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SENATE }

REPORT
No. 1088

RESPONSIBILITY FOR PLACEMENT AND FOSTER CARE OF DEPENDENT CHILDREN

JUNE 16 (legislative day MARCH 30, 1964).—Ordered to be printed

Mr. BYRD of Virginia, from the Committee on Finance, submitted
the following

R E P O R T

[To accompany H.R. 9688]

The Committee on Finance, to whom was referred the bill (H.R. 9688) to extend the period during which responsibility for the placement and foster care of dependent children, under the program of aid to families with dependent children under title IV of the Social Security Act, may be exercised by a public agency other than the agency administering such aid under the State plan, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

GENERAL STATEMENT

The purpose of this bill is to extend for 3 years, from June 30, 1964, until June 30, 1967, the provision of the Public Welfare Amendments of 1962 (Public Law 87-543 as extended by Public Law 88-48) which permits the responsibility for the placement and foster care of dependent children under the program of aid and services to needy families with children (title IV of the Social Security Act) to be exercised by a public agency other than the agency which regularly administers this program.

Under the permanent provisions of existing law, Federal matching is made available as to certain children placed under foster care pursuant to court order. The 1962 legislation provided an exception to the requirement that the responsibility for placement and care must reside solely with the State or local agency administering the title IV program so as to take care of the situation in a few States where it has been the practice for other public agencies, particularly juvenile courts, to be responsible for arranging the placement and providing for the supervision of children who the courts have decided should live in homes other than those of their own families.

The legislation also required that the Secretary of Health, Education, and Welfare submit to the President, for transmission to the Congress, a full report of the administration of the temporary provision, including the experiences of each of the States in arranging for foster care together with recommendations as to continuation of, and modifications in, the procedure authorized by such provision. The Secretary's report, duly filed with the President and the Congress, indicated that there has still been insufficient experience under the temporary provision to permit an evaluation either of its effectiveness or as to whether modifications are desirable.

Therefore, your committee recommends that the provision, which would expire June 30, 1964, be extended until June 30, 1967. The Department of Health, Education, and Welfare has no objection to the extension of this temporary legislation. An Advisory Council on Public Welfare, to be appointed in 1964 under an amendment to the Social Security Act made by Public Law 87-543, will have the opportunity to consider this provision along with other provisions scheduled to expire on June 30, 1967, and to give the Congress the benefit of its views well before that date.

DEPARTMENTAL REPORT

The following report was received from the Department of Health, Education, and Welfare:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
June 15, 1964.

HON. HARRY F. BYRD,
*Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is in response to your request of June 1, 1964 for a report on H.R. 9688, a bill to extend the period during which responsibility for the placement and foster care of dependent children, under the program of aid to families with dependent children under title IV of the Social Security Act, may be exercised by a public agency other than the agency administering such aid under the State plan.

The bill would affect section 408(a)(2) of title IV of the Social Security Act relating to the care in a foster home of a child removed from his own home as a result of court proceedings initiated while receiving assistance under the aid-to-families-with-dependent-children program. Prior to the enactment of section 155 of the Public Welfare Amendments of 1962 (Public Law 87-543), Federal matching grants were available for such care only in cases in which, under applicable State law, responsibility for the placement and care of children rested solely with the State or local agency administering aid to families with dependent children. Section 155 of the 1962 amendments, effective October 1, 1962, temporarily amended section 408(a)(2) of the Social Security Act to authorize Federal matching grants also in cases in which such responsibility is carried by any other public agency that has made an agreement with the State agency administering or supervising the administration of the aid-to-families-with-dependent-children plan, if such agreement provides for carrying

out the objectives of the program of aid to families with dependent children. The present expiration date of that amendment, as specified in section 155(b) of the Public Welfare Amendments of 1962 and subsequently extended by Public Law 88-48, is June 30, 1964. H.R. 9688 would further amend section 155(b) so as to extend that expiration date to June 30, 1967.

Reports to Congress, required by section 155(b), on the experience had under this temporary provision, have been made. As these reports indicate, there has been insufficient experience under this provision to warrant a recommendation by the Department as to congressional action. If the committee should conclude that extension of the provision is desirable, the Department would offer no objection. Should section 155 be extended, we would recommend an expiration date of June 30, 1967, the date provided in H.R. 9688.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

WILBUR J. COHEN,
Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new material is printed in italic; existing law in which no change is proposed is shown in roman):

SECTION 155 OF THE PUBLIC WELFARE AMENDMENTS OF 1962

RESPONSIBILITY FOR PLACEMENT AND FOSTER CARE OF DEPENDENT CHILDREN

SEC. 155. (a) Clause (2) of section 408(a) of the Social Security Act is amended to read: "(2) whose placement and care are the responsibility of (A) the State or local agency administering the State plan approved under section 402, or (B) any other public agency with whom the State agency administering or supervising the administration of such State plan has made an agreement which is still in effect and which includes provision for assuring development of a plan, satisfactory to such State agency, for such child as provided in paragraph (f)(1) and such other provisions as may be necessary to assure accomplishment of the objectives of the State plan approved under section 402,".

(b) The amendment made by subsection (a) shall apply only for the period beginning October 1, 1962, and ending with the close of June 30, [1964] 1967. The Secretary shall submit to the President, for transmission to the Congress prior to December 31, 1963, a full report of the administration of the provisions of the amendment made by subsection (a), including the experiences of each of the States in arranging for foster care under the provisions of their respective State plans which are in accord with such amendment, together with his recommendations as to continuation of, and modifications in, such amendment.