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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend part E of title IV of the Social Security Act, to require States to guarantee legal representation to children and parents involved in child protection proceedings, under the program of Federal payments for foster care, prevention, and permanency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. SCANLON introduced the following bill; which was referred to the Committee on _____

A BILL

To amend part E of title IV of the Social Security Act, to require States to guarantee legal representation to children and parents involved in child protection proceedings, under the program of Federal payments for foster care, prevention, and permanency, 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 “Right to Representa-
5 tion Act”.

1 **SEC. 2. REQUIREMENT THAT STATES GUARANTEE LEGAL**
2 **REPRESENTATION TO CHILDREN AND PAR-**
3 **ENTS INVOLVED IN CHILD PROTECTION PRO-**
4 **CEEDINGS, UNDER THE PROGRAM OF FED-**
5 **ERAL PAYMENTS FOR FOSTER CARE, PRE-**
6 **VENTION, AND PERMANENCY.**

7 (a) STATE PLAN REQUIREMENT.—Section 471(a) of
8 the Social Security Act (42 U.S.C. 671(a)) is amended—

9 (1) by striking “and” at the end of paragraph
10 (36)(D);

11 (2) by striking the period at the end of para-
12 graph (37) and inserting “; and”; and

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

14 “(38)(A) provides assurances that the State
15 shall have in effect policies and administrative and
16 judicial procedures that guarantee that, for the du-
17 ration of any judicial proceeding involving an allega-
18 tion of child abuse or neglect, including a depend-
19 ency, adoption, guardianship, or termination of pa-
20 rental rights proceeding—

21 “(i) an attorney is made available to pro-
22 vide independent legal representation to any in-
23 dividual who is involved in the proceeding by
24 reason of being a parent or guardian; and

25 “(ii) an attorney provides independent
26 legal representation to any individual who is in-

1 volved in the proceeding by reason of being a
2 child and who is alleged or found to have been
3 abused or neglected; and

4 “(B) for purposes of subparagraph (A), ‘inde-
5 pendent legal representation’ means that an attor-
6 ney-client relationship exists between the client and
7 the attorney, pursuant to the State’s rules of profes-
8 sional responsibility for lawyers.”.

9 (b) EFFECTIVE DATE.—

10 (1) IN GENERAL.—The amendments made by
11 subsection (a) shall take effect on October 1, 2026,
12 and shall apply to payments under part E of title IV
13 of the Social Security Act for calendar quarters be-
14 ginning on or after such date.

15 (2) DELAY PERMITTED IF STATE LEGISLATION
16 REQUIRED.—If the Secretary of Health and Human
17 Services determines that State legislation (other
18 than legislation appropriating funds) is required in
19 order for a State plan approved under part E of title
20 IV of the Social Security Act to meet the additional
21 requirements imposed by the amendments made by
22 this Act, the plan shall not be regarded as failing to
23 meet any of the additional requirements before the
24 1st day of the 1st calendar quarter beginning after
25 the first regular session of the State legislature that

1 begins after the effective date of this section. For
2 purposes of the preceding sentence, if the State has
3 a 2-year legislative session, each year of the session
4 is deemed to be a separate regular session of the
5 State legislature.

6 **SEC. 3. GAO REPORTS.**

7 Every 2 years after the effective date of section 2,
8 the Comptroller General shall prepare and submit to the
9 Committee on Ways and Means of the House of Rep-
10 resentatives and the Committee on Finance of the Senate
11 a written report that describes how section 471(a)(38) of
12 the Social Security Act is being implemented.