

## **Summary of Fostering Connections to Success and Increasing Adoptions Act, H.R. 6893**

### **Title I- Connecting And Supporting Relative Caregivers**

#### **Kinship Guardianship Assistance Payments**

- Gives states the option to use federal Title IV-E funds for kinship guardianship payments for children raised by relative caregivers.
- Children eligible under this provision must also be eligible for federal foster care maintenance payments and must reside with the relative for at least six consecutive months in foster care to be eligible for the kinship guardianship assistance payment.
- Children eligible under this provision are those for whom return home and adoption are ruled out and who likely would otherwise remain in foster care until they aged out of the system.
- The kinship guardianship assistance payment rate for these children may equal but must not exceed the foster care payment that would have been paid had the child remained in a foster family home.
- States that provided guardianship assistance or services as part of a IV-E waiver demonstration project may continue to claim IV-E funds for provision of those same supports to children who are receiving under a waiver as it existed on September 30, 2008 (grandfathering of relatives currently using the waiver to claim funds to provide care).
- Allows children who leave foster care after age 16 for kinship guardianship (or adoption) to be eligible for independent living services and education and training vouchers.

#### **Family Connection Grants**

- Authorizes a new grant program for activities designed to connect children in foster care (or at risk of entering foster care) with family.
- Funds can be used for:
  1. kinship navigator programs;
  2. intensive family-finding efforts;
  3. family group decision-making meetings for children in the child welfare system, with special attention to children exposed to domestic violence; or
  4. residential family substance abuse treatment programs.

- Guarantees \$15 million a year for competitive, matching grants to state, local, or tribal child welfare agencies and nonprofit organizations that have experience working with children in foster care or kinship care
- \$5 million of the \$15 million in guaranteed funds are reserved each year for grants for kinship navigator programs.

### **Notice to Relatives**

- Requires state agencies to exercise due diligence to identify and provide notice to all adult relatives of a child within 30 days after the child is removed from the custody of the parent(s).

### **Licensing Standards for Relatives**

- The bill clarifies that under current guidance states may waive non-safety licensing standards (as determined by the state) on a case-by-case basis in order to eliminate barriers to placing children with relatives.
- Requires the Department of Health and Human Services (HHS) to submit a report to Congress within two years that examines state licensing standards, states' use of case-by-case waivers, and the effect of the waivers on children in foster care, reviews the reasons relative foster family homes may not be able to be licensed, and recommends administrative or legislative actions to allow more children to be safely placed in foster care and be eligible for federal support.

## **Title II- Improving Outcomes for Children in Foster Care**

### **Continuing Federal Support for Children in Care after Age 18**

- Allows states to provide care and support to youth in foster care until the age of 19, 20, or 21 provided that the youth is either
  1. completing high school or an equivalency program;
  2. enrolled in post-secondary or vocational school;
  3. participating in a program or activity designed to promote, or remove barriers to, employment;
  4. employed for at least 80 hours per month;
  - or
  5. incapable of doing any of these activities due to a medical condition.

- Allows protections and requirements currently in place for younger children in foster care to apply to youth ages 18-21.
- Allows states to extend adoption assistance and/or guardianship payments on behalf of youth ages 19, 20, or 21.

### **Transition Plan for Children Aging out of Foster Care**

- Requires child welfare agencies to help youth develop a transition plan during the 90-day period immediately before a youth exits from care at 18, 19, 20, or 21.
- The plan must be as detailed as the child chooses and include specific options on housing, health insurance, education, local opportunities for mentoring, continuing support services, work force supports and employment services.

### **Definition of Child Caring Facility**

- The definition of child caring facility for someone 18 or older includes a supervised setting for independent living

### **Effective Date of this State Option**

- The state may exercise the option to extend the age of care starting on October 1, 2010 (Federal FY 2011)

### **Expanding IV-E for Private Agency Training**

- Expands the availability of federal Title IV-E training dollars to cover training of staff not only in public agencies but in private child welfare agencies as well as court personnel, attorneys, guardian ad litem, and court appointed special advocates.
- Allows IV-E training dollars to be used to train prospective relative guardians in addition to foster and adoptive parents.
- The federal funding match for this category of new training (kinship, private agencies, court personnel) is phased in over 5 years. The current federal matching rate of 75% would be reduced to 55% in 2009, 60 % in 2010, 65% in 2011 and 70% in 2012.

### **Promoting Educational Stability**

- Requires state child welfare agencies to improve educational stability for children in foster care by coordinating with local education agencies to ensure that children remain in the school they are enrolled in at the time of placement into foster care, unless that would not be in the child's best interests.
- If remaining in the same school is not in the child's best interest, the state must ensure immediate enrollment in a new school with all of the educational records of the child

provided to that new school.

- The cost of transportation from a child's foster home to that child's school can be calculated as part of the foster care payment.
- Requires states to provide assurances in their Title IV-E state plans that every school-age child in foster care, and every school-age child receiving an adoption assistance or subsidized guardianship payment, is enrolled as a full-time elementary or secondary school student or has completed secondary school.

### **Health Oversight and Coordination Plan**

- Requires states to develop, in coordination and collaboration with the state Medicaid agency and in consultation with pediatricians and other experts, a plan for the ongoing oversight and coordination of health care services for any child in foster care. The state health plan must include:
  1. health screening and follow up screenings
  2. how needs will be identified and addressed
  3. how medical information will be updated and shared
  4. steps taken to ensure continuity of care including the possible use of medical homes for each child
  5. oversight of medication
  6. how the state consults with medical and nonmedical professions on the appropriate treatment of children
- Nothing in these plans relieves the state Medicaid agency of their responsibilities

### **Sibling Placement**

- States must make reasonable efforts to place siblings in the same foster care, kinship guardianship, or adoptive placement, unless doing so would be contrary to the safety or well-being of any of the siblings.
- If siblings are not placed together, the state must make reasonable efforts to provide frequent visitation or other ongoing interaction between the siblings, unless this interaction would be contrary to a sibling's safety or well-being.

### **Title III- Tribal Foster Care and Adoption Access**

#### **Direct Access to Title IV-E Funds**

- Allows tribes direct access to IV-E funding. Currently, Indian tribes cannot access Title IV-E

funds to administer their own foster care or adoption assistance programs but instead must have an agreement with a state government to access IV-E funds, which more than half of the federally recognized tribes do not have.

- These new tribal provisions take effect on October 1, 2009 (FY 2010)

### **State Plan Requirements**

- Creates the option for tribes or tribal consortia to directly access and administer IV-E funds by submitting a plan.
- The plan must include
  1. Evidence of sound financial management
  2. A description of the service area
  3. Assurances that the use of Title IV-E funds will be for coverage of foster care, special needs adoptions and (at tribal option) kinship guardianship assistance payment to only those children eligible for Title IV-E funds.

### **Matching Fund Requirements**

- The plan may indicate that in providing a match for the administrative and training costs, the tribe may use in-kind contributions (FY 2009 through FY 2014) for a share of the match.
- The in-kind match may include the use of plants, equipment, administration and services. For FY 2010 and FY 2011, 25 percent of the match for administration may come from state and local governments, other tribes, colleges, or charities. For FY 2010 and FY 2011, 12 percent of the match may come from these same sources.
- For FY 2012-14, HHS is directed to write regulations on the definitions of in-kind contributions.
- The tribe or consortia shall establish a single authority or authorities which shall be responsible for establishing and maintaining tribal child welfare standards.
- The federal matching rate (FMAP) for the non-administrative/training costs shall be based on the service population except the FMAP shall not be lower than the state FMAP in that tribal area. HHS must consider data on per capita income a tribe or consortia may submit in making its calculation of the tribal FMAP.

### **Current Tribal State Agreements**

- Current agreements between a tribe(s) and the state may still be in effect subject to the provisions in that agreement.

## **Chaffee Independent Living**

- A tribe that is running its own Title IV-E program may apply for access to a portion of the state's Chaffee Foster Care Independence Program (CFCIP) funds.
- A tribe submits a plan to HHS that indicates how the Chaffee program will be carried out, eligibility of youth in the tribe area, the consultation process with the state to assure youth continue to receive services in the transition.
- In awarding funding to the applying tribe HHS will create a process that allocates Chaffee funds based on the number foster children in the tribal service area compared to that state's number of foster children.

## **Tribal Assistance in Implementing**

- The state plan requirements are amended to direct states to negotiate in good faith with a tribe that has a Title IV-E program, access to resources for administration, training and data collection.
- HHS is directed to issue regulation within 1 year of enactment except for those regulations issued in regard to in-kind contributions.
- The Secretary of the Department of Health and Human Services shall provide technical assistance, implementation services, and grants to assist tribes in the transition to administering their own programs.
- One-time grants of up to \$300,000 may be provided to applying tribes to implement a plan.
- \$3 million is appropriated starting in FY 2009 (October 1, 2008).

## **Title IV- Improvement of Incentives for Adoption**

### **Adoption Incentives Program**

- Enhances incentives in current law to promote the adoption of children from foster care and allows states to receive an additional payment of \$1000 per adoption if the state's adoption rate exceeds its highest recorded foster child adoption rate since 2002.
- Extends the current Adoption Incentive Grant Program for an additional five years and awards \$8000 per older child (nine and older) adoption and \$4000 per special needs adoption above the baseline. This doubles the incentive for these adoptions.
- Updates to FY 2007 the adoption baseline above which incentive payments are made.
- Gives states 24 months to use the adoption incentive payments.

### **Promotion of Adoption of Children with Special Needs**

- Children who are eligible for SSI, based solely on the medical and disability requirements, would automatically be considered children with special needs and eligible for adoption assistance without regard to the SSI income requirements.

### **Adoption De-link**

- Current eligibility for federal funding of adoption assistance (similar to foster care maintenance support) allows federal funding only if a child was removed from a family that would have been eligible for AFDC cash assistance as it existed on July 16, 1996.
- This provision "de-links" a child's eligibility for federal adoption assistance payments from outdated AFDC income requirements, which will ultimately increase the number of children with special needs who can be adopted with federal funding support.
- This expansion of children eligible for federal adoption assistance payments will be phased in over nine years.
  - In FY 2010 (October 1, 2009)-----16 and older
  - In FY 2011 (October 1, 2010)-----14 and older
  - In FY 2012 (October 1, 2011)-----12 and older
  - In FY 2013 (October 1, 2012)-----10 and older
  - In FY 2014 (October 1, 2013)-----8 and older
  - In FY 2015 (October 1, 2014)-----6 and older
  - In FY 2016 (October 1, 2015)-----4 and older
  - In FY 2017 (October 1, 2016)-----2 and older
  - In FY 2018 (October 1, 2017)-----All Ages

- In addition any child who has spent five years (at least 60 consecutive months in care) is eligible and any siblings of an eligible child is eligible.
- As children are phased-in, those children with special needs who are involuntarily or voluntarily placed with or relinquished to the care of a licensed private child placement agency or Indian tribal organization, as well as those in the care of public state or local agencies, will also be eligible for adoption assistance.

### **Adoption Tax Credit**

- Ensures that children in foster care benefit from the adoption tax credit by requiring states to inform all people who are adopting or are known to be considering adopting a child in the custody of the state that they are potentially eligible for the adoption tax credit.

- An adoption tax credit has existed since 1997. The credit is not refundable, meaning it can only be applied to actual federal income taxes paid. Starting in 2002, the maximum tax credit was set at \$10,000 per adoption whether the adoption was special needs or non special needs.
- The tax credit is applied to qualified adoption costs as defined by the IRS but for special needs the maximum amount can be applied whether or not the taxpaying family incurred that maximum allowed.
- Since 2002 the maximum credit for special needs has been adjusted by inflation with the maximum set at \$11,390 in 2007.
- A family may spread the credit over five years.

### **Offsets: Covering the Cost of the Legislation:**

#### **Title V- Clarification of Uniform Definition of Child**

##### **Definition of Qualifying Child**

- Modifies the definition of qualifying child to ensure that
  - the "qualifying child" is younger than the individual claiming them
  - the "qualifying child" is not married
  - the person claiming the "qualifying child" has a higher adjusted gross income than the birth parent(s).

##### **Investment of Operating Cash**

- The U.S Treasury is given greater flexibility in investing operating cash yielding a savings to the federal government.

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URL: <http://www.cwla.org/advocacy/adoptionhr6893summary.htm>