

PRIOR PROVISIONS

A prior section 621, act Aug. 14, 1935, ch. 531, title IV, § 421, as added Pub. L. 90-248, title II, § 240(c), Jan. 2, 1968, 81 Stat. 912, and amended, which related to allotments to States, was renumbered section 423 of act Aug. 14, 1935, by Pub. L. 109-288, § 6(b)(2), Sept. 28, 2006, 120 Stat. 1244, and transferred to section 623 of this title.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-288, § 12, Sept. 28, 2006, 120 Stat. 1255, provided that:

“(a) IN GENERAL.—Except as otherwise provided in this Act [see Short Title of 2006 Amendment note set out under section 1305 of this title], the amendments made by this Act shall take effect on October 1, 2006, and shall apply to payments under parts B and E of title IV of the Social Security Act [42 U.S.C. 620 et seq., 670 et seq.] for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

“(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to subpart 1 of part B [42 U.S.C. 620 et seq.], or a State plan approved under subpart 2 of part B [42 U.S.C. 629 et seq.] or part E [42 U.S.C. 670 et seq.], of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act [Sept. 28, 2006]. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

“(c) AVAILABILITY OF PROMOTING SAFE AND STABLE FAMILIES RESOURCES FOR FISCAL YEAR 2006.—Section 3(c) [120 Stat. 1235] shall take effect on the date of the enactment of this Act [Sept. 28, 2006].”

EFFECTIVE DATE

Pub. L. 90-248, title II, § 240(e)(2), Jan. 2, 1968, 81 Stat. 915, provided that: “Part B of title IV of the Social Security Act (as added by subsection (c) of this section) [42 U.S.C. 620 et seq.], and the amendments made by subsections (a) and (b) of this section [amending subchapter IV and enacting part A heading] shall become effective on the date this Act is enacted [Jan. 2, 1968].”

FINDINGS

Pub. L. 109-288, § 2, Sept. 28, 2006, 120 Stat. 1233, provided that: “The Congress finds as follows:

“(1) For Federal fiscal year 2004, child protective services (CPS) staff nationwide reported investigating or assessing an estimated 3,000,000 allegations of child maltreatment, and determined that 872,000 children had been abused or neglected by their parents or other caregivers.

“(2) Combined, the Child Welfare Services (CWS) and Promoting Safe and Stable Families (PSSF) programs provide States about \$700,000,000 per year, the largest source of targeted Federal funding in the child protection system for services to ensure that children are not abused or neglected and, whenever possible, help children remain safely with their families.

“(3) A 2003 report by the Government Accountability Office (GAO) reported that little research is available on the effectiveness of activities supported by CWS funds—evaluations of services supported by PSSF funds have generally shown little or no effect.

“(4) Further, the Department of Health and Human Services recently completed initial Child and Family Service Reviews (CFSRs) in each State. No State was in full compliance with all measures of the CFSRs.

The CFSRs also revealed that States need to work to prevent repeat abuse and neglect of children, improve services provided to families to reduce the risk of future harm (including by better monitoring the participation of families in services), and strengthen upfront services provided to families to prevent unnecessary family break-up and protect children who remain at home.

“(5) Federal policy should encourage States to invest their CWS and PSSF funds in services that promote and protect the welfare of children, support strong, healthy families, and reduce the reliance on out-of-home care, which will help ensure all children are raised in safe, loving families.

“(6) CFSRs also found a strong correlation between frequent caseworker visits with children and positive outcomes for these children, such as timely achievement of permanency and other indicators of child well-being.

“(7) However, a December 2005 report by the Department of Health and Human Services Office of Inspector General found that only 20 States were able to produce reports to show whether caseworkers actually visited children in foster care on at least a monthly basis, despite the fact that nearly all States had written standards suggesting monthly visits were State policy.

“(8) A 2003 GAO report found that the average tenure for a child welfare caseworker is less than 2 years and this level of turnover negatively affects safety and permanency for children.

“(9) Targeting CWS and PSSF funds to ensure children in foster care are visited on at least a monthly basis will promote better outcomes for vulnerable children, including by preventing further abuse and neglect.

“(10) According to the Office of Applied Studies of the Substance Abuse and Mental Health Services Administration, the annual number of new uses of Methamphetamine, also known as ‘meth,’ has increased 72 percent over the past decade. According to a study conducted by the National Association of Counties which surveyed 500 county law enforcement agencies in 45 states, 88 percent of the agencies surveyed reported increases in meth related arrests starting 5 years ago.

“(11) According to the 2004 National Survey on Drug Use and Health, nearly 12,000,000 Americans have tried methamphetamine. Meth making operations have been uncovered in all 50 states, but the most wide-spread abuse has been concentrated in the western, southwestern, and Midwestern United States.

“(12) Methamphetamine abuse is on the increase, particularly among women of child-bearing age. This is having an impact on child welfare systems in many States. According to a survey administered by the National Association of Counties (‘The Impact of Meth on Children’), conducted in 300 counties in 13 states, meth is a major cause of child abuse and neglect. Forty percent of all the child welfare officials in the survey reported an increase in out-of-home placements because of meth in 2005.

“(13) It is appropriate also to target PSSF funds to address this issue because of the unique strain the meth epidemic puts on child welfare agencies. Outcomes for children affected by meth are enhanced when services provided by law enforcement, child welfare and substance abuse agencies are integrated.”

§ 622. State plans for child welfare services

(a) Joint development

In order to be eligible for payment under this subpart, a State must have a plan for child welfare services which has been developed jointly by the Secretary and the State agency designated pursuant to subsection (b)(1), and which meets the requirements of subsection (b).

(b) Requisite features of State plans

Each plan for child welfare services under this subpart shall—

(1) provide that (A) the individual or agency that administers or supervises the administration of the State's services program under division A¹ of subchapter XX will administer or supervise the administration of the plan (except as otherwise provided in section 103(d) of the Adoption Assistance and Child Welfare Act of 1980), and (B) to the extent that child welfare services are furnished by the staff of the State agency or local agency administering the plan, a single organizational unit in such State or local agency, as the case may be, will be responsible for furnishing such child welfare services;

(2) provide for coordination between the services provided for children under the plan and the services and assistance provided under division A¹ of subchapter XX, under the State program funded under part A, under the State plan approved under subpart 2 of this part, under the State plan approved under the State plan approved² under part E, and under other State programs having a relationship to the program under this subpart, with a view to provision of welfare and related services which will best promote the welfare of such children and their families;

(3) include a description of the services and activities which the State will fund under the State program carried out pursuant to this subpart, and how the services and activities will achieve the purpose of this subpart;

(4) contain a description of—

(A) the steps the State will take to provide child welfare services statewide and to expand and strengthen the range of existing services and develop and implement services to improve child outcomes; and

(B) the child welfare services staff development and training plans of the State;

(5) provide, in the development of services for children, for utilization of the facilities and experience of voluntary agencies in accordance with State and local programs and arrangements, as authorized by the State;

(6) provide that the agency administering or supervising the administration of the plan will furnish such reports, containing such information, and participate in such evaluations, as the Secretary may require;

(7) provide for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed;

(8) provide assurances that the State—

(A) is operating, to the satisfaction of the Secretary—

(i) a statewide information system from which can be readily determined the status, demographic characteristics, location, and goals for the placement of every child who is (or, within the immediately preceding 12 months, has been) in foster care;

(ii) a case review system (as defined in section 675(5) of this title and in accordance with the requirements of section 675a of this title) for each child receiving foster care under the supervision of the State;

(iii) a service program designed to help children—

(I) where safe and appropriate, return to families from which they have been removed; or

(II) be placed for adoption, with a legal guardian, or, if adoption or legal guardianship is determined not to be appropriate for a child, in some other planned, permanent living arrangement, subject to the requirements of sections 675(5)(C) and 675a(a) of this title, which may include a residential educational program; and

(iv) a preplacement preventive services program designed to help children at risk of foster care placement remain safely with their families; and

(B) has in effect policies and administrative and judicial procedures for children abandoned at or shortly after birth (including policies and procedures providing for legal representation of the children) which enable permanent decisions to be made expeditiously with respect to the placement of the children;

(9) contain a description, developed after consultation with tribal organizations (as defined in section 5304 of title 25) in the State, of the specific measures taken by the State to comply with the Indian Child Welfare Act [25 U.S.C. 1901 et seq.];

(10) contain assurances that the State shall make effective use of cross-jurisdictional resources (including through contracts for the purchase of services), and shall eliminate legal barriers, to facilitate timely adoptive or permanent placements for waiting children;

(11) contain a description of the activities that the State has undertaken for children adopted from other countries, including the provision of adoption and post-adoption services;

(12) provide that the State shall collect and report information on children who are adopted from other countries and who enter into State custody as a result of the disruption of a placement for adoption or the dissolution of an adoption, including the number of children, the agencies who handled the placement or adoption, the plans for the child, and the reasons for the disruption or dissolution;

(13) demonstrate substantial, ongoing, and meaningful collaboration with State courts in the development and implementation of the State plan under this subpart, the State plan approved under subpart 2, and the State plan approved under part E, and in the development and implementation of any program improvement plan required under section 1320a-2a of this title;

(14) not later than October 1, 2007, include assurances that not more than 10 percent of the expenditures of the State with respect to activities funded from amounts provided under this subpart will be for administrative costs;

¹ See References in Text note below.

² So in original.

(15)(A) provides³ that the State will develop, in coordination and collaboration with the State agency referred to in paragraph (1) and the State agency responsible for administering the State plan approved under subchapter XIX, and in consultation with pediatricians, other experts in health care, and experts in and recipients of child welfare services, a plan for the ongoing oversight and coordination of health care services for any child in a foster care placement, which shall ensure a coordinated strategy to identify and respond to the health care needs of children in foster care placements, including mental health and dental health needs, and shall include an outline of—

(i) a schedule for initial and follow-up health screenings that meet reasonable standards of medical practice;

(ii) how health needs identified through screenings will be monitored and treated, including emotional trauma associated with a child's maltreatment and removal from home;

(iii) how medical information for children in care will be updated and appropriately shared, which may include the development and implementation of an electronic health record;

(iv) steps to ensure continuity of health care services, which may include the establishment of a medical home for every child in care;

(v) the oversight of prescription medicines, including protocols for the appropriate use and monitoring of psychotropic medications;

(vi) how the State actively consults with and involves physicians or other appropriate medical or non-medical professionals in assessing the health and well-being of children in foster care and in determining appropriate medical treatment for the children;

(vii) the procedures and protocols the State has established to ensure that children in foster care placements are not inappropriately diagnosed with mental illness, other emotional or behavioral disorders, medically fragile conditions, or developmental disabilities, and placed in settings that are not foster family homes as a result of the inappropriate diagnoses; and

(viii) steps to ensure that the components of the transition plan development process required under section 675(5)(H) of this title that relate to the health care needs of children aging out of foster care, including the requirements to include options for health insurance, information about a health care power of attorney, health care proxy, or other similar document recognized under State law, and to provide the child with the option to execute such a document, are met; and

(B) subparagraph (A) shall not be construed to reduce or limit the responsibility of the State agency responsible for administering the State plan approved under subchapter XIX to administer and provide care and services for

children with respect to whom services are provided under the State plan developed pursuant to this subpart;

(16) provide that, not later than 1 year after September 28, 2006, the State shall have in place procedures providing for how the State programs assisted under this subpart, subpart 2 of this part, or part E would respond to a disaster, in accordance with criteria established by the Secretary which should include how a State would—

(A) identify, locate, and continue availability of services for children under State care or supervision who are displaced or adversely affected by a disaster;

(B) respond, as appropriate, to new child welfare cases in areas adversely affected by a disaster, and provide services in those cases;

(C) remain in communication with caseworkers and other essential child welfare personnel who are displaced because of a disaster;

(D) preserve essential program records; and

(E) coordinate services and share information with other States;

(17) not later than October 1, 2007, describe the State standards for the content and frequency of caseworker visits for children who are in foster care under the responsibility of the State, which, at a minimum, ensure that the children are visited on a monthly basis and that the caseworker visits are well-planned and focused on issues pertinent to case planning and service delivery to ensure the safety, permanency, and well-being of the children;

(18) include a description of the activities that the State has undertaken to reduce the length of time children who have not attained 5 years of age are without a permanent family, and the activities the State undertakes to address the developmental needs of all vulnerable children under 5 years of age who receive benefits or services under this part or part E; and

(19) document steps taken to track and prevent child maltreatment deaths by including—

(A) a description of the steps the State is taking to compile complete and accurate information on the deaths required by Federal law to be reported by the State agency referred to in paragraph (1), including gathering relevant information on the deaths from the relevant organizations in the State including entities such as State vital statistics department, child death review teams, law enforcement agencies, offices of medical examiners, or coroners; and

(B) a description of the steps the State is taking to develop and implement a comprehensive, statewide plan to prevent the fatalities that involves and engages relevant public and private agency partners, including those in public health, law enforcement, and the courts.

(c) Definitions

In this subpart:

³So in original. Probably should be "provide".

(1) Administrative costs

The term “administrative costs” means costs for the following, but only to the extent incurred in administering the State plan developed pursuant to this subpart: procurement, payroll management, personnel functions (other than the portion of the salaries of supervisors attributable to time spent directly supervising the provision of services by case-workers), management, maintenance and operation of space and property, data processing and computer services, accounting, budgeting, auditing, and travel expenses (except those related to the provision of services by case-workers or the oversight of programs funded under this subpart).

(2) Other terms

For definitions of other terms used in this part, see section 675 of this title.

(Aug. 14, 1935, ch. 531, title IV, § 422, as added and amended Pub. L. 90-248, title II, § 240(c), (d), Jan. 2, 1968, 81 Stat. 912, 915; Pub. L. 93-647, § 3(a)(6), (7), (h), Jan. 4, 1975, 88 Stat. 2348, 2349; Pub. L. 96-272, title I, § 103(a), June 17, 1980, 94 Stat. 517; Pub. L. 101-239, title X, § 10403(b)(1), Dec. 19, 1989, 103 Stat. 2488; Pub. L. 103-66, title XIII, § 13711(b)(1), Aug. 10, 1993, 107 Stat. 655; Pub. L. 103-382, title V, § 554, Oct. 20, 1994, 108 Stat. 4057; Pub. L. 103-432, title II, §§ 202(a), 204(a), Oct. 31, 1994, 108 Stat. 4453, 4456; Pub. L. 104-193, title I, § 108(b), Aug. 22, 1996, 110 Stat. 2165; Pub. L. 105-33, title V, § 5592(a)(1)(A), (2), Aug. 5, 1997, 111 Stat. 644; Pub. L. 105-89, title I, § 102(1), title II, § 202(a), Nov. 19, 1997, 111 Stat. 2117, 2125; Pub. L. 105-200, title IV, § 410(b), July 16, 1998, 112 Stat. 673; Pub. L. 106-279, title II, § 205, Oct. 6, 2000, 114 Stat. 837; Pub. L. 109-171, title VII, § 7401(b), Feb. 8, 2006, 120 Stat. 150; Pub. L. 109-239, § 13, July 3, 2006, 120 Stat. 514; Pub. L. 109-288, § 6(c), 7(a), Sept. 28, 2006, 120 Stat. 1244, 1248; Pub. L. 110-351, title II, § 205, Oct. 7, 2008, 122 Stat. 3961; Pub. L. 111-148, title II, § 2955(c), title VI, § 6703(d)(2)(B), Mar. 23, 2010, 124 Stat. 352, 803; Pub. L. 112-34, title I, § 101(b), Sept. 30, 2011, 125 Stat. 369; Pub. L. 113-183, title I, § 112(a)(2), (b)(2)(A)(i), Sept. 29, 2014, 128 Stat. 1926, 1927; Pub. L. 115-123, div. E, title VII, §§ 50732, 50743(a), 50772, Feb. 9, 2018, 132 Stat. 251, 260, 268.)

REFERENCES IN TEXT

Division A of subchapter XX, referred to in subsec. (b)(1), (2), was in the original a reference to subtitle 1 of title XX, which was translated as if referring to subtitle A of title XX of the Social Security Act, to reflect the probable intent of Congress. Title XX of the Act, enacting subchapter XX of this chapter, does not contain a subtitle 1.

Section 103(d) of the Adoption Assistance and Child Welfare Act of 1980, referred to in subsec. (b)(1), is section 103(d) of Pub. L. 96-272, which is set out as a note below.

The Indian Child Welfare Act, referred to in subsec. (b)(9), probably means the Indian Child Welfare Act of 1978, Pub. L. 95-608, Nov. 8, 1978, 92 Stat. 3069, which is classified principally to chapter 21 (§1901 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of Title 25 and Tables.

AMENDMENTS

2018—Subsec. (b)(15)(A)(vii), (viii). Pub. L. 115-123, § 50743(a), added cl. (vii) and redesignated former cl. (vii) as (viii).

Subsec. (b)(18). Pub. L. 115-123, § 50772, substituted “all vulnerable children under 5 years of age” for “such children”.

Subsec. (b)(19). Pub. L. 115-123, § 50732, amended par. (19) generally. Prior to amendment, par. (19) read as follows: “contain a description of the sources used to compile information on child maltreatment deaths required by Federal law to be reported by the State agency referred to in paragraph (1), and to the extent that the compilation does not include information on such deaths from the State vital statistics department, child death review teams, law enforcement agencies, or offices of medical examiners or coroners, the State shall describe why the information is not so included and how the State will include the information.”

2014—Subsec. (b)(8)(A)(ii). Pub. L. 113-183, § 112(b)(2)(A)(i), inserted “and in accordance with the requirements of section 675a of this title” after “section 675(5) of this title”.

Subsec. (b)(8)(A)(iii)(II). Pub. L. 113-183, § 112(a)(2), inserted “, subject to the requirements of sections 675(5)(C) and 675a(a) of this title” after “arrangement”.

2011—Subsec. (b)(15)(A)(ii). Pub. L. 112-34, § 101(b)(1), inserted “, including emotional trauma associated with a child’s maltreatment and removal from home” before the semicolon.

Subsec. (b)(15)(A)(v). Pub. L. 112-34, § 101(b)(2), inserted “, including protocols for the appropriate use and monitoring of psychotropic medications” before the semicolon.

Subsec. (b)(18). Pub. L. 112-34, § 101(b)(3), added par. (18).

Subsec. (b)(19). Pub. L. 112-34, § 101(b)(4), added par. (19).

2010—Subsec. (b)(1), (2). Pub. L. 111-148, § 6703(d)(2)(B), inserted “division A of” before “subchapter XX”.

Subsec. (b)(15)(A)(vii). Pub. L. 111-148, § 2955(c), added cl. (vii).

2008—Subsec. (b)(15). Pub. L. 110-351 amended par. (15) generally. Prior to amendment, par. (15) read as follows: “describe how the State actively consults with and involves physicians or other appropriate medical professionals in—

“(A) assessing the health and well-being of children in foster care under the responsibility of the State; and

“(B) determining appropriate medical treatment for the children;”.

2006—Subsec. (b)(3). Pub. L. 109-288, § 6(c)(1)(A), added par. (3) and struck out former par. (3) which read as follows: “provide that the standards and requirements imposed with respect to child day care under subchapter XX of this chapter shall apply with respect to day care services under this subpart, except insofar as eligibility for such services is involved;”.

Subsec. (b)(4). Pub. L. 109-288, § 6(c)(1)(A), (B), added par. (4) and struck out former par. (4) which read as follows: “provide for the training and effective use of paid paraprofessional staff, with particular emphasis on the full-time or part-time employment of persons of low income, as community service aides, in the administration of the plan, and for the use of nonpaid or partially paid volunteers in providing services and in assisting any advisory committees established by the State agency;”.

Subsec. (b)(5). Pub. L. 109-288, § 6(c)(1)(A), (C), redesignated par. (7) as (5) and struck out former par. (5) which read as follows: “contain a description of the services to be provided and specify the geographic areas where such services will be available;”.

Subsec. (b)(6). Pub. L. 109-288, § 6(c)(1)(B), (C), redesignated par. (8) as (6) and struck out former par. (6) which read as follows: “contain a description of the steps which the State will take to provide child welfare services and to make progress in—

“(A) covering additional political subdivisions,

“(B) reaching additional children in need of services, and

“(C) expanding and strengthening the range of existing services and developing new types of services,

along with a description of the State's child welfare services staff development and training plans;"

Subsec. (b)(7). Pub. L. 109-288, §6(c)(1)(C), redesignated par. (9) as (7). Former par. (7) redesignated (5).

Subsec. (b)(8), (9). Pub. L. 109-288, §6(c)(1)(G), redesignated pars. (10) and (11) as (8) and (9), respectively. Former pars. (8) and (9) redesignated (6) and (7), respectively.

Subsec. (b)(10). Pub. L. 109-288, §6(c)(1)(G), redesignated par. (12) as (10). Former par. (10) redesignated (8).

Subsec. (b)(10)(A). Pub. L. 109-288, §6(c)(1)(D)(i), (iii), redesignated subpar. (B) as (A) and struck out former subpar. (A) which read as follows: "since June 17, 1980, has completed an inventory of all children who, before the inventory, had been in foster care under the responsibility of the State for 6 months or more, which determined—

"(i) the appropriateness of, and necessity for, the foster care placement;

"(ii) whether the child could or should be returned to the parents of the child or should be freed for adoption or other permanent placement; and

"(iii) the services necessary to facilitate the return of the child or the placement of the child for adoption or legal guardianship;"

Subsec. (b)(10)(B). Pub. L. 109-288, §6(c)(1)(D)(iv), added subpar. (B). Former subpar. (B) redesignated (A).

Subsec. (b)(10)(B)(iii)(II). Pub. L. 109-288, §6(c)(1)(D)(ii), inserted ", which may include a residential educational program" after "in some other planned, permanent living arrangement".

Subsec. (b)(10)(C). Pub. L. 109-288, §6(c)(1)(D)(iv), struck out subpar. (C) which read as follows:

"(i) has reviewed (or within 12 months after October 31, 1994, will review) State policies and administrative and judicial procedures in effect for children abandoned at or shortly after birth (including policies and procedures providing for legal representation of such children); and

"(ii) is implementing (or within 24 months after October 31, 1994, will implement) such policies and procedures as the State determines, on the basis of the review described in clause (i), to be necessary to enable permanent decisions to be made expeditiously with respect to the placement of such children;"

Subsec. (b)(11). Pub. L. 109-288, §6(c)(1)(G), redesignated par. (13) as (11). Former par. (11) redesignated (9).

Subsec. (b)(12). Pub. L. 109-288, §6(c)(1)(G), redesignated par. (14) as (12). Former par. (12) redesignated (10).

Pub. L. 109-239 substituted "make" for "develop plans for the" and inserted "(including through contracts for the purchase of services), and shall eliminate legal barriers," after "resources".

Subsec. (b)(13). Pub. L. 109-288, §6(c)(1)(G), redesignated par. (15) as (13). Former par. (13) redesignated (11).

Subsec. (b)(14). Pub. L. 109-288, §6(c)(1)(E), (F), (H), added par. (14). Former par. (14) redesignated (12).

Subsec. (b)(15). Pub. L. 109-288, §6(c)(1)(E), (F), (H), added par. (15). Former par. (15) redesignated (13).

Pub. L. 109-171 added par. (15).

Subsec. (b)(16). Pub. L. 109-288, §6(c)(1)(E), (F), (H), added par. (16).

Subsec. (b)(17). Pub. L. 109-288, §7(a), added par. (17).

Subsec. (c). Pub. L. 109-288, §6(c)(2), added subsec. (c).

2000—Subsec. (b)(13), (14). Pub. L. 106-279 added pars. (13) and (14).

1998—Subsec. (b)(2). Pub. L. 105-200 struck out "under" before "the State plan approved under part E".

1997—Subsec. (b)(9). Pub. L. 105-33, §5592(a)(2), made technical amendment to directory language of Pub. L. 103-432, §204(a)(2). See 1994 Amendment note below.

Pub. L. 105-33, §5592(a)(1)(A)(iii), redesignated par. (9), relating to providing assurances that the State has met certain requirements to protect foster children, as (10).

Pub. L. 105-33, §5592(a)(1)(A)(i), amended par. (9) relating to diligent recruitment of potential foster and adoptive families by substituting a semicolon for period at end.

Subsec. (b)(10). Pub. L. 105-33, §5592(a)(1)(A)(iii), redesignated par. (9), relating to providing assurances that the State has met certain requirements to protect foster children, as (10). Former par. (10) redesignated (11).

Subsec. (b)(10)(B). Pub. L. 105-89, §102(1), in cl. (iii)(I) inserted "safe and" after "where" and in cl. (iv) inserted "safely" after "remain".

Subsec. (b)(11). Pub. L. 105-33, §5592(a)(1)(A)(ii), redesignated par. (10) as (11).

Subsec. (b)(12). Pub. L. 105-89, §202(a), added par. (12).

1996—Subsec. (b)(2). Pub. L. 104-193 substituted "program funded under part A" for "plan approved under part A of this subchapter" and "under the State plan approved under part E" for "part E of this subchapter".

1994—Subsec. (b)(7). Pub. L. 103-432, §202(a)(1), which directed amendment of par. (7) by striking out "and" at end, could not be executed because "and" did not appear at end subsequent to amendment by Pub. L. 103-382, §554(1). See below.

Pub. L. 103-382, §554(1), struck out "and" at end.

Subsec. (b)(8). Pub. L. 103-432, §204(a)(1), struck out "and" at end.

Pub. L. 103-432, §202(a)(2), which directed amendment of par. (8) by substituting "; and" for period at end, could not be executed because there was no period at end subsequent to amendment by Pub. L. 103-382, §554(2). See below.

Pub. L. 103-382, §554(2), substituted "; and" for period at end.

Subsec. (b)(9). Pub. L. 103-432, §204(a)(2), as amended by Pub. L. 105-33, §5592(a)(2), substituted "; and" for period at end of par. (9) relating to providing assurances that the State has met certain requirements to protect foster children.

Pub. L. 103-432, §202(a)(3), added par. (9) relating to providing assurances that the State has met certain requirements to protect foster children.

Pub. L. 103-382, §554(3), added par. (9) relating to diligent recruitment of potential foster and adoptive families.

Subsec. (b)(10). Pub. L. 103-432, §204(a)(3), added par. (10).

1993—Subsec. (a). Pub. L. 103-66, §13711(b)(1)(A), substituted "under this subpart" for "under this part".

Subsec. (b). Pub. L. 103-66, §13711(b)(1)(B), substituted "this subpart" for "this part" in introductory provisions.

Subsec. (b)(2). Pub. L. 103-66, §13711(b)(1)(B), (C), inserted "under the State plan approved under subpart 2 of this part," after "part A of this subchapter," and substituted "under this subpart" for "under this part".

Subsec. (b)(3). Pub. L. 103-66, §13711(b)(1)(B), substituted "under this subpart" for "under this part".

1989—Subsec. (b)(1)(A). Pub. L. 101-239 substituted "the individual or agency that administers or supervises the administration of the State's services program under subchapter XX" for "the individual or agency designated pursuant to section 1397b(d)(1)(C) of this title to administer or supervise the administration of the State's services program".

1980—Pub. L. 96-272 substituted provisions relating to State plans covering child welfare services for provisions relating to the payments to States and the computation of amounts.

1975—Subsec. (a)(1)(A)(i). Pub. L. 93-647, §3(a)(6), substituted "the individual or agency designated pursuant to section 1397b(d)(1)(C) of this title to administer or supervise the administration of the State's services program" for "the State agency designated pursuant to section 602(a)(3) of this title to administer or supervise the administration of the plan of the State approved under part A of this subchapter".

Subsec. (a)(i)(A)(ii). Pub. L. 93-647, §3(a)(7), substituted "a single organizational unit in such State or local agency, as the case may be," for "the organizational unit in such State or local agency established pursuant to section 602(a)(15) of this title".

Subsec. (c). Pub. L. 93-647, §3(h), added subsec. (c).

1968—Subsec. (a)(1). Pub. L. 90-248, §240(d), added subpar. (A) and redesignated former subpars. (A) and (B) as (B) and (C), respectively.

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-123, div. E, title VII, §50734, Feb. 9, 2018, 132 Stat. 252, provided that:

“(a) EFFECTIVE DATES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), subject to subsection (b), the amendments made by parts I through III of this subtitle [parts I-III (§§50711-50734) of subtitle A of title VII of div. E of Pub. L. 115-123, amending this section and sections 629 to 629b, 629g, 670 to 672, 674, 675, 676, 679c, and 1308 of this title] shall take effect on October 1, 2018.

“(2) EXCEPTIONS.—The amendments made by sections 50711(d), 50731, and 50733 [amending sections 670, 671, and 676 of this title] shall take effect on the date of enactment of this Act [Feb. 9, 2018].

“(b) TRANSITION RULE.—

“(1) IN GENERAL.—In the case of a State plan under part B or E of title IV of the Social Security Act [42 U.S.C. 620 et seq., 670 et seq.] which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by parts I through III of this subtitle, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act [Feb. 9, 2018]. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

“(2) APPLICATION TO PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—In the case of an Indian tribe, tribal organization, or tribal consortium which the Secretary of Health and Human Services determines requires time to take action necessary to comply with the additional requirements imposed by the amendments made by parts I through III of this subtitle (whether the tribe, organization, or tribal consortium has a plan under section 479B of the Social Security Act [42 U.S.C. 679c] or a cooperative agreement or contract entered into with a State), the Secretary shall provide the tribe, organization, or tribal consortium with such additional time as the Secretary determines is necessary for the tribe, organization, or tribal consortium to take the action to comply with the additional requirements before being regarded as failing to comply with the requirements.”

Pub. L. 115-123, div. E, title VII, §50746, Feb. 9, 2018, 132 Stat. 261, provided that:

“(a) EFFECTIVE DATES.—

“(1) IN GENERAL.—Subject to paragraph (2) and subsections (b), (c), and (d), the amendments made by this part [part IV (§§50741-50746) of subtitle A of title VII of div. E of Pub. L. 115-123, amending this section and sections 629h, 671, 672, 674, 675a, 676, and 679b of this title] shall take effect as if enacted on January 1, 2018.

“(2) TRANSITION RULE.—In the case of a State plan under part B or E of title IV of the Social Security Act [42 U.S.C. 620 et seq., 670 et seq.] which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this part, the State plan shall not be regarded as failing to comply with the requirements of part B or E of title IV of such Act solely on the basis of the failure of the plan to meet the additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act [Feb. 9, 2018]. For purposes of the previous sentence, in the case of a State

that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

“(b) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION FOR PLACEMENTS THAT ARE NOT IN FOSTER FAMILY HOMES AND RELATED PROVISIONS.—

“(1) IN GENERAL.—The amendments made by sections 50741(a), 50741(b), 50741(d), and 50742 [amending sections 671, 672, 674, 675a of this title] shall take effect on October 1, 2019.

“(2) STATE OPTION TO DELAY EFFECTIVE DATE FOR NOT MORE THAN 2 YEARS.—If a State requests a delay in the effective date, the Secretary of Health and Human Services shall delay the effective date provided for in paragraph (1) with respect to the State for the amount of time requested by the State, not to exceed 2 years. If the effective date is so delayed for a period with respect to a State under the preceding sentence, then—

“(A) notwithstanding section 50734 [set out as a note above], the date that the amendments made by section 50711(c) [amending section 674 of this title] take effect with respect to the State shall be delayed for the period; and

“(B) in applying section 474(a)(6) of the Social Security Act [42 U.S.C. 674(a)(6)] with respect to the State, ‘on or after the date this paragraph takes effect with respect to the State’ is deemed to be substituted for ‘after September 30, 2019’ in subparagraph (A)(i)(I) of such section.

“(c) CRIMINAL RECORDS CHECKS AND CHECKS OF CHILD ABUSE AND NEGLECT REGISTRIES FOR ADULTS WORKING IN CHILD-CARE INSTITUTIONS AND OTHER GROUP CARE SETTINGS.—Subject to subsection (a)(2), the amendments made by section 50745 [amending section 671 of this title] shall take effect on October 1, 2018.

“(d) APPLICATION TO STATES WITH WAIVERS.—In the case of a State that, on the date of enactment of this Act [Feb. 9, 2018], has in effect a waiver approved under section 1130 of the Social Security Act (42 U.S.C. 1320a-9), the amendments made by this part shall not apply with respect to the State before the expiration (determined without regard to any extensions) of the waiver to the extent the amendments are inconsistent with the terms of the waiver.”

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-183, title I, §112(a)(3), Sept. 29, 2014, 128 Stat. 1926, provided that:“In the case of children in foster care under the responsibility of an Indian tribe, tribal organization, or tribal consortium (either directly or under supervision of a State), the amendments made by this subsection [amending this section and section 675 of this title] shall not apply until the date that is 3 years after the date of the enactment of this Act [Sept. 29, 2014].”

Pub. L. 113-183, title I, §112(c), Sept. 29, 2014, 128 Stat. 1928, provided that:

“(1) IN GENERAL.—The amendments made by this section [enacting section 675a of this title and amending this section and sections 671 and 675 of this title] shall take effect on the date that is 1 year after the date of the enactment of this Act [Sept. 29, 2014].

“(2) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of the Social Security Act [42 U.S.C. 670 et seq.] to meet the additional requirements imposed by the amendments made by this section, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of the enactment of this Act [Sept. 29, 2014]. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.”

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-34, title I, §107, Sept. 30, 2011, 125 Stat. 378, provided that:

“(a) IN GENERAL.—Except as otherwise provided in this title [enacting section 629m of this title, amending sections 622 to 625, 629a to 629c, 629f to 629h, 673, 675, and 679b of this title, and enacting provisions set out as notes under sections 629h and 629m of this title], this title and the amendments made by this title shall take effect on October 1, 2011, and shall apply to payments under parts B and E of title IV of the Social Security Act [42 U.S.C. 620 et seq., 670 et seq.] for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

“(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to subpart 1 of part B [42 U.S.C. 620 et seq.], or a State plan approved under subpart 2 of part B [42 U.S.C. 629 et seq.] or part E, of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this title, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act [Sept. 30, 2011]. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.”

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-148, title II, §2955(d), Mar. 23, 2010, 124 Stat. 353, provided that: “The amendments made by this section [amending this section and sections 675 and 677 of this title] take effect on October 1, 2010.”

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-351 effective Oct. 7, 2008, and applicable to payments under this part and part E of this subchapter for quarters beginning on or after such date, with delay permitted if State legislation is required to meet additional requirements, see section 601 of Pub. L. 110-351, set out as a note under section 671 of this title.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-288 effective Oct. 1, 2006, and applicable to payments under this part and part E of this subchapter for calendar quarters beginning on or after such date, without regard to whether implementing regulations have been promulgated, and with delay permitted if State legislation is required to meet additional requirements, see section 12(a), (b) of Pub. L. 109-288, set out as a note under section 621 of this title.

Pub. L. 109-239, §14, July 3, 2006, 120 Stat. 514, provided that:

“(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this Act [enacting section 673c of this title, amending this section and sections 629h, 671, and 675 of this title, and repealing section 673c of this title] shall take effect on October 1, 2006, and shall apply to payments under parts B and E of title IV of the Social Security Act [42 U.S.C. 620 et seq., 670 et seq.] for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

“(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part B or E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by a provision of this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act [July 3, 2006]. If the

State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.”

Amendment by Pub. L. 109-171 effective as if enacted on Oct. 1, 2005, except as otherwise provided, see section 7701 of Pub. L. 109-171, set out as a note under section 603 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-279 effective Oct. 6, 2000, with transition rule, see section 505(a)(1), (b) of Pub. L. 106-279, set out as an Effective Dates; Transition Rule note under section 14901 of this title.

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-89, title V, §501, Nov. 19, 1997, 111 Stat. 2136, provided that:

“(a) IN GENERAL.—Except as otherwise provided in this Act [enacting sections 673b, 678, and 679b of this title, amending this section, sections 603, 629, 629a, 629b, 653, 671 to 673, 674, 675, 677, and 1320a-9 of this title, and sections 645 and 901 of Title 2, The Congress, enacting provisions set out as notes under sections 613, 629a, 671, 673, 675, 679b, 1305, 1320a-9, 5111, and 5113 of this title, and amending provisions set out as a note under section 670 of this title], the amendments made by this Act take effect on the date of enactment of this Act [Nov. 19, 1997].

“(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under part B or E of title IV of the Social Security Act [42 U.S.C. 620 et seq., 670 et seq.] which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act [Nov. 19, 1997]. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.”

Pub. L. 105-33, title V, §5593, Aug. 5, 1997, 111 Stat. 644, provided that: “The amendments made by this chapter [chapter 5 (§§5591-5593) of subtitle F of title V of Pub. L. 105-33, amending this section and sections 624, 625, 628b, 671, and 672 of this title] shall take effect as if included in the enactment of title V of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2277).”

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-193 effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and proceedings commenced before such date, rules relating to closing out of accounts for terminated or substantially modified programs and continuance in office of Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104-193, as amended, set out as an Effective Date note under section 601 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-432, title II, §202(e), Oct. 31, 1994, 108 Stat. 4454, provided that: “The amendments and repeal made by this section [amending this section and sections 623 to 625 and 672 of this title and repealing section 627 of this title] shall be effective with respect to fiscal years beginning on or after April 1, 1996.”

Pub. L. 103-432, title II, §204(b), Oct. 31, 1994, 108 Stat. 4456, provided that: “The amendments made by subsection (a) [amending this section] shall be effective

with respect to fiscal years beginning on or after October 1, 1995.”

EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-66, title XIII, §13711(c), Aug. 10, 1993, 107 Stat. 655, provided that: “The amendments made by this section [enacting sections 629 to 629e of this title and amending this section and sections 623, 628, and 671 of this title] shall be effective with respect to calendar quarters beginning on or after October 1, 1993.”

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-239, title X, §10403(b)(2), Dec. 19, 1989, 103 Stat. 2488, provided that: “The amendment made by paragraph (1) [amending this section] shall take effect as if such amendment had been included in section 1883(e)(1) of the Tax Reform Act of 1986 [Pub. L. 99-514, amending section 1397b of this title] on the date of the enactment of such Act [Oct. 22, 1986].”

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by section 3 of Pub. L. 93-647 effective with respect to payments under sections 603 and 803 of this title for quarters commencing after Sept. 30, 1975, except that amendment by section 3(a) of Pub. L. 93-647 not effective with respect to the Commonwealth of Puerto Rico, the Virgin Islands, or Guam, see section 7(b) of Pub. L. 93-647, set out as a note under section 303 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT; DIFFERENT STATE AGENCIES FOR ADMINISTRATION OF STATE PLANS UNDER PARTS A AND B

Pub. L. 90-248, title II, §240(e)(3), Jan. 2, 1968, 81 Stat. 916, provided that: “The amendments made by paragraphs (1) and (2) of subsection (d) [amending this section] shall become effective July 1, 1969, except that (A) if on the date of enactment of this Act [Jan. 2, 1968] the agency of a State administering its plan for child-welfare services developed under part B of title IV of the Social Security Act [42 U.S.C. 620 et seq.] is different from the agency of the State designated pursuant to section 402(a)(3) of such Act [42 U.S.C. 602(a)(3)], so much of paragraph (1) of section 422(a) of such Act [42 U.S.C. 622(a)(1)] as precedes subparagraph (B) (as added by paragraph (2) of such subsection (d)) shall not apply with respect to such agencies but only so long as such agencies of the State are different, and (B) if on such date the local agency administering the plan of a State for child-welfare services developed under part B of title IV of the Social Security Act is different from the local agency in such subdivision administering the plan of such State under part A of title IV of such Act [42 U.S.C. 601 et seq.], so much of such paragraph (1) as precedes such subparagraph (B) shall not apply with respect to such local agencies but only so long as such local agencies are different.”

PURPOSE

Pub. L. 115-123, div. E, title VII, §50702, Feb. 9, 2018, 132 Stat. 232, provided that: “The purpose of this subtitle [subtitle A (§§ 50701—50782) of title VII of div. E of Pub. L. 115-123, amending this section and sections 625, 629 to 629b, 629f to 629h, 629m, 670 to 673, 673b, 674 to 677, 679b, 679c, and 1308 of this title and enacting provisions set out as notes under this section and sections 629m, 671, 673, 673b, and 1305 of this title] is to enable States to use Federal funds available under parts B and E of title IV of the Social Security Act [42 U.S.C. 620 et seq., 670 et seq.] to provide enhanced support to children and families and prevent foster care placements through the provision of mental health and substance abuse prevention and treatment services, in-home parent skill-based programs, and kinship navigator services.”

FINDINGS AND PURPOSE

Pub. L. 103-382, title V, §552, Oct. 20, 1994, 108 Stat. 4056, provided that:

“(a) FINDINGS.—The Congress finds that—

“(1) nearly 500,000 children are in foster care in the United States;

“(2) tens of thousands of children in foster care are waiting for adoption;

“(3) 2 years and 8 months is the median length of time that children wait to be adopted;

“(4) child welfare agencies should work to eliminate racial, ethnic, and national origin discrimination and bias in adoption and foster care recruitment, selection, and placement procedures; and

“(5) active, creative, and diligent efforts are needed to recruit foster and adoptive parents of every race, ethnicity, and culture in order to facilitate the placement of children in foster and adoptive homes which will best meet each child’s needs.

“(b) PURPOSE.—It is the purpose of this subpart [subpart 1 of part E of title V of Pub. L. 103-382, enacting section 5115a of this title, amending this section, and enacting provisions set out as a note under section 1305 of this title] to promote the best interests of children by—

“(1) decreasing the length of time that children wait to be adopted;

“(2) preventing discrimination in the placement of children on the basis of race, color, or national origin; and

“(3) facilitating the identification and recruitment of foster and adoptive families that can meet children’s needs.”

GUAM, PUERTO RICO, VIRGIN ISLANDS, AND COMMONWEALTH OF NORTHERN MARIANA ISLANDS

Pub. L. 96-272, title I, §103(c), June 17, 1980, 94 Stat. 521, provided that in the case of Guam, Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, subsec. (b)(1) of this section (as otherwise amended by section 103(a) of Pub. L. 96-272), is deemed to read as follows:

“(1) provide that (A) the State agency designated pursuant to section 602(a)(3) of this title to administer or supervise the administration of the plan of the State approved under part A of this subchapter [42 U.S.C. 601 et seq.] will administer or supervise the administration of such plan for child welfare services, and (B) to the extent that child welfare services are furnished by the staff of the State agency or local agency administering such plan for child welfare services, the organizational unit in such State or local agency established pursuant to section 602(a)(15) of this title will be responsible for furnishing such child welfare services;”.

ADMINISTRATION OF STATE PLAN FOR CHILD WELFARE SERVICES BY NON-DESIGNATED AGENCY

Pub. L. 96-272, title I, §103(d), June 17, 1980, 94 Stat. 521, provided that: “Notwithstanding section 422(b)(1) of the Social Security Act (as amended by subsection (a) of this section) [42 U.S.C. 622(b)(1)] if on December 1, 1974, the agency of a State administering its plan for child welfare services under part B of title IV of that Act [42 U.S.C. 620 et seq.] was not the agency designated pursuant to section 402(a)(3) of that Act [42 U.S.C. 602(a)(3)], such section 422(b)(1) shall not apply with respect to such agency, but only so long as such agency is not the agency designated under section 2003(d)(1)(C) of that Act [42 U.S.C. 1397b(d)(1)(C)]; and if on December 1, 1974, the local agency administering the plan of a State under part B of title IV of that Act in a subdivision of the State was not the local agency in such subdivision administering the plan of such State under part A of that title [42 U.S.C. 601 et seq.], such section 422(b)(1) shall not apply with respect to such local agency, but only so long as such local agency is not the local agency administering the program of the State for the provision of services under title XX of that Act [42 U.S.C. 1397 et seq.]”.

OVERPAYMENTS OR UNDERPAYMENTS

Pub. L. 90-248, title II, §240(f)(3), Jan. 2, 1968, 81 Stat. 916, provided that in the case of any State which has a

plan developed as provided in part 3 of this subchapter as in effect prior to Jan. 2, 1968, sections 721 to 728 of this title, “any overpayment or underpayment which the Secretary determines was made to the State under section 523 of the Social Security Act [42 U.S.C. 723] and with respect to which adjustment has not then already been made under subsection (b) of such section shall, for purposes of section 422 of such Act [42 U.S.C. 622], be considered an overpayment or underpayment (as the case may be) made under section 422 of such Act.”

§ 623. Allotments to States

(a) In general

The sum appropriated pursuant to section 625 of this title for each fiscal year shall be allotted by the Secretary for use by cooperating State public welfare agencies which have plans developed jointly by the State agency and the Secretary as follows: The Secretary shall first allot \$70,000 to each State, and shall then allot to each State an amount which bears the same ratio to the remainder of such sum as the product of (1) the population of the State under the age of twenty-one and (2) the allotment percentage of the State (as determined under this section) bears to the sum of the corresponding products of all the States.

(b) Determination of State allotment percentages

The “allotment percentage” for any State shall be 100 percent less the State percentage; and the State percentage shall be the percentage which bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of the United States; except that (1) the allotment percentage shall in no case be less than 30 percent or more than 70 percent, and (2) the allotment percentage shall be 70 percent in the case of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(c) Promulgation of State allotment percentages

The allotment percentage for each State shall be promulgated by the Secretary between October 1 and November 30 of each even-numbered year, on the basis of the average per capita income of each State and of the United States for the three most recent calendar years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning October 1 next succeeding such promulgation.

(d) United States defined

For purposes of this section, the term “United States” means the 50 States and the District of Columbia.

(e) Reallocation of funds

(1) In general

The amount of any allotment to a State for a fiscal year under the preceding provisions of this section which the State certifies to the Secretary will not be required for carrying out the State plan developed as provided in section 622 of this title shall be available for reallocation from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines—

(A) need sums in excess of the amounts allotted to such other States under the preced-

ing provisions of this section, in carrying out their State plans so developed; and

(B) will be able to so use such excess sums during the fiscal year.

(2) Considerations

The Secretary shall make the reallocations on the basis of the State plans so developed, after taking into consideration—

(A) the population under 21 years of age;

(B) the per capita income of each of such other States as compared with the population under 21 years of age; and

(C) the per capita income of all such other States with respect to which such a determination by the Secretary has been made.

(3) Amounts reallocated to a State deemed part of State allotment

Any amount so reallocated to a State is deemed part of the allotment of the State under this section.

(Aug. 14, 1935, ch. 531, title IV, §423, formerly §421, as added Pub. L. 90-248, title II, §240(c), Jan. 2, 1968, 81 Stat. 912; amended Pub. L. 96-272, title I, §103(a), June 17, 1980, 94 Stat. 516; Pub. L. 100-203, title IX, §9135(b)(2), Dec. 22, 1987, 101 Stat. 1330-315; renumbered §423 and amended Pub. L. 109-288, §§6(b)(2), (d), 11(a)(1), Sept. 28, 2006, 120 Stat. 1244, 1246, 1255; Pub. L. 112-34, title I, §101(d), Sept. 30, 2011, 125 Stat. 371.)

CODIFICATION

Section was formerly classified to section 621 of this title prior to renumbering by Pub. L. 109-288.

PRIOR PROVISIONS

A prior section 623, act Aug. 14, 1935, ch. 531, title IV, §423, as added Pub. L. 90-248, title II, §240(c), Jan. 2, 1968, 81 Stat. 913, and amended, which related to payment to States, was renumbered section 424 of act Aug. 14, 1935, by Pub. L. 109-288, §6(b)(2), Sept. 28, 2006, 120 Stat. 1244, and transferred to section 624 of this title.

AMENDMENTS

2011—Subsec. (b). Pub. L. 112-34, which directed substitution of “percent” for “per centum” wherever appearing, was not executed due to prior amendment by Pub. L. 109-288, §11(a)(1)(A). See 2006 Amendment note below.

2006—Subsec. (a). Pub. L. 109-288, §11(a)(1)(B), substituted “The Secretary” for “He”.

Pub. L. 109-288, §6(d)(1), inserted heading and substituted “section 625” for “section 620”.

Subsec. (b). Pub. L. 109-288, §11(a)(1)(A), which directed amendment of section by substituting “percent” for “per centum”, was executed by making the substitution wherever appearing in subsec. (b), to reflect the probable intent of Congress.

Pub. L. 109-288, §6(d)(2), inserted heading.

Subsec. (c). Pub. L. 109-288, §6(d)(3), inserted heading.

Subsec. (d). Pub. L. 109-288, §6(d)(4), inserted heading and substituted “50” for “fifty”.

Subsec. (e). Pub. L. 109-288, §6(d)(5), added subsec. (e). 1987—Subsec. (b). Pub. L. 100-203 substituted “Guam, and American Samoa” for “and Guam”.

1980—Pub. L. 96-272 designated existing provisions as subsec. (a) and added subsecs. (b) to (d).

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 112-34 effective Oct. 1, 2011, and applicable to payments under this part and part E of this subchapter for calendar quarters beginning on or after such date, without regard to whether implementing regulations have been promulgated, and with