

111TH CONGRESS
1ST SESSION

S. _____

To amend part E of title IV of the Social Security Act to examine and improve the child welfare workforce, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. LINCOLN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend part E of title IV of the Social Security Act to examine and improve the child welfare workforce, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Welfare Work-
5 force Improvement Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1)(A) Research indicates that child welfare
9 staff face a variety of obstacles that hinder their ef-
10 fective work with children and families in the child

1 welfare system. These obstacles include barriers de-
2 scribed in subparagraphs (B) through (D).

3 (B) High caseload and high workload levels pre-
4 vent child welfare staff from working intensively
5 with children and families and monitoring their
6 progress carefully.

7 (C) Child welfare staff report an absence of suf-
8 ficient access to supervision, mentoring, and profes-
9 sional advancement. A lack of access to supervision,
10 mentoring, and professional advancement contrib-
11 utes to staff burnout and turnover.

12 (D) States report difficulty hiring and retaining
13 quality child welfare staff. The average tenure of
14 such a staff member is less than 2 years. In addition
15 to the increased cost of hiring and training new
16 child welfare staff, high turnover rates among such
17 staff are associated with multiple placements of chil-
18 dren in foster care, longer lengths of stays in foster
19 care, lower rates of permanency, and failed efforts at
20 family reunification. Lengthy periods of foster care
21 increase costs for child welfare agencies, as main-
22 taining children in foster care is more expensive
23 than adoption, reunification, or other permanency
24 options.

1 (2) Supervision, staff preparation and training,
2 caseloads, workloads, data and accountability, work-
3 ing conditions, cultural competence, and leadership
4 are key components of an effective child welfare
5 workforce. There are few incentives in Federal law
6 that encourage improvements in these key areas.

7 (3) Current restrictions on Federal funding
8 under part E of title IV of the Social Security Act
9 for training of child welfare staff create barriers to
10 staff and children fully benefitting from this impor-
11 tant program. The related Federal funding proce-
12 dures are linked to an outdated income eligibility re-
13 quirement and administered in a way that fails to
14 recognize the scope of work and types of staff who
15 are working with children in the child welfare sys-
16 tem.

17 **SEC. 3. DEFINITIONS.**

18 Section 475 of the Social Security Act (42 U.S.C.
19 675) is amended by adding at the end the following:

20 “(9) The term ‘child welfare staff’ means—

21 “(A) employees of State, tribal, or local
22 child welfare agencies, who are working with
23 children and families that have contact with
24 such a child welfare agency, in order to promote

1 safety, permanence, and well-being for children
2 and families; and

3 “(B) employees of State-licensed or State-
4 approved nonprofit private agencies, who are
5 working with children and families that have
6 contact with a State, tribal, or local child wel-
7 fare agency in order to promote safety, perma-
8 nence, and well-being for children and families.

9 “(10) The term ‘related professionals’, used
10 with respect to child welfare staff, means individuals
11 employed by public or nonprofit private agencies in
12 child- and family-serving fields including education,
13 health, mental health, substance abuse prevention
14 and treatment, juvenile justice, law enforcement, and
15 domestic violence, who work with children and fami-
16 lies that have contact with a State, tribal, or local
17 child welfare agency.”.

18 **SEC. 4. DATA COLLECTION AND RESEARCH TO INCREASE**
19 **ACCOUNTABILITY FOR OUTCOMES FOR CHIL-**
20 **DREN.**

21 Part E of title IV of the Social Security Act (42
22 U.S.C. 670 et seq.) is amended by inserting after section
23 479B the following:

1 **“SEC. 479C. DATA COLLECTION AND RESEARCH TO IN-**
2 **CREASE ACCOUNTABILITY FOR OUTCOMES**
3 **FOR CHILDREN.**

4 “(a) NATIONAL CHILD WELFARE STAFF STUDY.—

5 “(1) STUDY AND REPORT.—The Secretary shall
6 enter into an agreement with the National Academy
7 of Sciences, under which the National Academy of
8 Sciences shall—

9 “(A) conduct a national study of child wel-
10 fare staff, highlighting promising approaches,
11 to—

12 “(i) examine and provide findings re-
13 lated to the demographic and other charac-
14 teristics of child welfare staff, including
15 compensation, academic degrees held, edu-
16 cation and training received, and turnover;

17 “(ii) examine and provide findings re-
18 garding factors contributing to child wel-
19 fare staff turnover and strategies that have
20 been effective in reducing the turnover by
21 type of child welfare services, including
22 preventive, protective, foster care, inde-
23 pendent living, adoption, and kinship care
24 services;

25 “(iii)(I) examine and provide findings
26 regarding strengths and challenges present

1 in the working relationship between child
2 welfare staff, legal and court staff, and
3 other related professionals; and

4 “(II) make recommendations regard-
5 ing how this working relationship may be
6 improved;

7 “(iv) examine and provide findings,
8 and make recommendations, regarding ap-
9 propriate overall workloads and caseloads
10 for all child welfare staff, including appro-
11 priate workloads and caseloads for super-
12 visors, analyzed by type of child welfare
13 staff member supervised, including those
14 providing child welfare services, including
15 preventive, protective, foster care, inde-
16 pendent living, adoption, and kinship care
17 services, and appropriate measurement of
18 such overall workloads and caseloads;

19 “(v)(I) examine and provide findings
20 related to policy and practice regarding
21 education level and training requirements
22 for child welfare staff by type of work, in-
23 cluding providing preventive, protective,
24 foster care, adoption, and kinship care
25 services; and

1 “(II) make recommendations regard-
2 ing appropriate education levels and train-
3 ing to ensure competent child welfare staff;
4 and

5 “(vi)(I) examine and provide findings
6 related to the kinds of data available to or
7 collected by State or local child welfare
8 agencies with regard to child welfare staff;

9 “(II) examine the methods and kinds
10 of data on child welfare staff that States
11 report to the Secretary through the data
12 collection systems authorized under section
13 103(c)(1)(C) of the Child Abuse Preven-
14 tion and Treatment Act, section 477(f) of
15 the Social Security Act (42 U.S.C. 677(f)),
16 and section 479 of that Act (42 U.S.C.
17 679);

18 “(III) make recommendations on how
19 States might collect data on child welfare
20 staff, including data on the type of work
21 staff are performing, and report the data
22 to the Secretary, regularly and in a man-
23 ner that enables the data to be linked to
24 the outcomes achieved for individual chil-

1 dren served by the State or local child wel-
2 fare agency involved, which shall include—

3 “(aa) a means of incorporating
4 the data into the data collection sys-
5 tem authorized under section 479 of
6 the Social Security Act (42 U.S.C.
7 679); and

8 “(bb) as appropriate, a means of
9 linking the data to the information
10 collected through the data collection
11 systems authorized under section
12 103(c)(1)(C) of the Child Abuse Pre-
13 vention and Treatment Act and under
14 section 477(f) of the Social Security
15 Act (42 U.S.C. 677(f)); and

16 “(IV) examine and provide findings
17 regarding the impact of data collection
18 procedures and requirements on child wel-
19 fare staff, and make recommendations for
20 collecting data on child welfare staff in
21 such a way that the attention and time of
22 child welfare staff are not diverted from
23 providing services to children and families
24 in order to meet data collection require-
25 ments; and

1 “(B) not later than 18 months after the
2 date on which the Secretary and the National
3 Academy of Sciences enter into the agreement,
4 submit a report containing the results of the
5 study, including the findings and recommenda-
6 tions described in subparagraph (A), to the Sec-
7 retary.

8 “(2) CONSULTATION WITH INDIAN TRIBES AND
9 TRIBAL ORGANIZATIONS.—The agreement entered
10 into by the Secretary and the National Academy of
11 Sciences under paragraph (1) shall require that, in
12 conducting the study described in that paragraph,
13 the National Academy of Sciences shall consult with
14 Indian tribes and tribal organizations (as defined in
15 section 4 of the Indian Self-Determination and Edu-
16 cation Assistance Act (25 U.S.C. 450b)) regarding
17 any aspects of the study that will address tribal-spe-
18 cific or unique issues, concerns, or special cir-
19 cumstances with respect to Indian children and their
20 families.

21 “(3) REPORT TO CONGRESS.—Not later than 3
22 months after receiving the report submitted under
23 paragraph (1)(B), the Secretary shall transmit the
24 report to the appropriate committees of Congress,
25 along with a description of how the Secretary plans

1 to consult with State administrators, Indian tribes
2 and tribal organizations, child welfare staff, and
3 other appropriate stakeholders to issue the proposed
4 regulations described in subsection (b)(1).

5 “(4) AUTHORIZATION OF APPROPRIATIONS.—

6 There is authorized to be appropriated to carry out
7 paragraph (1), \$5,000,000 for fiscal years 2010
8 through 2014.

9 “(b) COLLECTION AND REPORTING OF DATA ON
10 CHILD WELFARE STAFF.—

11 “(1) PROPOSED REGULATIONS.—The Secretary
12 shall consult with State administrators, child welfare
13 staff, and other appropriate stakeholders and, not
14 later than 12 months after receiving the report de-
15 scribed in subsection (a)(1)(B), shall issue proposed
16 regulations, which shall—

17 “(A) be based on the recommendations in
18 the report; and

19 “(B) require States to collect data on child
20 welfare staff, and report the data to the Sec-
21 retary, regularly and in a manner that enables
22 the data to be linked to the outcomes achieved
23 for individual children served by the State or
24 local child welfare agency involved, which shall
25 include—

1 “(i) a means of incorporating the data
2 into the data collection system authorized
3 under section 479 of the Social Security
4 Act (42 U.S.C. 679); and

5 “(ii) as appropriate, a means of link-
6 ing the data to the information collected
7 through the data collection systems author-
8 ized under section 103(c)(1)(C) of the
9 Child Abuse Prevention and Treatment
10 Act and under section 477(f) of the Social
11 Security Act (42 U.S.C. 677(f)).

12 “(2) FINAL REGULATIONS.—Not later than 2
13 years after receiving the report described in sub-
14 section (a)(1)(B), the Secretary shall issue final reg-
15 ulations that meet the requirements of subpara-
16 graphs (A) and (B) of paragraph (1).”.

17 **SEC. 5. REMOVAL OF BARRIERS TO PROVIDING TRAINING**
18 **FOR CHILD WELFARE STAFF AND RELATED**
19 **PROFESSIONALS UNDER PARTS B AND E OF**
20 **TITLE IV OF THE SOCIAL SECURITY ACT.**

21 (a) REMOVAL OF CERTAIN FUNDING RESTRIC-
22 TIONS.—

23 (1) IN GENERAL.—Section 474 of the Social
24 Security Act (42 U.S.C. 672) is amended by adding
25 at the end the following new subsection:

1 “(h) TRAINING EXPENDITURES TO DEVELOP AND
2 IMPROVE THE CHILD WELFARE WORKFORCE.—

3 “(1) DE-LINKING OF AFDC ELIGIBILITY CRI-
4 TERIA.—The Secretary shall treat as necessary for
5 the proper and efficient administration of the State
6 plan all expenditures by a State for training activi-
7 ties described in subparagraph (A) or (B) of sub-
8 section (a)(3) without regard to whether individuals
9 participating in such activities include individuals
10 providing services or treatment to foster or adoptive
11 children other than those on behalf of whom foster
12 care maintenance payments, kinship guardianship
13 assistance payments, or adoption assistance pay-
14 ments may be made under this part.

15 “(2) TRAINING RELATED TO SERVICES FOR
16 CHILDREN AND FAMILIES THAT HAVE CONTACT
17 WITH THE STATE AGENCY OR THE LOCAL AGENCY
18 ADMINISTERING A STATE PLAN.—The Secretary
19 shall treat as necessary for the proper and efficient
20 administration of the State plan all expenditures by
21 the State for training activities described in subpara-
22 graph (A) or (B) of subsection (a)(3) without regard
23 to whether such training covers services, programs,
24 and activities carried out under the State plan ap-

1 proved under this part or the State plans approved
2 under part B.

3 “(3) REMOVAL OF PROHIBITION ON FUNDING
4 STATE SHARE FROM PRIVATE SOURCES FOR EX-
5 PENDITURES FOR TRAINING PARTNERSHIPS WITH
6 PRIVATE NONPROFIT EDUCATIONAL INSTITU-
7 TIONS.—With respect to expenditures by a State for
8 short- and long-term training at educational institu-
9 tions through grants to such institutions or by direct
10 financial assistance to students enrolled in such in-
11 stitutions for which Federal payments are provided
12 under subparagraph (A) or (B) of subsection (a)(3)
13 funds from private nonprofit educational institutions
14 may be considered as the State’s share in claiming
15 Federal reimbursement for such expenditures with-
16 out regard to any requirement that the funds—

17 “(A) be transferred to the State or local
18 agency and under its administrative control;

19 “(B) be donated without any restriction
20 which would require their use for the training
21 of a particular individual or at particular facili-
22 ties or institutions; or

23 “(C) do not revert to the private source’s
24 facility or use.

1 “(4) REQUIREMENT.—A State shall spend an
2 amount equal to the amount of savings (if any) in
3 State expenditures under this part resulting from
4 the application of paragraphs (1), (2), and (3) to all
5 applicable children for a fiscal year to provide for
6 workforce improvements to benefit children in the
7 child welfare system.”.

8 (2) CONFORMING AMENDMENTS.—Section
9 474(a)(3) of the Social Security Act (42 U.S.C.
10 674(a)(3)) is amended—

11 (A) in the matter preceding subparagraph
12 (A), by inserting “subsection (h) and” before
13 “section 472(i)”;

14 (B) in subparagraph (A), by striking “per
15 centum” and inserting “percent”; and

16 (C) in subparagraph (B), by striking “re-
17 ceiving assistance under this part”.

18 (b) DEFINITION OF CHILD WELFARE STAFF AND
19 RELATED PROFESSIONALS.—Section 474(a)(3) of the So-
20 cial Security Act (42 U.S.C. 674(a)(3)) is amended—

21 (1) in the matter preceding subparagraph (A),
22 by striking “for the provision of child placement
23 services” and inserting “to ensure safety, perma-
24 nency, and well-being for children”;

25 (2) in subparagraph (A)—

1 (A) by striking “personnel” and inserting
2 “child welfare staff”; and

3 (B) by inserting “or by State-licensed or
4 State-approved nonprofit private agencies,”
5 after “political subdivision,”; and

6 (3) in subparagraph (B) (as amended by sub-
7 section (a)(2)(C))—

8 (A) by inserting “(i)” after “(B)”;

9 (B) by adding “and” after “contract,”;
10 and

11 (C) by adding at the end the following new
12 subelause:

13 “(ii) 75 percent of so much of such ex-
14 penditures as are for the short-term training of
15 related professionals to the extent that such
16 training pertains to the way in which those re-
17 lated professionals work with children and fami-
18 lies that have contact with the State agency or
19 the local agency administering the plan in the
20 political subdivision,”.

21 (c) STATE PLAN REQUIREMENT FOR ANNUAL EVAL-
22 UATION AND ASSESSMENT OF TRAINING AND STAFF DE-
23 VELOPMENT ACTIVITIES UNDER PARTS B AND E.—Sec-
24 tion 471(a)(7) of the Social Security Act (42 U.S.C.
25 671(a)(7)) is amended—

1 (1) by striking “will monitor” and inserting
2 “will—

3 “(A) monitor”;

4 (2) by adding “and” after the semicolon; and

5 (3) by adding the following new subparagraph:

6 “(B) with respect to training activities for
7 which Federal payments are provided under
8 subparagraph (A) or (B) of 474(a)(3), establish
9 and maintain a plan for evaluation of such ac-
10 tivities, and of the child welfare services staff
11 development and training conducted by the
12 State in accordance with section 422(b)(4)(B),
13 that includes at least an annual assessment of
14 the nature of the such activities and such staff
15 development and training, the types of staff
16 trained and developed, and the intended and ac-
17 tual impact of the training and staff develop-
18 ment activities on participating staff, and on
19 children and families;”.

20 (d) EFFECTIVE DATE.—

21 (1) IN GENERAL.—The amendments made by
22 this section shall take effect on the 1st day of the
23 1st calendar quarter that begins on or after the date
24 of the enactment of this Act, without regard to

1 whether regulations to implement the amendment
2 are promulgated by such date.

3 (2) DELAY PERMITTED IF STATE LEGISLATION
4 REQUIRED.—In the case of a State plan approved
5 under section 471 of the Social Security Act which
6 requires State legislation (other than legislation ap-
7 propriating funds) in order for the plan to meet the
8 additional requirements imposed by the amendment
9 made by subsection (a) of this section, the State
10 plan shall not be regarded as failing to comply with
11 the additional requirements solely on the basis of the
12 failure of the plan to meet the additional require-
13 ments before the first day of the first calendar quar-
14 ter beginning after the close of the first regular ses-
15 sion of the State legislature that begins after the
16 date of the enactment of this Act. For purposes of
17 the previous sentence, in the case of a State that has
18 a 2-year legislative session, each year of such session
19 shall be deemed to be a separate regular session of
20 the State legislature.

21 **SEC. 6. COMPREHENSIVE CHILD WELFARE WORKFORCE IM-**
22 **PROVEMENT DEMONSTRATION PROGRAM.**

23 Part E of title IV of the Social Security Act (42
24 U.S.C. 670 et seq.), as amended by section 4, is amended
25 by inserting after section 479C the following:

1 **“SEC. 479D. COMPREHENSIVE CHILD WELFARE WORK-**
2 **FORCE IMPROVEMENT DEMONSTRATION**
3 **PROGRAM.**

4 “(a) PURPOSE.—The purpose of this section is to es-
5 tablish a competitive child welfare workforce improvement
6 demonstration program to assist eligible entities in devel-
7 oping and implementing child welfare workforce improve-
8 ment plans to help facilitate implementation of the essen-
9 tial components of an effective child welfare workforce,
10 throughout the child welfare continuum, from preventing
11 child abuse and neglect through ensuring and supporting
12 permanent families for children, in order to meet the needs
13 of the children and families served by that workforce. Such
14 plans shall be designed to ensure that the child welfare
15 workforce—

16 “(1) is able to accurately assess and provide
17 what children and families need;

18 “(2) has the resources needed to support its
19 work; and

20 “(3) is connected to the communities and fami-
21 lies it serves.

22 “(b) APPLICATION.—An eligible entity that desires to
23 receive a demonstration grant under this section shall sub-
24 mit to the Secretary, at such time and in such manner
25 as the Secretary may require, an application that includes
26 information regarding how the entity shall implement each

1 of the components required under the planning and imple-
2 mentation phases described in subsection (c).

3 “(c) PLANNING AND IMPLEMENTATION PHASES.—

4 “(1) PHASE 1: REQUIRED PLANNING COMPO-
5 NENTS.—

6 “(A) ESTABLISHMENT OF THE CHILD
7 WELFARE WORKFORCE QUALITY IMPROVEMENT
8 TASK FORCE.—

9 “(i) IN GENERAL.—The eligible entity
10 shall ensure that the State agency respon-
11 sible for administering programs under
12 part B and this part establishes a Child
13 Welfare Workforce Quality Improvement
14 Task Force (in this section referred to as
15 the ‘Task Force’), with broad representa-
16 tion from those groups that have a stake
17 in child welfare workforce improvements,
18 including representatives of public and pri-
19 vate child welfare agencies, schools of so-
20 cial work and other educational institutions
21 that prepare child welfare workers for em-
22 ployment, labor unions representing the
23 child welfare workforce, court personnel,
24 advocates for children and families, youth
25 and parents who have been involved in the

1 child welfare system, and, where possible,
2 researchers who have studied the child wel-
3 fare workforce.

4 “(ii) APPLICATION DESCRIPTION.—
5 The application submitted under sub-
6 section (b) shall include a description of
7 the members of the Task Force, the role of
8 the Task Force in guiding the assessment
9 of the child welfare workforce, and the de-
10 velopment, implementation, and ongoing
11 monitoring of a plan for improving the
12 quality of the child welfare workforce, and
13 whether the Task Force is a new stand-
14 alone entity, an already constituted entity,
15 or a newly established entity that has been
16 added to an overarching quality improve-
17 ment workforce group in the State.

18 “(B) ASSESSMENT OF THE CHILD WEL-
19 FARE WORKFORCE.—

20 “(i) IN GENERAL.—The eligible entity,
21 in collaboration with the Task Force, shall
22 conduct an assessment of the adequacy of
23 support for the child welfare workforce in
24 each of the areas described in clause (iii)

1 and shall propose improvements, with spe-
2 cific reference to the goals to be achieved.

3 “(ii) APPLICATION DESCRIPTION.—

4 The application submitted under sub-
5 section (b) shall include a description of
6 how the assessment required under clause
7 (i) is to be conducted and by whom, the ex-
8 tent to which staff and management will
9 be involved in the assessment, and the
10 amount of effort underway to support the
11 workforce in each of the areas described in
12 clause (iii).

13 “(iii) AREAS DESCRIBED.—The areas
14 described in this clause are the following:

15 “(I) AREA 1.—The ability of the
16 child welfare workforce to accurately
17 assess and provide what children and
18 families need including provisions
19 for—

20 “(aa) education and training
21 of child welfare staff prior to em-
22 ployment;

23 “(bb) ongoing training and
24 professional development activi-
25 ties;

1 “(cc) supervision and men-
2 toring of staff;

3 “(dd) compensation, includ-
4 ing salary and benefits; and

5 “(ee) promotion of positive
6 leadership and leadership skills to
7 help workers carry out their re-
8 sponsibilities.

9 “(II) AREA 2.—The adequacy of
10 the resources necessary to support the
11 child welfare workforce’s work with
12 children and families including—

13 “(aa) the manageability of
14 caseload and workloads carried
15 by workers, supervisors and man-
16 agers;

17 “(bb) the appropriateness of
18 the organizational environment to
19 the agency’s mission;

20 “(cc) efforts being taken to
21 promote recruitment, selection,
22 and retention;

23 “(dd) the effectiveness of
24 oversight and accountability

1 mechanisms in regularly assess-
2 ing performance;

3 “(ee) the timeliness and ac-
4 curacy of data available to the
5 child welfare staff for use in case
6 management;

7 “(ff) the quality of practice
8 enhancing research and evalua-
9 tions available to the child wel-
10 fare staff;

11 “(gg) access to services and
12 resources available to children
13 and families at the Federal,
14 State, and local levels and within
15 and across child serving systems;

16 “(hh) appropriate supports
17 to address the physical and emo-
18 tional challenges facing staff, in-
19 cluding secondary trauma, and
20 technological resources to assist
21 the staff and enhance their safe-
22 ty;

23 “(ii) safety and suitability of
24 the working conditions encoun-
25 tered by staff;

1 “(jj) funding for workforce
2 improvements; and

3 “(kk) the ability to monitor
4 and evaluate workforce improve-
5 ments and their impact on the
6 workforce.

7 “(III) AREA 3.—The supports to
8 help connect the child welfare work-
9 force to the children and families it
10 serves including—

11 “(aa) strategies to improve
12 workers’ cultural competence and
13 sensitivity;

14 “(bb) the knowledge and
15 skills necessary to engage and
16 build on the strengths of children
17 and families and the community
18 to promote effective work with
19 them; and

20 “(cc) the capacity to work
21 with and educate staff and others
22 from community agencies and or-
23 ganizations (such as education,
24 health, mental health, substance
25 abuse prevention and treatment,

1 juvenile justice, law enforcement,
2 and domestic violence agencies
3 and organizations, and courts)
4 about the work of child welfare
5 agencies with children and fami-
6 lies.

7 “(C) REPORT ON THE NEEDS ASSESS-
8 MENT.—The application submitted under sub-
9 section (b) shall include an assurance that, if a
10 grant is received, the eligible entity shall pro-
11 vide at the end of the planning year, a report
12 on the assessment conducted under subpara-
13 graph (B), that includes the findings from the
14 assessment, the areas identified as needing im-
15 provement, the goals for making those improve-
16 ments, and the rationale for targeting those
17 goals.

18 “(D) PERMISSION TO BY-PASS THE PLAN-
19 NING PHASE.—An eligible entity that has al-
20 ready conducted a child welfare workforce needs
21 assessment may submit a report that includes
22 the information required under subparagraph
23 (C) in lieu of receiving grant funds for con-
24 ducting the assessment required under subpara-
25 graph (B).

1 “(2) PHASE 2: REQUIRED IMPLEMENTATION
2 COMPONENTS FOR CHILD WELFARE WORKFORCE IM-
3 PROVEMENTS.—An eligible entity that has completed
4 the phase 1 required components described in para-
5 graph (1), or has bypassed the planning phase pur-
6 suant to subparagraph (D) of such paragraph, and
7 that intends to continue to participate in the dem-
8 onstration program, shall submit a phase 2 applica-
9 tion that contains the following:

10 “(A) REPORT ON NEEDS ASSESSMENT.—A
11 copy of the report required under paragraph
12 (1)(C).

13 “(B) STATEMENT OF GOALS.—A descrip-
14 tion of the annual and interim goals for improv-
15 ing the child welfare workforce that the eligible
16 entity plans to achieve with funds awarded
17 under the demonstration program, which shall
18 include at least 1 goal for each of the areas
19 identified in the report on needs assessment as
20 needing improvement, unless the eligible entity
21 can justify why a goal for the area is not nec-
22 essary

23 “(C) PROPOSED USE OF FUNDS.—A de-
24 scription of how the eligible entity proposes to
25 use such funds to achieve the goals described in

1 subparagraph (B) and how such activities are
2 expected to improve the child welfare workforce
3 and child outcomes, and which may include
4 training and technical assistance, data and
5 technological resources, recruitment and reten-
6 tion strategies, oversight and accountability
7 mechanisms, monitoring and evaluation mecha-
8 nisms, community outreach activities, and other
9 activities intended to improve the quality of the
10 child welfare workforce in particular areas, im-
11 prove child outcomes and assist eligible entities
12 with implementation of program improvement
13 plans and performance in the program reviews
14 conducted under section 1123A.

15 “(D) PROGRESS INDICATORS.—A descrip-
16 tion of what indicators will be used to measure
17 progress in achieving the annual and interim
18 goals specified in subparagraph (B) and how
19 the Child Welfare Workforce Quality Improve-
20 ment Task Force established under paragraph
21 (1)(A) shall be involved in monitoring such
22 progress.

23 “(d) NUMBER OF GRANTS; DURATION; AMOUNT AND
24 MATCHING REQUIREMENTS; PREFERENCES.—

1 “(1) IN GENERAL.—The Secretary may award
2 not more than 15 grants to carry out phase 1 under
3 this subsection and not more than 15 grants to
4 carry out phase 2.

5 “(2) DURATION.—A phase 1 planning grant
6 shall be awarded for a 1-year period. A phase 2
7 grant shall be awarded for a period that is not less
8 than 4 years but not more than 5 years. A phase 2
9 grant may be terminated before the end of the pe-
10 riod for which the grant is awarded if the eligible en-
11 tity receiving the grant requests that it be termi-
12 nated or the Secretary determines that the entity
13 has not made sufficient progress toward achieving
14 the annual and interim goals identified in the appli-
15 cation for the grant.

16 “(3) AMOUNT AND MATCHING REQUIRE-
17 MENTS.—

18 “(A) PHASE 1 PLANNING GRANTS.—A
19 phase 1 planning grant awarded to an eligible
20 entity shall not exceed \$100,000 and the eligi-
21 ble entity shall be required to provide 25 per-
22 cent of the costs attributable to carrying out
23 the activities specified in the grant application.

24 “(B) PHASE 2 IMPLEMENTATION
25 GRANTS.—

1 “(i) IN GENERAL.—A phase 2 imple-
2 mentation grant awarded to an eligible en-
3 tity shall be not less than \$250,000 for
4 each year for which the grant is awarded
5 and the eligible entity shall be required to
6 provide the applicable percentage of the
7 costs attributable to carrying out the ac-
8 tivities specified in the grant application.

9 “(ii) APPLICABLE PERCENTAGE.—For
10 purposes of clause (i), the applicable per-
11 centage specified in this clause is—

12 “(I) in the first year for which
13 the grant is awarded, 10 percent; and

14 “(II) in the second and third
15 such years, 15 and 20 percent, respec-
16 tively; and

17 “(III) in the fourth, and if appli-
18 cable, fifth such years, 25 percent.

19 “(C) DETERMINATION OF AMOUNT OF
20 NON-FEDERAL CONTRIBUTION; LIMITATION ON
21 IN-KIND CONTRIBUTIONS.—

22 “(i) IN GENERAL.—Subject to clause
23 (ii), non-Federal funds required to be pro-
24 vided under subparagraphs (A) and (B)
25 may be in cash or in kind, fairly evaluated,

1 including plant, equipment, or service.
2 Amounts provided by the Federal Govern-
3 ment, and any portion of any service sub-
4 sidized by the Federal Government, may
5 not be included in determining the amount
6 of such non-Federal funds.

7 “(ii) LIMITATION ON IN-KIND CON-
8 TRIBUTIONS.—At least 50 percent of the
9 non-Federal funds required to be provided
10 under subparagraphs (A) and (B) shall be
11 in cash.

12 “(iii) SOURCES.—An entity that an el-
13 igible entity has established a partnership
14 or collaboration with for purposes of car-
15 rying out activities under a grant awarded
16 under this section may be a source of con-
17 tributions for the non-Federal funds the el-
18 igible entity is required to provide under
19 subparagraphs (A) and (B).

20 “(4) PREFERENCES.—In awarding grants
21 under the demonstration program, the Secretary
22 shall give preference to awarding grants to eligible
23 entities that demonstrate in the grant application
24 that the entity has established partnerships or col-
25 laborations with other entities, such as private non-

1 profit agencies, universities or colleges, and other en-
2 tities that advocate for improvements in the child
3 welfare workforce to improve outcomes for children
4 and families.

5 “(e) TECHNICAL ASSISTANCE AND EVALUATION.—

6 “(1) TECHNICAL ASSISTANCE.—

7 “(A) IN GENERAL.—The Secretary shall
8 request the National Child Welfare Workforce
9 Institute to provide technical assistance to eligi-
10 ble entities awarded grants under the dem-
11 onstration program through the period for
12 which such grants are awarded and, in pro-
13 viding such assistance, to collaborate with the
14 National Resource Center for Tribes established
15 under the Administration for Children and
16 Families of the Department of Health and
17 Human Services with respect to activities car-
18 ried out under such grants that affect tribal
19 welfare programs or Indian children and their
20 families.

21 “(B) SPECIFIC REQUIREMENTS.—The
22 technical assistance provided in accordance with
23 subparagraph (A) shall be designed to assist eli-
24 gible entities in assessing their child welfare
25 workforce, identifying the improvements that

1 have been made with respect to such workforce
2 and those still needed, and developing and im-
3 plementing a work plan for implementing the
4 components of an effective child welfare work-
5 force described in subsection (a).

6 “(2) EVALUATION.—The Secretary shall, by
7 grant, contract, or interagency agreement, conduct
8 an evaluation of the demonstration program estab-
9 lished under this section. Such evaluation shall in-
10 clude an assessment of the gains made by eligible
11 entities in achieving an effective child welfare work-
12 force, the activities and methods used in making
13 such achievements, and the impact on outcomes for
14 children and families.

15 “(f) REWARD FOR SUCCESSFUL ACHIEVEMENT OF
16 IMPLEMENTATION GOALS.—If, upon the conclusion of the
17 last year for which a phase 2 implementation grant is
18 awarded to an eligible entity, the Secretary determines
19 that the entity has successfully achieved the goals identi-
20 fied in subsection (c)(2)(B):

21 “(1) INCREASE IN FEDERAL MATCHING
22 RATE.—If the entity is a State or Indian tribal orga-
23 nization or consortium, section 474(a)(3)(E) shall be
24 applied to the State or Indian tribal organization or
25 consortium, by substituting ‘53 percent’ for ‘one-

1 half' with respect to amounts expended for fiscal
2 year quarters during the 5-year period that begins
3 with the first fiscal year quarter that begins after
4 the end of the last fiscal year quarter for which a
5 grant is awarded under this section.

6 “(2) PAYMENTS TO COUNTIES.—If the entity is
7 a county or a consortium of counties, the Secretary
8 shall—

9 “(A) require the State in which the county
10 or consortium is located, as a condition for re-
11 ceiving payments under section 474(a)(3)(E)
12 for the first fiscal year quarter of the 5-year pe-
13 riod described in paragraph (1), to include in
14 the cost report submitted by the State for the
15 quarter the aggregate administrative costs in-
16 curred by the county or consortium in carrying
17 out the grant (for all years for which the grant
18 was conducted by the county or consortium);

19 “(B) increase the amount paid to the State
20 under section 474(a)(3)(E) for such quarter by
21 an amount equal to 53 percent of such aggre-
22 gate administrative costs; and

23 “(C) require the State, as a condition for
24 receiving payments under such section for such
25 quarter, to pass-through the additional amount

1 paid to the State under subparagraph (B) to
2 the county or consortium.

3 “(g) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
4 tion, the term ‘eligible entity’ means—

5 “(1) for purposes of phase 1 of the demonstra-
6 tion program established under this section, the
7 State agency responsible for administering part B
8 and this part, or an Indian tribal organization or a
9 consortium of such organizations with an approved
10 plan under section 479B. Such term may include a
11 county, or a consortium of counties, with more than
12 1,000,000 residents, but only if the State agency re-
13 sponsible for administering part B and this part for
14 the State in which the county is located does not
15 submit an application to participate in such phase;
16 and

17 “(2) for purposes of phase 2 of such dem-
18 onstration program, an eligible entity awarded a
19 grant for phase 1 that successfully completed the re-
20 quired components of that phase or bypassed that
21 phase pursuant to subsection (c)(1)(D).

22 “(h) APPROPRIATION.—

23 “(1) IN GENERAL.—Subject to paragraphs (2)
24 and (3), out of any money in the Treasury of the
25 United States not otherwise appropriated, there are

1 appropriated to the Secretary for the purposes of
2 awarding—

3 “(A) phase 1 planning grants under the
4 demonstration program established under this
5 section. \$1,500,000 for fiscal year 2010; and

6 “(B) phase 2 implementation grants for
7 child welfare workforce improvements,
8 \$5,000,000 for each of fiscal years 2011
9 through 2014.

10 “(2) LIMITATION.—Not more than \$1,000,000
11 of the amount appropriated for fiscal year 2010 may
12 be awarded to up to 4 eligible entities that pursuant
13 to subsection (c)(1)(D) submit a report in lieu of re-
14 ceiving grant funds for conducting the assessment
15 required under subsection (c)(1)(B).

16 “(3) RESERVATION.—The Secretary shall re-
17 serve an amount equal to 5 percent of the amount
18 appropriated under paragraph (1)(B) for each fiscal
19 year for purposes of conducting the technical assist-
20 ance, including technical assistance requested to be
21 provided by the National Child Welfare Workforce
22 Institute, and the evaluation required under sub-
23 section (e).”.

1 **SEC. 7. APPLICATION TO INDIAN TRIBES AND TRIBAL OR-**
2 **GANIZATIONS.**

3 For purposes of applying this Act or any amendment
4 made by this Act to an Indian tribe or tribal organization
5 (as defined in section 4 of the Indian Self-Determination
6 and Education Assistance Act (25 U.S.C. 450b)), the Sec-
7 retary of Health and Human Services may waive or mod-
8 ify any provision of this Act or such an amendment if the
9 Secretary determines that the waiver or modification
10 would alleviate or prevent an undue burden on the Indian
11 tribe or tribal organization, promote the health and safety
12 of children, or otherwise advance the purposes of this Act.