

110TH CONGRESS  
1ST SESSION

# H. R. 687

To amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2007

Mr. RAMSTAD (for himself, Mr. STARK, and Mr. KENNEDY) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

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 “Keeping Families To-  
5       gether Act of 2007”.

1 **SEC. 2. PURPOSE.**

2 It is the purpose of this Act to assist States in elimi-  
3 nating the practice of parents giving custody of their seri-  
4 ously emotionally disturbed children to State agencies for  
5 the purpose of securing mental health care for those chil-  
6 dren.

7 **SEC. 3. FAMILY SUPPORT GRANTS.**

8 Title V of the Public Health Service Act (42 U.S.C.  
9 290aa et seq.) is amended—

10 (1) by redesignating the second part G (relating  
11 to services provided through religious organizations),  
12 as added by section 144 of the Community Renewal  
13 Tax Relief Act of 2000, as part J;

14 (2) by redesignating sections 581 through 584  
15 of part J (as so redesignated) as sections 596  
16 through 596C, respectively; and

17 (3) by adding at the end the following:

18 **“PART K—FAMILY SUPPORT**

19 **“SEC. 597. FAMILY SUPPORT GRANTS.**

20 “(a) IN GENERAL.—The Secretary, acting through  
21 the Administrator and in consultation with the task force  
22 established under section 597A, is authorized to award  
23 competitive grants to States to enable such States to es-  
24 tablish systems of care to provide mental health treatment  
25 and services to all eligible children and youth. The Sec-  
26 retary shall ensure that the amount awarded to each

1 grantee is sufficient to enable the grantee to accomplish  
2 the purposes of the grant.

3 “(b) ELIGIBILITY.—To be eligible for a grant under  
4 subsection (a) a State shall—

5 “(1) have laws or policies in effect to ensure  
6 that children receive appropriate mental health serv-  
7 ices so that parents do not have to relinquish legal  
8 custody of such children;

9 “(2) submit to the Secretary an application  
10 from the Governor of the State and a State plan in  
11 accordance with subsection (c);

12 “(3) provide assurances that the State will pro-  
13 vide matching funds in accordance with subsection  
14 (e); and

15 “(4) meet such other requirements as the Sec-  
16 retary determines appropriate.

17 “(c) APPLICATION.—

18 “(1) IN GENERAL.—An application submitted  
19 for a grant under this section shall include—

20 “(A) a brief description of the system of  
21 care that the State intends to establish with  
22 amounts received under the grant to ensure  
23 that eligible children and youth and their fami-  
24 lies receive the appropriate individualized men-

1           tal health treatment and family support services  
2           necessary to keep such families together;

3           “(B) a description of the process by which  
4           the State will formulate a State plan that meets  
5           the requirements of paragraph (2), including  
6           participants, timelines, and any previous or on-  
7           going efforts related to the establishment of a  
8           statewide system;

9           “(C) an estimate of the number of eligible  
10          children and youth in the State, and the num-  
11          ber of eligible children and youth who will be  
12          served under the grant;

13          “(D) a description of existing systems of  
14          care in the State (including systems funded  
15          under section 561) and existing interagency col-  
16          laboration that demonstrates a foundation on  
17          which the State can build a system of care  
18          under a grant under this section;

19          “(E) a brief description of the manner in  
20          which services for all eligible children and youth  
21          are expected to be funded under the system es-  
22          tablished by the State under the grant;

23          “(F) a description of children’s mental  
24          health services capacity in the State and the  
25          steps that will be taken, if necessary, to ensure

1 that adequate capacity exists to implement the  
2 proposed system of care;

3 “(G) a description of the source of the  
4 State matching funds; and

5 “(H) such other information as required  
6 by the Secretary.

7 “(2) STATE PLAN.—Prior to receiving funds  
8 under the grant for the second grant year, a State  
9 shall submit to the Secretary and the Secretary shall  
10 approve, a State plan that—

11 “(A) is developed through a collaborative  
12 process that includes the required State part-  
13 ners as represented by senior officials with pol-  
14 icymaking authority, the required private part-  
15 ners, and other entities that the Governor of  
16 the State determines appropriate;

17 “(B) contains a description and assess-  
18 ment of the effectiveness of the laws or policies  
19 that the State has in effect to ensure that chil-  
20 dren receive appropriate mental health services  
21 and that parents do not have to relinquish legal  
22 custody of such children in order to obtain such  
23 services;

24 “(C) contains a description of the services  
25 to be provided to eligible children and youth

1 and the sources of such services, including the  
2 extent to which the State will build upon exist-  
3 ing systems of care within the State;

4 “(D) contains a description of the proce-  
5 dures to be implemented for the early identi-  
6 fication, assessment, and referral, by health  
7 care providers, mental health agencies, other  
8 child-serving entities, child welfare, corrections,  
9 and juvenile justice systems, of all eligible chil-  
10 dren and youth for appropriate care and for co-  
11 ordinating services among child welfare, juve-  
12 nile justice, and child mental health agencies,  
13 including co-location of services as appropriate;

14 “(E) describes any legislative changes that  
15 are required to implement the State plan;

16 “(F) describes how the State screens chil-  
17 dren and youth entering the juvenile justice and  
18 child welfare systems for mental health prob-  
19 lems, including the State’s mental health  
20 screening procedures as part of the early and  
21 periodic screening, diagnostic, and treatment  
22 services (as defined in section 1905(r) of the  
23 Social Security Act) that are provided under  
24 the State Medicaid program;

1           “(G) contains a description of the plan of  
2           the State for ensuring that there will be ade-  
3           quate capacity to serve all eligible children and  
4           youth;

5           “(H) contains a description of the plan of  
6           the State for financing the system of care devel-  
7           oped under the grant, including—

8                   “(i) the manner in which the State  
9                   will use—

10                           “(I) contributions from State  
11                           agencies;

12                           “(II) State eligibility options or  
13                           waivers authorized with respect to the  
14                           State Medicaid program, such as  
15                           those authorized under sections  
16                           1902(e)(3) and 1915(c) of the Social  
17                           Security Act;

18                           “(III) the State Children’s  
19                           Health Insurance Program (SCHIP)  
20                           under title XXI of the Social Security  
21                           Act (including an assurance that  
22                           grant funds will not be used as a  
23                           State match under the Medicaid or  
24                           SCHIP programs); and

1                   “(IV) other public health insur-  
2                   ance mechanisms; and

3                   “(ii) how Federal grant dollars will be  
4                   used to enable the State to achieve a sus-  
5                   tainable system of care to serve all eligible  
6                   children and youth;

7                   “(I) contains a description of how the  
8                   State will, with respect to providing mental  
9                   health treatment and services to eligible chil-  
10                  dren and youth, provide outreach services to  
11                  families of such children and youth, provide for  
12                  public educational activities, and involve fami-  
13                  lies of such children and youth in such treat-  
14                  ment and services; and

15                  “(J) establishes a method for tracking and  
16                  reporting the number of children and youth en-  
17                  tering child welfare and juvenile justice systems  
18                  with significant mental health problems.

19                  “(3) PRIORITY.—In awarding grants under this  
20                  section, the Secretary shall give priority to a State  
21                  that submits an application under this subsection  
22                  that demonstrates—

23                  “(A) the State has a history of developing  
24                  and supporting local or statewide systems of  
25                  care and of successful interagency collaboration;

1           “(B) the State has taken steps to broaden  
2           access to community-based services for children  
3           with serious emotional disturbances;

4           “(C) the State has provided reasonable es-  
5           timates of the numbers of eligible children and  
6           youth;

7           “(D) the State has a sufficient mental  
8           health service capacity or specific plans for suf-  
9           ficiently increasing mental health services ca-  
10          pacity to successfully implement the system of  
11          care proposed by the application;

12          “(E) the office of the Governor of the  
13          State will play a leading role in the formulation  
14          of the State plan required under paragraph (2);  
15          and

16          “(F) the State will involve State juvenile  
17          and family court judges in the planning and  
18          oversight of the system of care proposed by the  
19          application.

20          “(d) USE OF FUNDS.—A State shall use amounts re-  
21          ceived under a grant under this section to—

22                 “(1) establish an infrastructure, with respect to  
23                 agencies of the State and agencies of the localities  
24                 within the State, to allow for interagency coopera-  
25                 tion and cross-system financing to—

1           “(A) support the purchase and delivery of  
2 a comprehensive array of community-based  
3 mental health and family support services to all  
4 eligible children and youth and their families;

5           “(B) decrease categorical funding struc-  
6 tures and eliminate interagency fragmentation  
7 of services; and

8           “(C) increase the capacity of the State  
9 agencies and local agencies to share, amongst  
10 and between such respective agencies, public re-  
11 sources and to improve parental access to serv-  
12 ices for children with mental health needs to  
13 eliminate the need to relinquish custody of their  
14 children in order for such children to receive  
15 treatment for such needs;

16           “(2) expand public health insurance programs  
17 to cover a comprehensive array of community-based  
18 mental health and family support services for eligible  
19 children and youth and their families that will be  
20 sustainable after the grant has expired;

21           “(3) deliver mental health care and family sup-  
22 port services to eligible children and youth and their  
23 families as part of a transition to a sustainable sys-  
24 tem of care for such children and youth;

1           “(4) provide outreach and public education con-  
2           cerning programs and activities funded under this  
3           section;

4           “(5) provide training and professional develop-  
5           ment for personnel who work with eligible children  
6           and youth as required to successfully implement the  
7           State plan; and

8           “(6) carry out other administrative activities re-  
9           lated to the programs and activities carried out  
10          under the grant, including the development and  
11          maintenance of data systems.

12          “(e) MATCHING FUNDS.—

13                 “(1) IN GENERAL.—A State that receives a  
14                 grant under this section shall, with respect to the  
15                 costs to be incurred by the State in carrying out the  
16                 purpose for which the grant is awarded, make avail-  
17                 able non-Federal contributions toward such costs in  
18                 an amount that—

19                         “(A) for the third fiscal year for which the  
20                         entity receives payments from a grant under  
21                         such subsection, is not less than \$1 for each \$2  
22                         of Federal funds provided in the grant;

23                         “(B) for the fourth such fiscal year, is not  
24                         less than \$1 for each \$1 of Federal funds pro-  
25                         vided in the grant; and

1           “(C) for the fifth and sixth such fiscal  
2           years, is not less than \$2 for each \$1 of Fed-  
3           eral funds provided in the grant.

4           “(2) DETERMINATION OF AMOUNT CONTRIB-  
5           UTED.—Non-Federal contributions required in para-  
6           graph (1) may be in cash or in kind, fairly evalu-  
7           ated, including plant, equipment, or services.  
8           Amounts provided by the Federal Government, or  
9           services assisted or subsidized to any significant ex-  
10          tent by the Federal Government, may not be in-  
11          cluded in determining the amount of such non-Fed-  
12          eral contributions.

13          “(3) ACCOUNTING REQUIRED.—With respect to  
14          a State that complies with the requirement of para-  
15          graph (2) through the provision of in-kind contribu-  
16          tions, such State shall provide the Secretary with an  
17          accounting that describes the value of such in-kind  
18          contributions.

19          “(f) LIMITATION ON USE FOR ADMINISTRATIVE  
20          COSTS.—Not more than 5 percent of the amount that a  
21          State receives under a grant under this section shall be  
22          used for administrative costs.

23          “(g) PAYMENTS.—Grants under this section shall be  
24          payable over a 6-year period.

25          “(h) REPORTING REQUIREMENTS.—

1           “(1) IN GENERAL.—The Secretary, acting  
2 through the Administrator and in consultation with  
3 the task force established under section 597A, shall  
4 require States to report information that is appro-  
5 priate to permit an assessment to be made of the  
6 success of States in the implementation of programs  
7 under this section. Such information shall, at a min-  
8 imum, include, with respect to a State—

9           “(A) the number of eligible children and  
10 youth in foster care;

11           “(B) the number of eligible children and  
12 youth in residential treatment centers;

13           “(C) appropriate information concerning  
14 the participation and academic progress of eligi-  
15 ble children and youth in schools;

16           “(D) measures of the contacts of eligible  
17 children and youth with juvenile justice sys-  
18 tems;

19           “(E) measures of the clinical improvement  
20 of eligible children and youth; and

21           “(F) information concerning the level of  
22 satisfaction of eligible children and youth and  
23 their families with services received.

24           “(2) ANNUAL REPORT BY STATES.—Beginning  
25 with the second fiscal year in which a State receives

1 funding under a grant under this section, the State  
2 shall annually report to the Secretary on the success  
3 of the programs and activities carried out by the  
4 State under the grant. Such reports shall include the  
5 information specified in paragraph (1) and other in-  
6 formation required by the Secretary.

7 “(3) REPORTS BY THE SECRETARY.—

8 “(A) IN GENERAL.—Not later than 3 years  
9 after the date of the enactment of this part, the  
10 Secretary shall submit to Congress a report on  
11 the success of States in using grants under this  
12 section to eliminate children and youth custody  
13 relinquishment solely to obtain mental health  
14 care. Such report shall include recommenda-  
15 tions to strengthen the program under this sec-  
16 tion.

17 “(B) FINAL REPORT.—Not later than 6  
18 years after the date of the enactment of this  
19 part, the Secretary shall submit to Congress a  
20 final report on the success of States in using  
21 grants under this section to eliminate children  
22 and youth custody relinquishment solely to ob-  
23 tain mental health care.

24 “(i) TECHNICAL ASSISTANCE.—The Secretary, in  
25 consultation with the task force established under section

1 597A, may provide technical assistance to States in car-  
2 rying out programs and activities under this section. The  
3 Secretary shall use not more than 20 percent of the  
4 amount appropriate for each fiscal year, not to exceed  
5 \$5,000,000 in any such fiscal year, to carry out this sub-  
6 section and shall coordinate technical assistance under  
7 this section with other technical assistance programs as  
8 appropriate.

9 “(j) DEFINITIONS.—In this section:

10 “(1) ELIGIBLE CHILDREN AND YOUTH.—The  
11 term ‘eligible children and youth’ means children  
12 and youth under the age of 21 years who are in the  
13 custody of the State involved for the purpose of re-  
14 ceiving mental health services or at-risk of entering  
15 into the custody of the State for the purpose of re-  
16 ceiving mental health services.

17 “(2) FAMILY SUPPORT SERVICES.—The term  
18 ‘family support services’ means individualized serv-  
19 ices that are designed with input from the family  
20 and provided to eligible children and youth and their  
21 families to promote the mental health of an eligible  
22 child or youth, to strengthen the ability of family  
23 members to care for an eligible child or youth, or to  
24 enable an eligible child or youth to take advantage  
25 of other treatment and family support services.

1           “(3) REQUIRED PRIVATE PARTNERS.—The  
2 term ‘required private partners’ includes—

3           “(A) representatives of families of seriously  
4 emotionally disturbed children;

5           “(B) representatives of mental health care  
6 providers;

7           “(C) representatives of private health in-  
8 surers; and

9           “(D) representatives of hospitals and resi-  
10 dential care facilities.

11           “(4) REQUIRED STATE PARTNERS.—The term  
12 ‘required State partners’ with respect to a State in-  
13 cludes—

14           “(A) the State agency responsible for chil-  
15 dren’s mental health;

16           “(B) the State child welfare agency;

17           “(C) the State juvenile justice agency;

18           “(D) the State Medicaid agency;

19           “(E) the State education agency;

20           “(F) the State substance abuse agency;

21           “(G) the State bureau of insurance; and

22           “(H) the office of the Governor of the  
23 State.

24           “(5) STATE.—The term ‘State’ includes, in ad-  
25 dition to the several States, the District of Colum-

1       bia, the Commonwealth of Puerto Rico, the Com-  
2       monwealth of the Northern Mariana Islands, the  
3       Virgin Islands, Guam, American Samoa, the Trust  
4       Territory of the Pacific Islands, and Indian tribes.

5       “(k) AUTHORIZATION OF APPROPRIATIONS.—There  
6       are authorized to be appropriated to carry out this section,  
7       \$8,500,000 for fiscal year 2008, \$11,500,000 for fiscal  
8       year 2009, and \$20,000,000 for each of the fiscal years  
9       2010 through 2013.

10      **“SEC. 597A. TASK FORCE.**

11       “(a) ESTABLISHMENT.—The Administrator, in con-  
12       junction with the Director of the Office of Juvenile Justice  
13       and Delinquency Prevention, the Administrator of the Ad-  
14       ministration for Children and Families, the Administrator  
15       of the Centers for Medicare & Medicaid Services, and the  
16       Assistant Secretary of Education for Special Education,  
17       shall establish and staff a task force to examine problems  
18       of mental health in the child welfare and juvenile justice  
19       systems and issues with respect to access by children and  
20       youth to mental health services, and the role of their agen-  
21       cies in promoting access by children and youth to mental  
22       health services.

23       “(b) DUTIES.—The task force established under sub-  
24       section (a) shall—

1           “(1) work with mental health and child advo-  
2           cates, representatives of families of eligible children  
3           and youth, and representatives of State systems of  
4           care to make recommendations to Congress con-  
5           cerning strategies to improve the delivery of mental  
6           health services, including prevention services, to chil-  
7           dren and youth with serious emotional disturbances,  
8           including those who are at risk of dropping out of  
9           school or at-risk of coming in contact with child wel-  
10          fare and juvenile justice systems;

11          “(2) work with mental health and child advo-  
12          cates, representatives of families of eligible children  
13          and youth, and representatives of State systems of  
14          care to develop improved reporting requirements for  
15          States concerning the number of children and youth  
16          entering child welfare and juvenile justice systems  
17          solely to access mental health services;

18          “(3) in consultation with States and appro-  
19          priate stakeholders, create standard definitions for  
20          the categories of data to be collected on such chil-  
21          dren and youth;

22          “(4) foster interagency cooperation to eliminate  
23          the practice of custody relinquishment;

1           “(5) provide advice to the Administrator in im-  
2           plementation of the family support grant programs  
3           under section 597;

4           “(6) coordinate and deliver technical assistance  
5           to States and State agencies to help implement pro-  
6           grams under such grant program;

7           “(7) make recommendations to break down bar-  
8           riers to coordination in existing Federal programs  
9           and to allow for more effective integration across  
10          agencies and programs; and

11          “(8) provide a biannual report to Congress on  
12          its recommendations and its progress in carrying out  
13          its duties, ending the practice of parents relin-  
14          quishing legal custody of their children with serious  
15          emotional disturbances in order to obtain mental  
16          health services, and improving the delivery of mental  
17          health services to children with serious emotional  
18          disturbances.

19          “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
20          are authorized to be appropriated to carry out this section,  
21          \$1,000,000 for each of fiscal years 2008 through 2013.  
22          Of the amount appropriated for each fiscal year under this  
23          subsection, 60 percent of such amount shall be made avail-  
24          able to the Secretary, 20 percent of such amount shall  
25          be made available to the Attorney General, and 20 percent

1 of such amount shall be made available to the Secretary  
2 of Education.”.

○