

## 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 delay permitted if State legislation is required to meet additional requirements, see section 107 of Pub. L. 112-34, set out as a note under section 622 of this title.

## EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Amendment by section 4002(b)(1)(D), (2)(V) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

## 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.

## EFFECTIVE DATE

Section effective Jan. 17, 2002, with delay permitted if State legislation is required, see section 301 of Pub. L. 107-133, set out as an Effective Date of 2002 Amendment note under section 629 of this title.

**§ 629h. Entitlement funding for State courts to assess and improve handling of proceedings relating to foster care and adoption**

**(a) In general**

The Secretary shall make grants, in accordance with this section, to the highest State courts in States participating in the program under part E of this subchapter, for the purpose of enabling such courts—

(1) to conduct assessments, in accordance with such requirements as the Secretary shall publish, of the role, responsibilities, and effectiveness of State courts in carrying out State laws requiring proceedings (conducted by or under the supervision of the courts)—

(A) that implement this part and part E of this subchapter;

(B) that determine the advisability or appropriateness of foster care placement;

(C) that determine whether to terminate parental rights;

(D) that determine whether to approve the adoption or other permanent placement of a child;<sup>1</sup>

(E) that determine the best strategy to use to expedite the interstate placement of children, including—

(i) requiring courts in different States to cooperate in the sharing of information;

(ii) authorizing courts to obtain information and testimony from agencies and parties in other States without requiring interstate travel by the agencies and parties; and

(iii) permitting the participation of parents, children, other necessary parties, and attorneys in cases involving interstate placement without requiring their interstate travel; and<sup>2</sup>

(2) to implement improvements the highest state<sup>3</sup> courts deem necessary as a result of the assessments, including—

(A) to provide for the safety, well-being, and permanence of children in foster care, as set forth in the Adoption and Safe Families Act of 1997 (Public Law 105-89), including the requirements in the Act related to concurrent planning;

(B) to implement a corrective action plan, as necessary, resulting from reviews of child and family service programs under section 1320a-2a of this title; and

(C) to increase and improve engagement of the entire family in court processes relating to child welfare, family preservation, family reunification, and adoption;

(3) to ensure that the safety, permanence, and well-being needs of children are met in a timely and complete manner; and

(4)(A) to provide for the training of judges, attorneys and other legal personnel in child welfare cases; and

(B) to increase and improve engagement of the entire family in court processes relating to child welfare, family preservation, family reunification, and adoption.

**(b) Applications**

**(1) In general**

In order to be eligible to receive a grant under this section, a highest State court shall have in effect a rule requiring State courts to ensure that foster parents, pre-adoptive parents, and relative caregivers of a child in foster care under the responsibility of the State are notified of any proceeding to be held with respect to the child, shall provide for the training of judges, attorneys, and other legal personnel in child welfare cases on Federal child welfare policies and payment limitations with respect to children in foster care who are placed in settings that are not a foster family home, and shall submit to the Secretary an application at such time, in such form, and including such information and assurances as the Secretary may require, including—

(A) in the case of a grant for the purpose described in subsection (a)(3), a description of how courts and child welfare agencies on the local and State levels will collaborate and jointly plan for the collection and sharing of all relevant data and information to demonstrate how improved case tracking and analysis of child abuse and neglect cases will produce safe and timely permanency decisions;

(B) in the case of a grant for the purpose described in subsection (a)(4), a demonstration that a portion of the grant will be used for cross-training initiatives that are jointly planned and executed with the State agency

<sup>1</sup> So in original. Probably should be followed by “and”.

<sup>2</sup> So in original. The word “and” probably should not appear.

<sup>3</sup> So in original. Probably should be capitalized.

or any other agency under contract with the State to administer the State program under the State plan under subpart 1, the State plan approved under section 629d of this title, or the State plan approved under part E; and

(C) in the case of a grant for any purpose described in subsection (a), a demonstration of meaningful and ongoing collaboration among the courts in the State, the State agency or any other agency under contract with the State who is responsible for administering the State program under this part or part E, and, where applicable, Indian tribes.

**(2) Single grant application**

Pursuant to the requirements under paragraph (1) of this subsection, a highest State court desiring a grant under this section shall submit a single application to the Secretary that specifies whether the application is for a grant for—

- (A) the purposes described in paragraphs (1) and (2) of subsection (a);
- (B) the purpose described in subsection (a)(3);
- (C) the purpose described in subsection (a)(4); or
- (D) the purposes referred to in 2 or more (specifically identified) of subparagraphs (A), (B), and (C) of this paragraph.

**(c) Amount of grant**

**(1) In general**

With respect to each of subparagraphs (A), (B), and (C) of subsection (b)(2) that refers to 1 or more grant purposes for which an application of a highest State court is approved under this section, the court shall be entitled to payment, for each of fiscal years 2017 through 2021, from the amount allocated under paragraph (3) of this subsection for grants for the purpose or purposes, of an amount equal to \$85,000 plus the amount described in paragraph (2) of this subsection with respect to the purpose or purposes.

**(2) Amount described**

The amount described in this paragraph for any fiscal year with respect to the purpose or purposes referred to in a subparagraph of subsection (b)(2) is the amount that bears the same ratio to the total of the amounts allocated under paragraph (3) of this subsection for grants for the purpose or purposes as the number of individuals in the State who have not attained 21 years of age bears to the total number of such individuals in all States the highest State courts of which have approved applications under this section for grants for the purpose or purposes.

**(3) Allocation of funds**

**(A) Mandatory funds**

Of the amounts reserved under section 629f(b)(2) of this title for any fiscal year, the Secretary shall allocate—

- (i) \$9,000,000 for grants for the purposes described in paragraphs (1) and (2) of subsection (a);
- (ii) \$10,000,000 for grants for the purpose described in subsection (a)(3);

(iii) \$10,000,000 for grants for the purpose described in subsection (a)(4); and

(iv) \$1,000,000 for grants to be awarded on a competitive basis among the highest courts of Indian tribes or tribal consortia that—

(I) are operating a program under part E, in accordance with section 679c of this title;

(II) are seeking to operate a program under part E and have received an implementation grant under section 676 of this title; or

(III) has<sup>4</sup> a court responsible for proceedings related to foster care or adoption.

**(B) Discretionary funds**

The Secretary shall allocate all of the amounts reserved under section 629g(b)(2) of this title for grants for the purposes described in paragraphs (1) and (2) of subsection (a).

**(d) Federal share**

Each highest State court which receives funds paid under this section may use such funds to pay not more than 75 percent of the cost of activities under this section in each of fiscal years 2017 through 2021.

(Aug. 14, 1935, ch. 531, title IV, §438, formerly Pub. L. 103-66, title XIII, §13712, Aug. 10, 1993, 107 Stat. 655, as amended Pub. L. 105-89, title III, §305(a)(3), Nov. 19, 1997, 111 Stat. 2130; renumbered §438 of act Aug. 14, 1935, and amended Pub. L. 107-133, title I, §107, Jan. 17, 2002, 115 Stat. 2418; Pub. L. 109-171, title VII, §7401(a), Feb. 8, 2006, 120 Stat. 148; Pub. L. 109-239, §§8(b), 9, July 3, 2006, 120 Stat. 513; Pub. L. 109-288, §9, Sept. 28, 2006, 120 Stat. 1255; Pub. L. 111-242, §133(2), Sept. 30, 2010, 124 Stat. 2613; Pub. L. 112-34, title I, §104, Sept. 30, 2011, 125 Stat. 374; Pub. L. 115-123, div. E, title VII, §§50741(c), 50752(d), (e), Feb. 9, 2018, 132 Stat. 256, 263.)

REFERENCES IN TEXT

The Adoption and Safe Families Act of 1997, referred to in subsec. (a)(2)(A), is Pub. L. 105-89, Nov. 19, 1997, 111 Stat. 2115. For complete classification of this Act to the Code, see Short Title of 1997 Amendment note set out under section 1305 of this title and Tables.

CODIFICATION

Section was formerly set out as a note under section 670 of this title prior to renumbering by Pub. L. 107-133.

PRIOR PROVISIONS

A prior section 438 of act Aug. 14, 1935, was classified to section 638 of this title prior to repeal by Pub. L. 100-485.

AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115-123, §50741(c), in introductory provisions, inserted “shall provide for the training of judges, attorneys, and other legal personnel in child welfare cases on Federal child welfare policies and payment limitations with respect to children in foster care who are placed in settings that are not a foster family home.” after “with respect to the child.”.

Subsec. (c)(1). Pub. L. 115-123, §50752(d)(1), substituted “2017 through 2021” for “2012 through 2016”.

<sup>4</sup>So in original. Probably should be “have”.

Subsec. (d). Pub. L. 115-123, §50752(d)(2), substituted “2017 through 2021” for “2012 through 2016”.

Subsec. (e). Pub. L. 115-123, §50752(e), struck out subsec. (e). Text read as follows: “Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary, for each of fiscal years 2006 through 2010—

“(1) \$10,000,000 for grants referred to in subsection (b)(2)(B); and

“(2) \$10,000,000 for grants referred to in subsection (b)(2)(C).”

“For fiscal year 2011, out of the amount reserved pursuant to section 629f(b)(2) of this title for such fiscal year, there are available \$10,000,000 for grants referred to in subsection (b)(2)(B), and \$10,000,000 for grants referred to in subsection (b)(2)(C).”

2011—Subsec. (a)(2)(A). Pub. L. 112-34, §104(a)(1)(A), substituted “, including the requirements in the Act related to concurrent planning;” for “; and”.

Subsec. (a)(2)(C). Pub. L. 112-34, §104(a)(1)(B), (C), added subpar. (C).

Subsec. (a)(4). Pub. L. 112-34, §104(a)(2), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (b)(1). Pub. L. 112-34, §104(e), made technical amendment to directory language of Pub. L. 109-239, §8(b). See 2006 Amendment note below.

Subsec. (b)(2). Pub. L. 112-34, §104(b), amended par. (2) generally. Prior to amendment, text read as follows: “A highest State court desiring grants under this section for 2 or more purposes shall submit separate applications for the following grants:

“(A) A grant for the purposes described in paragraphs (1) and (2) of subsection (a).

“(B) A grant for the purpose described in subsection (a)(3).

“(C) A grant for the purpose described in subsection (a)(4).”

Subsec. (c). Pub. L. 112-34, §104(c), amended subsec. (c) generally. Prior to amendment, subsec. (c) related to allotments.

Subsec. (d). Pub. L. 112-34, §104(d), substituted “2012 through 2016” for “2002 through 2011”.

2010—Subsec. (c)(2)(A). Pub. L. 111-242, §133(2)(A), substituted “2011” for “2010”.

Subsec. (e). Pub. L. 111-242, §133(2)(B), inserted concluding provisions.

2006—Subsec. (a)(1)(E). Pub. L. 109-239, §9, added subpar. (E).

Subsec. (a)(3), (4). Pub. L. 109-171, §7401(a)(1), added pars. (3) and (4).

Subsec. (b). Pub. L. 109-171, §7401(a)(2), amended subsec. (b) generally. Prior to amendment, text read as follows: “In order to be eligible for a grant under this section, a highest State court shall submit to the Secretary an application at such time, in such form, and including such information and assurances as the Secretary shall require.”

Subsec. (b)(1). Pub. L. 109-239, §8(b), as amended by Pub. L. 112-34, §104(e), inserted “shall have in effect a rule requiring State courts to ensure that foster parents, pre-adoptive parents, and relative caregivers of a child in foster care under the responsibility of the State are notified of any proceeding to be held with respect to the child, and” after “highest State court” in introductory provisions.

Subsec. (c). Pub. L. 109-171, §7401(a)(3), designated existing provisions as par. (1) and inserted heading, redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), in subpar. (A), inserted “of this section for a grant described in subsection (b)(2)(A) of this section” after “subsection (b)” and substituted “subparagraph (B) of this paragraph” for “paragraph (2) of this subsection”, in subpar. (B), substituted “this subparagraph” for “this paragraph” and “subparagraph (A) of this paragraph” for “paragraph (1) of this subsection” and inserted “for such a grant” after “subsection (b)”, and added par. (2).

Subsec. (c)(1)(A). Pub. L. 109-288 substituted “2011” for “2006”.

Subsec. (d). Pub. L. 109-288 substituted “2011” for “2006”.

Subsec. (e). Pub. L. 109-171, §7401(a)(4), added subsec. (e).

2002—Subsec. (a). Pub. L. 107-133, §107(d)(1)(A), made technical amendment to reference in original act which appears in text as reference to part E of this subchapter.

Subsec. (a)(1)(A). Pub. L. 107-133, §107(d)(1)(B), made technical amendment to reference in original act which appears in text as reference to this part and part E of this subchapter.

Subsec. (a)(2). Pub. L. 107-133, §107(a)(1), added par. (2) and struck out former par. (2) which read as follows: “to implement changes deemed necessary as a result of the assessments.”

Subsec. (c)(1). Pub. L. 107-133, §107(a)(2), (b), inserted “and improvement” after “assessment” and substituted “for each of fiscal years 2002 through 2006, from the amount reserved pursuant to section 629f(b)(2) of this title (and the amount, if any, reserved pursuant to section 629g(b)(2) of this title), of an amount equal to the sum of \$85,000 plus the amount described in paragraph (2) of this subsection for the fiscal year.” for “for each of fiscal years 1995 through 2001, from amounts reserved pursuant to section 629(d)(2) of this title, of an amount equal to the sum of—

“(A) for fiscal year 1995, \$75,000 plus the amount described in paragraph (2) for fiscal year 1995; and

“(B) for each of fiscal years 1996 through 2001, \$85,000 plus the amount described in paragraph (2) for each of such fiscal years.”

Subsec. (c)(2). Pub. L. 107-133, §107(d)(2), substituted “section 629f(b)(2) of this title (and the amount, if any, reserved pursuant to section 629g(b)(2) of this title)” for “section 629(d)(2) of this title”.

Subsec. (d). Pub. L. 107-133, §107(c), in heading substituted “Federal share” for “Use of grant funds” and in text substituted “to pay not more than 75 percent of the cost of activities under this section in each of fiscal years 2002 through 2006.” for “to pay—

“(1) any or all costs of activities under this section in fiscal year 1995; and

“(2) not more than 75 percent of the cost of activities under this section in each of fiscal years 1996, 1997, 1998, 1999, 2000, and 2001.”

1997—Subsec. (c)(1). Pub. L. 105-89, §305(a)(3)(A), substituted “2001” for “1998” in introductory provisions and par. (B).

Subsec. (d)(2). Pub. L. 105-89, §305(a)(3)(B), substituted “1998, 1999, 2000, and 2001” for “and 1998”.

#### EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by section 50741(c) of Pub. L. 115-123 effective as if enacted on Jan. 1, 2018, subject to transition rule and State waiver provisions, see section 50746 of Pub. L. 115-123, set out as a note under section 622 of this title.

#### EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-34, title I, §104(e), Sept. 30, 2011, 125 Stat. 376, provided that the amendment by section 104(e) of Pub. L. 112-34 is effective as if included in the enactment of Pub. L. 109-239.

Amendment by section 104(a)-(d) of 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 delay permitted if State legislation is required to meet additional requirements, see section 107 of Pub. L. 112-34, set out as a note under section 622 of this title.

#### EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-242, §133, Sept. 30, 2010, 124 Stat. 2613, provided that the amendment made by section 133 is effective Oct. 1, 2010.

#### 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.

Amendment by Pub. L. 109-239 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 14 of Pub. L. 109-239, set out as a note under section 622 of this title.

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 2002 AMENDMENT

Amendment by Pub. L. 107-133 effective Jan. 17, 2002, with delay permitted if State legislation is required, see section 301 of Pub. L. 107-133, set out as a note under section 629 of this title.

#### EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-89 effective Nov. 19, 1997, except as otherwise provided, with delay permitted if State legislation is required, see section 501 of Pub. L. 105-89, set out as a note under section 622 of this title.

### § 629i. Grants for programs for mentoring children of prisoners

#### (a) Findings and purposes

##### (1) Findings

(A) In the period between 1991 and 1999, the number of children with a parent incarcerated in a Federal or State correctional facility increased by more than 100 percent, from approximately 900,000 to approximately 2,000,000. In 1999, 2.1 percent of all children in the United States had a parent in Federal or State prison.

(B) Prior to incarceration, 64 percent of female prisoners and 44 percent of male prisoners in State facilities lived with their children.

(C) Nearly 90 percent of the children of incarcerated fathers live with their mothers, and 79 percent of the children of incarcerated mothers live with a grandparent or other relative.

(D) Parental arrest and confinement lead to stress, trauma, stigmatization, and separation problems for children. These problems are coupled with existing problems that include poverty, violence, parental substance abuse, high-crime environments, intrafamilial abuse, child abuse and neglect, multiple care givers, and/or prior separations. As a result, these children often exhibit a broad variety of behavioral, emotional, health, and educational problems that are often compounded by the pain of separation.

(E) Empirical research demonstrates that mentoring is a potent force for improving children's behavior across all risk behaviors affecting health. Quality, one-on-one relationships that provide young people with caring role models for future success have profound, life-changing potential. Done right, mentoring markedly advances youths' life prospects. A widely cited 1995 study by Public/Private Ventures measured the impact of one Big Brothers

Big Sisters program and found significant effects in the lives of youth—cutting first-time drug use by almost half and first-time alcohol use by about a third, reducing school absenteeism by half, cutting assaultive behavior by a third, improving parental and peer relationships, giving youth greater confidence in their school work, and improving academic performance.

#### (2) Purposes

The purposes of this section are to authorize the Secretary—

(A) to make competitive grants to applicants in areas with substantial numbers of children of incarcerated parents, to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring services for children of prisoners; and

(B) to enter into on a competitive basis a cooperative agreement to conduct a service delivery demonstration project in accordance with the requirements of subsection (g).

#### (b) Definitions

In this section:

##### (1) Children of prisoners

The term “children of prisoners” means children one or both of whose parents are incarcerated in a Federal, State, or local correctional facility. The term is deemed to include children who are in an ongoing mentoring relationship in a program under this section at the time of their parents' release from prison, for purposes of continued participation in the program.

##### (2) Mentoring

The term “mentoring” means a structured, managed program in which children are appropriately matched with screened and trained adult volunteers for one-on-one relationships, involving meetings and activities on a regular basis, intended to meet, in part, the child's need for involvement with a caring and supportive adult who provides a positive role model.

##### (3) Mentoring services

The term “mentoring services” means those services and activities that support a structured, managed program of mentoring, including the management by trained personnel of outreach to, and screening of, eligible children; outreach to, education and training of, and liaison with sponsoring local organizations; screening and training of adult volunteers; matching of children with suitable adult volunteer mentors; support and oversight of the mentoring relationship; and establishment of goals and evaluation of outcomes for mentored children.

#### (c) Program authorized

From the amounts appropriated under subsection (i) for a fiscal year that remain after applying subsection (i)(2), the Secretary shall make grants under this section for each of fiscal years 2007 through 2011 to State or local govern-