPGs.

### **Other Title IV-B Programs**

The 2001 PSSF reauthorization law (P.L. 107-133) first authorized the Mentoring Children of Prisoners (MCP) program, including it as an independent program in Title IV-B, Subpart 2. The program received initial discretionary funding in FY2003, was amended and extended in the 2006 Title IV-B reauthorization (P.L. 109-288), and was last supported in FY2010. Budget documents from the time noted that a significant minority of mentor-mentee relationships ended after a relatively short period, causing “significant loss in financial investment through training, screening, and other elements of the mentoring match program,” and that, based on research showing the importance of sustained relationships, this was potentially adding to feelings of insecurity and abandonment felt by the mentees.<sup>136</sup> The 2011 Title IV-B reauthorization bill (P.L. 112-34) did not extend the program.

Title I of P.L. 118-258 repeals the dormant MCP program language, and in its place authorizes appropriations of discretionary funding to support a grant program for projects that support and maintain meaningful connections between incarcerated parents and their children in foster care.

In 2008, the Fostering Connections to Success and Promoting Adoptions Act (P.L. 110-351) established and funded Family Connection Grants in Section 427 of the SSA to support demonstration projects related to kinship navigator programs, intensive family finding, family group decisionmaking, and residential family treatment programs. These grants received independent (mandatory) funding of \$15 million in each of FY2009-FY2014; however, no funding for the grant program has subsequently been provided. Title I of P.L. 118-258 revises and renames the grant program, focusing it solely on kinship navigator programs and requiring HHS annually to set aside \$10 million out of any discretionary PSSF funding appropriated to support the grants from FY2026 through FY2029.

## **Title II: Child Support**

Title II generally permits tribal child support enforcement agencies and contractors for state and local child support enforcement agencies access to the same federal tax information (FTI), under the Federal Offset Program (FOP), that is now available to state and local child support enforcement agencies. When they access this information, tribal agencies and relevant contractors

---

<sup>135</sup> The capped mandatory funding authority for the PSSF program (included at Section 436(a) of the SSA) was extended for one year (through FY2022) by Division CC of P.L. 116-260. That law also made multiple, albeit *largely* technical, changes to the CIP as it is included in the SSA. Those changes appear to have been designed to ensure that all of the CIP program funds were considered a part of the “CBO baseline” for the PSSF program. In the following year, Section 6103 of P.L. 117-328 amended the SSA to extend the CWS funding authorization (§425 of the SSA) and both the mandatory (§436(a)) and discretionary (§437(a)) PSSF funding authorizations through FY2023. This extension was made without any policy amendments, and also included extension of each of the time-limited reservations of PSSF funding for specific program activities.

<sup>136</sup> HHS, ACF, *Justifications of Estimates for Appropriations Committees, FY2012*, February 2011, pp. 115-116, [https://acf.gov/sites/default/files/documents/olab/2012\\_all.pdf#page=119](https://acf.gov/sites/default/files/documents/olab/2012_all.pdf#page=119).

are subject to the same access and disclosure rules that apply to state and local child support enforcement agencies.

## **The Child Support Program**

The child support program was enacted in 1975 as a federal-state program (Title IV-D of the SSA, P.L. 93-647). At its inception, the primary purpose of the Title IV-D program was to reduce public expenditures on cash assistance (then, Aid to Families with Dependent Children [AFDC]; currently, the Temporary Assistance for Needy Families [TANF] block grant) by obtaining ongoing support from noncustodial parents that could be used to reimburse state and federal governments for part of that assistance. Relatedly, the program also sought to ensure financial support for children from their noncustodial parents on a consistent and continuing basis to enable some of those families to remain off public assistance.

Since its enactment in 1975, numerous laws have made changes to the IV-D program. Early amendments broadened the program's mission beyond cash assistance cost-recovery to include service delivery for both assistance and nonassistance families as well as expanded enforcement methods. The Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) authorized the IRS to withhold all or part of federal income tax refunds of certain individuals who owed past-due child support to collect those obligations on behalf of AFDC families. The Child Support Enforcement Amendments of 1984 (P.L. 98-378) expanded these authorities to apply to non-AFDC families through January 1, 1991. It also further specified procedures with regard to these tax offsets that were to be followed by state IV-D programs and the U.S. Department of the Treasury, including the disclosure of FTI under the Internal Revenue Code (IRC) to state and local IV-D programs, and the limited redisclosure of FTI to contractors of those programs. (Subsequently, P.L. 101-508 repealed the expiration of the non-AFDC authorities, and further technical changes were made by P.L. 104-134 and P.L. 104-193.)

Originally, Title IV-D of the SSA placed authority to administer the delivery of child support services solely with the states. However, on many types of tribal lands the authority of state and local governments was (and continues to be) limited, constraining their ability to provide child support services on tribal lands. Similarly, some Indian families had difficulty obtaining CSE services from the state CSE programs.<sup>137</sup> To further the goal of tribal self-governance, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA; P.L. 104-193) authorized the HHS Secretary to provide direct federal funding to Indian tribes with approved IV-D programs (§455(f) of the SSA). (PRWORA also permitted states to enter into cooperative agreements with Indian tribes and tribal organizations [§454(33) of the SSA].) However, tribal IV-D programs were not explicitly included in the provisions of the SSA and IRC that allowed state and local IV-D programs to have access to FTI.<sup>138</sup>

---

<sup>137</sup> For further background, see HHS, ACF, "Tribal Child Support Enforcement Programs" final rule, *Federal Register*, vol. 69, no. 61, March 20, 2024, pp. 16638-16639.

<sup>138</sup> Instead, these tribal programs were required to contract with a state IV-D entity to have limited data redisclosed to them; HHS, OCSE, "IRS Requirements for Tribes Accessing Federal Tax Information," IM-19-03, July 5, 2019, <https://www.acf.hhs.gov/css/policy-guidance/irs-requirements-tribes-accessing-federal-tax-information>.



## Appendix B. Recent Title IV-B Funding and Distribution of FY2024 Funds

For FY2024, total funding provided and available for distribution under Title IV-B of the SSA was \$689 million, comprised of \$269 million for the Stephanie Tubbs Jones Child Welfare Services (CWS, Subpart 1) program; \$398 million for the MaryLee Allen Promoting Safe and Stable Families (PSSF, Subpart 2) program (including \$325 million in mandatory funding, post-sequestration, and \$73 million in discretionary funding); and \$22 million for the independently authorized Child Welfare Research, Training, or Demonstration (CWRTD) projects (\$426 of the SSA). The \$689 million funding level in FY2024 was less than the nominal dollar total provided under Title IV-B in each of FY2018-FY2023, but matched or exceeded total nominal dollar funding under Title IV-B for FY2013-FY2017.<sup>139</sup>

Under the full-year continuing resolution (CR, P.L. 119-4) enacted in mid-March 2025, FY2025 funding for the PSSF program is expected to be the same as the levels specified in the final FY2024 appropriation, including \$345 million in mandatory funds (i.e., \$325 million after sequestration) and roughly \$73 million in discretionary funding. However, final funding levels for the CWS program and for CWRTD have not yet been determined because, unlike the PSSF program (which had precise mandatory and discretionary funding levels stated in the final FY2024 law itself), the specific funding levels for the CWS and CWRTD programs are not included in that annual appropriations law. Instead, as is customary for CWS and CWRTD, the FY2024 appropriations law (P.L. 118-47) indicates that funding for them is to be taken out of a larger sum of money provided for “Children and Families Services Programs.” Most of the programs funded from that account, which includes a variety of programs receiving discretionary funding and administered at the federal level by HHS’ ACF, do not typically have a specific funding level given in the annual appropriations law itself. Instead, the amounts to be provided for these programs, including CWS and CWRTD, are usually included in a table report or explanatory statement accompanying the final annual appropriations law.<sup>140</sup> No accompanying report or explanatory statement is included with P.L. 119-4 (which is typical for a full year CR), and as of early April 2025, HHS had not yet announced how much they will allocate for CWS and CWRTD.

### FY2024 Distribution

Distribution of FY2024 Title IV-B funding by program and/or activity, including by state, is shown in **Table B-1**. Amounts distributed include all discretionary funding provided for CWS, PSSF, and CWRTD and all mandatory funding made available for PSSF (post-sequestration).<sup>141</sup>

<sup>139</sup> Total funding under Title IV-B reached a highpoint in the 2000s. For more information, congressional clients may request a copy of CRS Congressional Distribution (CD) Memorandum, “Trends in Funding Provided under Title IV-B of the Social Security Act,” April 19, 2024.

<sup>140</sup> See items listed under the heading “Children and Families Services Programs,” printed page numbers 934 and 935 in <https://www.govinfo.gov/content/pkg/CPRT-118HPRT55008/pdf/CPRT-118HPRT55008.pdf#page=944>.

<sup>141</sup> Sequestration is the automatic cancellation of previously enacted funding to achieve specific budgetary savings. Under the Balanced Budget Emergency Deficit Control Act (BBEDCA) of 1985, as amended, many federal programs that receive mandatory funding are subject to a certain level of sequestration. The PSSF program is classified as a nonexempt, nondefense program and its mandatory funding has been subject to sequestration in every year beginning with FY2013. For 2024, the sequestration rate was 5.7%, and that rate is slated to continue to apply each year through FY2031; for FY2032, the last year that PSSF mandatory funding is subject to sequestration under current law, the rate (continued...)

**Table B-1. FY2024 Title IV-B Funding: Distribution by Program, State, Other Jurisdictions, or Activity**

(dollars in millions)

<b>State/Other</b>	<b>CWS Child and Family Services (Col. a)</b>	<b>PSSF Child and Family Services (Col. b)</b>	<b>MCV Grants (Col. c)</b>	<b>Kinship Navigator Program Grants<sup>a</sup> (Col. d)</b>	<b>All CWS + PSSF (to state/tribal CW agencies) (Col. e =Cols. a+b+c+d)</b>	<b>CIP (to courts) (Col. f)</b>	<b>Total Title IV-B (Col. g = Cols. e + f)</b>
Alabama	\$5.001	\$6.117	\$0.387	\$0.177	\$11.682	\$0.497	\$12.179
Alaska	\$0.069	\$0.555	\$0.035	\$0.177	\$0.836	\$0.292	\$1.128
Arizona	\$5.629	\$6.457	\$0.408	\$0.177	\$12.672	\$0.600	\$13.272
Arkansas	\$3.088	\$2.477	\$0.157	\$0.177	\$5.899	\$0.405	\$6.304
California	\$25.142	\$30.285	\$1.914	\$0.177	\$57.518	\$2.095	\$59.614
Colorado	\$4.017	\$3.992	\$0.252	\$0.177	\$8.438	\$0.519	\$8.958
Connecticut	\$1.928	\$2.215	\$0.140	\$0.177	\$4.461	\$0.419	\$4.879
Delaware	\$0.862	\$0.970	\$0.061	\$0.177	\$2.070	\$0.300	\$2.371
District of Columbia	\$0.352	\$0.802	\$0.051	\$0.177	\$1.382	\$0.283	\$1.665
Florida	\$15.982	\$21.461	\$1.357	\$0.177	\$38.977	\$1.182	\$40.159
Georgia	\$10.212	\$12.122	\$0.766	\$0.177	\$23.278	\$0.796	\$24.073
Hawaii	\$1.150	\$1.073	\$0.068	\$0.177	\$2.468	\$0.318	\$2.786
Idaho	\$2.003	\$1.133	\$0.072	\$0.177	\$3.385	\$0.356	\$3.742
Illinois	\$9.413	\$13.956	\$0.882	\$0.177	\$24.428	\$0.843	\$25.271
Indiana	\$6.427	\$4.922	\$0.311	\$0.177	\$11.837	\$0.595	\$12.432
Iowa	\$2.988	\$2.158	\$0.136	\$0.177	\$5.460	\$0.414	\$5.874
Kansas	\$2.723	\$1.493	\$0.094	\$0.177	\$4.487	\$0.405	\$4.892
Kentucky	\$4.382	\$4.188	\$0.265	\$0.177	\$9.012	\$0.470	\$9.482
Louisiana	\$4.393	\$6.834	\$0.432	\$0.177	\$11.837	\$0.482	\$12.319
Maine	\$1.027	\$0.860	\$0.054	\$0.177	\$2.119	\$0.309	\$2.428
Maryland	\$4.391	\$4.369	\$0.276	\$0.177	\$9.214	\$0.543	\$9.757
Massachusetts	\$3.543	\$5.196	\$0.328	\$0.177	\$9.244	\$0.557	\$9.801
Michigan	\$8.401	\$8.305	\$0.525	\$0.177	\$17.409	\$0.714	\$18.123
Minnesota	\$4.402	\$3.271	\$0.207	\$0.177	\$8.058	\$0.533	\$8.591
Mississippi	\$3.169	\$3.435	\$0.217	\$0.177	\$6.998	\$0.402	\$7.400
Missouri	\$5.597	\$5.466	\$0.346	\$0.177	\$11.586	\$0.549	\$12.136
Montana	\$0.669	\$0.640	\$0.040	\$0.177	\$1.527	\$0.305	\$1.832
Nebraska	\$1.796	\$1.281	\$0.081	\$0.177	\$3.335	\$0.358	\$3.693
Nevada	\$2.649	\$3.229	\$0.204	\$0.177	\$6.259	\$0.401	\$6.659
New Hampshire	\$0.862	\$0.474	\$0.030	\$0.177	\$1.542	\$0.311	\$1.853

is 2.8%. See Section 251A(6)(B)(ii) and (E)(ii) of the BBDECA; Section 109, Division G of P.L. 118-47; and OMB Report to Congress on the BBEDCA 251A Sequestration for Fiscal Year 2025, March 11, 2024, [https://bidenwhitehouse.archives.gov/wp-content/uploads/2024/03/BBEDCA\\_251A\\_Sequestration\\_Report\\_FY2025.pdf](https://bidenwhitehouse.archives.gov/wp-content/uploads/2024/03/BBEDCA_251A_Sequestration_Report_FY2025.pdf).

State/Other	CWS Child and Family Services (Col. a)	PSSF Child and Family Services (Col. b)	MCV Grants (Col. c)	Kinship Navigator Program Grants <sup>a</sup> (Col. d)	All CWS + PSSF (to state/tribal CW agencies) (Col. e =Cols. a+b+c+d)	CIP (to courts) (Col. f)	Total Title IV-B (Col. g = Cols. e + f)
New Jersey	\$5.706	\$6.301	\$0.398	\$0.177	\$12.582	\$0.682	\$13.264
New Mexico	\$1.488	\$3.545	\$0.224	\$0.177	\$5.435	\$0.355	\$5.790
New York	\$11.659	\$16.513	\$1.044	\$0.177	\$29.394	\$1.126	\$30.520
North Carolina	\$9.406	\$11.967	\$0.756	\$0.177	\$22.307	\$0.755	\$23.062
North Dakota	\$0.616	\$0.381	\$0.024	\$0.177	\$1.198	\$0.295	\$1.493
Ohio	\$10.229	\$10.395	\$0.657	\$0.177	\$21.458	\$0.806	\$22.265
Oklahoma	\$0.621	\$4.654	\$0.294	\$0.177	\$5.747	\$0.460	\$6.207
Oregon	\$3.143	\$3.867	\$0.244	\$0.177	\$7.432	\$0.436	\$7.868
Pennsylvania	\$9.619	\$11.892	\$0.752	\$0.177	\$22.440	\$0.836	\$23.275
Rhode Island	\$0.840	\$0.805	\$0.051	\$0.177	\$1.873	\$0.302	\$2.175
South Carolina	\$4.806	\$5.145	\$0.325	\$0.177	\$10.453	\$0.498	\$10.951
South Dakota	\$0.429	\$0.662	\$0.042	\$0.177	\$1.310	\$0.302	\$1.612
Tennessee	\$6.199	\$6.472	\$0.409	\$0.000 <sup>b</sup>	\$13.080	\$0.584	\$13.664
Texas	\$28.149	\$33.145	\$2.095	\$0.177	\$63.567	\$1.853	\$65.420
Utah	\$3.777	\$1.399	\$0.088	\$0.177	\$5.441	\$0.455	\$5.896
Vermont	\$0.521	\$0.398	\$0.025	\$0.177	\$1.121	\$0.282	\$1.402
Virginia	\$6.521	\$5.477	\$0.346	\$0.177	\$12.521	\$0.660	\$13.182
Washington	\$4.923	\$5.047	\$0.319	\$0.177	\$10.467	\$0.606	\$11.072
West Virginia	\$1.654	\$1.822	\$0.115	\$0.177	\$3.768	\$0.332	\$4.100
Wisconsin	\$4.689	\$4.943	\$0.312	\$0.177	\$10.122	\$0.527	\$10.649
Wyoming	\$0.426	\$0.240	\$0.015	\$0.177	\$0.858	\$0.283	\$1.141
<i>Subtotal, 50 states + DC</i>	<i>\$257.687</i>	<i>\$294.809</i>	<i>\$18.635</i>	<i>\$8.861</i>	<i>\$579.992</i>	<i>\$28.689</i>	<i>\$608.681</i>
<b>Territories</b>							
American Samoa	\$0.158	\$0.239	\$0.006	c	\$0.404	c	\$0.404
Guam	\$0.277	\$0.373	\$0.015	c	\$0.665	c	\$0.665
Northern Mariana	\$0.137	\$0.215	\$0.005	c	\$0.356	c	\$0.356
Puerto Rico	\$2.780	\$3.193	\$0.193	\$0.177	\$6.343	\$0.372	\$6.715
U.S. Virgin Islands	\$0.155	\$0.236	\$0.006	\$0.177	\$0.574	\$0.259	\$0.833
<i>Subtotal, territories</i>	<i>\$3.507</i>	<i>\$4.257</i>	<i>\$0.225</i>	<i>\$0.354</i>	<i>\$8.343</i>	<i>\$0.630</i>	<i>\$8.973</i>
<b>Tribes</b>							
All tribal awards	\$7.541	\$10.421	d	\$0.285	\$18.247	\$0.943 <sup>e</sup>	\$19.190
<i>Subtotal, formula funds to states, territories and tribes</i>	<i>\$268.735</i>	<i>\$309.488</i>	<i>\$18.860</i>	<i>\$9.500</i>	<i>\$606.583</i>	<i>\$30.262</i>	<i>\$636.845</i>
<b>All Other</b>							
Child Welfare Research, Training or Demonstration (CWRTD)							\$21.984
PSSF—Regional Partnership Grants (RPGs)							\$18.860
PSSF—Research, Evaluation, Training & Technical Assistance							\$8.268

State/Other	CWS Child and Family Services (Col. a)	PSSF Child and Family Services (Col. b)	MCV Grants (Col. c)	Kinship Navigator Program Grants <sup>a</sup> (Col. d)	All CWS + PSSF (to state/tribal CW agencies) (Col. e =Cols. a+b+c+d)	CIP (to courts) (Col. f)	Total Title IV-B (Col. g = Cols. e + f)
PSSF—Title IV-E Prevention Services Clearinghouse							\$2.613
<b>Total Title IV-B</b>							<b>\$688.569</b>

**Source:** Prepared by the Congressional Research Service (CRS), based primarily on Title IV-B allocation tables provided to CRS by the U.S. Department of Health and Human Services (HHS), Office of Legislative Affairs and Budget (OLAB), February 2025.

**Notes:** CWS = Stephanie Tubbs Jones Child Welfare Services program, PSSF = MaryLee Allen Promoting Safe and Stable Families program, MCV = Monthly Caseworker Visit grants, CIP = Court Improvement Program.

- a. Title IV-B of the SSA did not authorize specific use of PSSF funding for kinship navigator program grants for FY2024. However, the 2024 appropriations law (P.L. 118-47) directed that \$9.5 million (i.e., \$10 million reduced by 5% for other research) be used to provide formula grant funding for kinship navigator programs to states, including territories, or tribes with an approved Title IV-E plan. The 2024 appropriations law also maintained language (first included when funding for the grants was greater) that each eligible state or territory that applied must receive no less than \$200,000 (and each eligible tribe no less than \$25,000). However, the amount of FY2024 funds provided was not sufficient to ensure each of the eligible entities received the minimum award; HHS allotted funds so that each entity received an amount that was as close as possible to the minimum award required. See HHS, ACF, ACYF, Children's Bureau, PI-24-08, June 2024, <https://acf.gov/cb/policy-guidance/pi-24-08>.
- b. Tennessee did not apply for this funding.
- c. American Samoa, Guam, and the Northern Mariana Islands were not eligible for these funds because they do not have an approved Title IV-E program plan.
- d. Tribes are not eligible to receive MCV grant funding.
- e. Tribes are not eligible to receive formula grant CIP funding; however, tribal courts carrying out foster care or adoption proceedings may apply for competitive grant funding under the CIP.

## Appendix C. Funding Authorized, Funding Set-Asides, and Formula Distribution Rules

**Appendix C** focuses on the levels of funding authorized to be appropriated under Title IV-B of the SSA and the instructions provided in program law for the distribution of any appropriated funds.

**Table C-1** shows funding authorized to be appropriated in Title IV-B of the SSA for FY2024,<sup>142</sup> and as will be authorized for FY2026. Effective October 1, 2025 (i.e., the first day of FY2026), P.L. 118-258 increases the capped level of mandatory funding authorized under the PSSF program by \$75 million annually. However, the new law maintains the previous levels of authorized discretionary funding for the CWS and PSSF programs.<sup>143</sup>

In general, to the extent Title IV-B authorizations are discretionary, they have typically been provided in amounts less than the maximum authorized level. Additionally, while mandatory PSSF funding has been appropriated at the authorized mandatory funding level it has been subject to sequestration for more than a decade and this has reduced the amount of mandatory PSSF funding available for distribution.<sup>144</sup>

**Table C-1. Authorizations of Appropriations for FY2024 and FY2026**

(all section references are to Title IV-B of the SSA)

Program (authorization of appropriations)	Type of Funding (expiration of authorization)	FY2024	FY2026
Stephanie Tubbs Jones Child Welfare Services (CWS)—formula grants for child and family services (§425)	Discretionary (FY2029)	\$325 million	\$325 million
Child Welfare Research, Training or Demonstration (CWRTD)—competitive grants or contracts to support innovative and/or improved child welfare policy and practice (§426) <sup>a</sup>	Discretionary (none)	Such sums as are necessary	Such sums as are necessary
MaryLee Allen Promoting Safe and Stable Families (PSSF)—formula grants for family support, family preservation, family reunification, and adoption promotion and support services (§436(a))	Mandatory (FY2029)	\$345 million	\$420 million
	Discretionary (FY2029)	\$200 million	\$200 million
Demonstration projects—competitive grants to support meaningful relationships between children in foster care and their incarcerated parents (§439, as of October 1, 2025)	Discretionary (FY2029)	Not authorized	\$35 million

**Source:** Prepared by the Congressional Research Service (CRS), based on Title IV-B of the SSA. Title IV-B programs that are no longer funded and/or have expired authorizations of appropriations (§§427, 439), and

<sup>142</sup> These Title IV-B authorizations in the SSA were through FY2023 only. Section 402, Division G of P.L. 118-42 extended each of them, at the FY2024 level, through the end of 2024.

<sup>143</sup> The levels of mandatory and discretionary CWS and PSSF funding authorized to be appropriated for FY2025 are given in P.L. 118-258, as the same levels provided for FY2024. However, the new law does not make that change effective until the first day of FY2026. This delay is expected to be inadvertent.

<sup>144</sup> Sequestration is the automatic cancellation of previously appropriated funding, typically to meet specific budget goals. Under the Balanced Budget and Emergency Deficit Control Act (BBEDCA), as amended, PSSF mandatory funding has been subject to sequestration in every year beginning with FY2013. Current law provides for annual sequestration of 5.7% of appropriated funds in each year through FY2031 and 2.8% of appropriated funds for FY2032. As of early April 2025, there is no sequestration required for the account in FY2033 or later years.

projects that received one-time funding (i.e., §436(c), project completed; and §435(f), project ongoing) are not shown in this table.

**Notes:** *Formula grants* are distributed to all eligible entities based on distribution rules written in the law. *Competitive grants* are awarded to selected eligible entities submitting successful applications for the funds. The amount of any *discretionary funding* provided under Title IV-B is determined as part of the annual appropriations process and is not necessarily provided at the authorized level. The amount of any *mandatory funding* provided is determined based on program law and is expected to match the level specified or authorized in that law.

- a. Section 429 of the SSA authorizes a child welfare study known as the National Survey of Child and Adolescent Wellbeing (NSCAW). Initially authorized with mandatory funding (P.L. 104-193), NSCAW received circa \$6 million per year from FY1997 through FY2011. After a lapse in support, the explanatory statements accompanying final FY2015-FY2020 appropriations laws directed NSCAW to be continued with CWRD funds. From FY2021 through FY2024, HHS continued to support NSCAW using CWRD funds.

## Reservation of Authorized Funding for Specific Activities or Programs

**Table C-2** shows additional programs or activities authorized under Title IV-B. None of these programs or activities have individual authorizations of funding; instead, all of their funding is provided as a set-aside of funds appropriated under one or more of the authorities shown in **Table C-1** (and specifically the PSSF or CWS programs).

P.L. 118-258 did not make any changes to the program law with regard to distribution of FY2025 funding for CWS and PSSF. However, effective with FY2026 it makes several changes to the distribution of funding provided for those programs. Note that **Table C-2** compares only those program/activity set-asides that were included in program law (i.e., Title IV-B of the SSA) for FY2024, as well as any that will be included in that law (per P.L. 118-258) for FY2026. However, for each of FY2018-FY2024 Congress included language in annual appropriations laws to direct a portion of PSSF discretionary funding to support kinship navigator program grants, as well as the Title IV-E Prevention Services Clearinghouse and/or related research or evaluation. For some of these years, it also directed PSSF funding to increase support for Regional Partnership Grants (RPGs). However, as these uses of PSSF discretionary funds were not directed in program law (i.e., they are not given in Title IV-B of the SSA) and thus are not reflected in the FY2024 column shown in **Table C-2**.

Effective with October 1, 2025, P.L. 118-258 amends Title IV-B of the SSA to direct a higher level of *mandatory* PSSF funding to be set aside for RPGs, and to establish in program law *discretionary* PSSF funding set asides for competitive grants to support kinship navigator programs and, separately, for evaluation of prevention services and programs that will meet the evidence standards under the Title IV-E program (as rated by the Title IV-E Prevention Services Clearinghouse). These new set-asides are shown in the FY2026 column of **Table C-2**.

**Table C-2. Title IV-B Funds Reserved for Specific Programs or Activities**

(Title IV-B programs and activities listed below receive funding as a set-aside of PSSF or CWS funding)

Program/Activity (funding reservation)	Program Funding from Which Support is Reserved	FY2024	FY2026
Tribal Child and Family Services—formula grants for child and family services administered by tribal child welfare agencies. (§§428, 436(b)(3) and 437(b)(3))	CWS	Amounts determined by HHS	3% of total appropriation
	PSSF mandatory	3% of amount remaining after MCV and RPGs set-asides	3% of total appropriation



Program/Activity (funding reservation)	Program Funding from Which Support is Reserved	FY2024	FY2026
	PSSF discretionary	3% of any amount provided <sup>a</sup>	3% of any amount provided
Dual-status youth—competitive grants to improve services for youth served by both public child welfare and juvenile justice agencies. (§§423(a)(2) and 429A) <sup>a</sup>	CWS (but only if funds appropriated for the fiscal year exceed \$270 million) <sup>a</sup>	Any, or all, of the excess funds (as determined appropriate by HHS)	Up to a maximum of \$10 million of any excess funds
Court Improvement Program (CIP)—formula grants for states' highest courts to assess and make improvements to court handling of child abuse and neglect/child welfare proceedings; competitive grants to tribal courts for similar work. (§§436(b)(2), 437(b)(2) and 438)	PSSF mandatory	\$30 million (including \$1 million for tribal CIP grants)	\$40 million (including \$2 million for tribal CIP grants)
	PSSF discretionary	3.3% of any amount provided <sup>a</sup>	3.3% of any amount provided
Monthly Caseworker Visit (MCV)—formula grants to states and territories to improve the quality of caseworker visits with children in foster care and the recruitment and retention of caseworkers. (§436(a)(4))	PSSF mandatory	\$20 million	\$26 million
Regional Partnership Grants (RPGs)—competitive grants to eligible collaborating agencies to improve outcomes for children affected by parental/caregiver substance use disorder. (§§436(b)(5) and 437(b)(5))	PSSF mandatory	\$20 million	\$30 million
Research, Evaluation, Training, and Technical Assistance—competitively awarded grants or contracts for work related to provision of child and family services and other PSSF-funded work. (§§436(b)(1), 437(b)(1), and 435(a)-(d))	PSSF mandatory	\$6 million	\$0
	PSSF discretionary	3.3% of any amount provided <sup>a</sup>	3.3% of any amount provided
Kinship Navigator Grants—competitive grants to eligible public and private entities to support development, implementation, and/or evaluation of kinship navigator programs that will qualify for support under Title IV-E of the SSA. (§§437(b)(6) and 427, as of FY2026)	PSSF discretionary	Not authorized <sup>c</sup>	\$10 million (out of any amount provided)
Prevention Services—competitive grants to eligible public and private entities to implement and evaluate programs and services to speed the identification of evidence-based services/programs eligible for support under Title IV-E of the SSA. (§§437(b)(5) and 435(f), as of FY2026)	PSSF discretionary	Not authorized <sup>c</sup>	\$5 million (out of any amount provided)

**Source:** Prepared by the Congressional Research Service (CRS), based on Title IV-B of the SSA.

**Notes:** CWS = Stephanie Tubbs Jones Child Welfare Services program, PSSF = MaryLee Allen Promoting Safe and Stable Families program, HHS = U.S. Department of Health and Human Services.

- a. As had been the case in final appropriations laws for FY2018-FY2023, the final FY2024 appropriations law (P.L. 118-47) directed HHS to take this share of funding out of only the first \$59,765,000 of discretionary funding provided. This was the level of discretionary PSSF funding provided in FY2017 and, by stipulating this, the laws ensured that fluctuations in the amount of PSSF discretionary funding provided (and which were tied to specific activities for which no explicit PSSF set-aside was provided in program law) did not impact (positively or negatively) the PSSF discretionary funds provided to states, territories, tribes, or the CIP. However, the appropriations laws in each of FY2018-FY2024 required that HHS reserve 5% of the discretionary funding provided above the \$59,765,000 level for research, evaluation, training, and technical assistance and stipulated that these funds could be used for prevention services-related research and evaluation.

- b. This use of CWS funds was first authorized for FY2023 (via P.L. 117-348). Through FY2024, the required funding level had not been met and thus the grants had not been funded.
- c. This table includes only set-asides authorized in program law (i.e., Title IV-B of the SSA). This means it does not show set-asides out of PSSF discretionary funding that were made in FY2024 via appropriations law (P.L. 118-47). Those FY2024 set-asides included \$9.5 million for kinship navigator formula grants to states, territories, and tribes with a Title IV-E program and roughly \$3.3 million for the Title IV-E Prevention Services Clearinghouse and/or to boost PSSF research and evaluation funds to support related work.

## Author Information

Emilie Stoltzfus  
Specialist in Social Policy

Jessica Tollestrup  
Specialist in Social Policy

---

## Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.