

**[DISCUSSION DRAFT]**118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R.** \_\_\_\_\_

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.

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**IN THE HOUSE OF REPRESENTATIVES**

Ms. TENNEY introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**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.