

118TH CONGRESS
2D SESSION

H. R. 8810

To amend subpart 1 of part B of title IV of the Social Security Act to provide for legal representation in certain child welfare proceedings, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2024

Ms. TENNEY (for herself and Ms. SCANLON) introduced the following bill;
which was referred to the Committee on Ways and Means

A BILL

To amend subpart 1 of part B of title IV of the Social Security Act to provide for legal representation in certain child welfare proceedings, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring Legal Rep-
5 resentation for Child Welfare Act”.

6 **SEC. 2. STATE PLANS FOR CHILD WELFARE SERVICES.**

7 Section 422(b)(4) of the Social Security Act (42
8 U.S.C. 622(b)(4)) is amended—

1 (1) in subparagraph (A), by striking “and”
2 after the semicolon;

3 (2) in subparagraph (B), by adding “and” at
4 the end; and

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

6 “(C) the steps that the State will take to
7 ensure that, with respect to any judicial pro-
8 ceeding involving a child and in which there is
9 an allegation of child abuse or child neglect, in-
10 cluding a proceeding on dependency, adoption,
11 guardianship, or termination of parental rights,
12 information about and access to available inde-
13 pendent legal representation is provided, as ap-
14 propriate, to—

15 “(i) the child; and

16 “(ii) any individual who is a parent or
17 guardian, or has custody, of the child;”.

18 **SEC. 3. EFFECTIVE DATE.**

19 (a) **IN GENERAL.**—The amendments made by this
20 Act shall take effect on October 1, 2026, and shall apply
21 to payments made under subpart 1 of part B of title IV
22 of the Social Security Act for calendar quarters beginning
23 on or after such date.

24 (b) **DELAY PERMITTED IF STATE LEGISLATION IS**
25 **REQUIRED.**—If the Secretary of Health and Human Serv-

1 ices determines that State legislation (other than legisla-
2 tion appropriating funds) is required in order for any
3 State plan approved under subpart 1 of part B of title
4 IV of the Social Security Act to meet the additional re-
5 quirements imposed by the amendments made by this Act,
6 the plan shall not be regarded as failing to meet any of
7 the additional requirements before the 1st day of the 1st
8 calendar quarter beginning after the 1st regular session
9 of the State legislature that begins after October 1, 2026.
10 For purposes of the preceding sentence, if the State has
11 a 2-year legislative session, each year of the session is
12 deemed to be a separate regular session of the State legis-
13 lature.

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