



The Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893)¹

Introduced by Reps. Jim McDermott (D-WA) and Jerry Weller (R-IL) on September 15th, 2008.

Approved by the House of Representatives through Unanimous Consent on September 17th, 2008.

Approved by the Senate through Unanimous Consent on September 22nd, 2008.

Signed by the President on October 7th, 2008

1. Reauthorizes the Adoption Incentives Program through 2013

- a. Authorizes \$43 million annually for the Adoption Incentives Program.
- b. Raises the award amount from \$4,000 to \$8,000 for adoptions of older children (over the age of 9) from foster care.
- c. Raises the award amount from \$2,000 to \$4,000 for adoptions of special needs children from foster care.
- d. Maintains current standard of \$4,000 for all other foster adoptions.
- e. Depending upon available funds, a State could earn additional incentive payments if it exceeds its highest ever foster child adoption rate since 2002.
- f. The base line year would change from Fiscal Year 2002 to Fiscal Year 2007.
- g. The child adoption rate would be determined by dividing the number of foster adoptions finalized in a fiscal year by the number of children in foster care on the last day of the previous year.

2. Adoption Tax Credit

- a. Requires that the states will inform all individuals considering adoption of the potential eligibility for the Adoption Tax Credit.

3. Connecting and Supporting Relative Caregivers

- a. At a State option, kinship guardianship assistance is allowed through Title IV-E as a reimbursable expense.

¹ H.R. 6893 is the bipartisan, bicameral legislation developed as a compromise between the *Fostering Connections To Success Act (H.R. 6304)* approved in the House through Unanimous Consent on June 25th, 2008 and the *Improved Adoption Incentives and Relative Guardianship Support Act (S. 3038)* approved unanimously by the Senate Finance Committee on September 10th, 2008.

- b. A child's eligibility for a kinship guardianship payment is determined by: (a) a Title IV-E eligible foster child must reside in the care of a relative for 6 consecutive months; (b) being returned home or adoption are not appropriate permanency options; (c) a child demonstrates a strong attachment to the relative guardian; (d) the relative guardian has a strong attachment to the child; (e) children over the age of 14 must be consulted regarding the guardianship placement.
- c. Payment for guardianship assistance must not exceed Title IV-E maintenance payments, and, at a state option extend guardianship supports up to age 21. This remains applicable only with instances for youth entering guardianship at age 16 or older.
- d. Relative Guardians must meet the same background checks as foster and adoptive parents, and have met the State's licensing requirements for a foster home.
- e. Requires sibling placement in the guardianship home, unless deemed inappropriate to the safety and well-being of the child.

4. Educational Stability

- a. Requires the state child welfare agency to include in each child's case plan an assurance of coordination with local educational agencies to ensure that the child remains in the school where he/she is enrolled at the time of placement in foster care or, if remaining in that school is not in the child's best interests, assurances that the state child welfare agency and the local education agencies provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to that school.
- b. Amends the Health & Human Services (HHS) definition of foster care maintenance payment to permit States to claim reimbursement at the State Federal Medical Assistance Percentage (FMAP) rate, for the cost of "reasonable" travel for the child to remain in the school of origin. HHS currently defines transportation costs as an IV-E administrative function and, as such, are limited to a 50% reimbursable rate. The FMAP rate ranges from 50% from states with the highest per capita income rate to 83% for states with the lowest per capita income rate.

5. Elimination of AFDC "look-back" Criteria for all Adoption Assistance Benefits

- a. By 2018, completely removes the financial criteria stipulating that the biological parents of the child in question must have been eligible for AFDC as of July 16, 1996—note this is only for the Title IV-E Adoption Assistance program and not for Title IV-E Foster Care.
- b. Any savings that may be generated by the delinking must be reinvested in existing allowable federal funded child welfare services (Title IV-B and Title IV-E of the Social Security Act).

- c. The phase in will begin in 2010 with the applicable age lowering to age 16. For each subsequent year thereafter, the applicable age will lower by two years until all ages are reached by the year 2018.

6. Family Connection Grants

- a. The Secretary of HHS shall make matching grants available to state, local or tribal child welfare agencies—including private nonprofit agencies with proven experience in working with foster children and kin families.
- b. Grants can be used for the purpose of: (a) establishing kinship navigator programs; (b) intensive family-finding efforts to locate biological family members of children within care; (c) implementation of family group decision making meetings; and (d) support for residential family treatment programs.
- c. \$15 million is included in future mandatory allotments for each fiscal year 2009-2013 with the Secretary given authority to issue up to 30 grants each year for a period ranging from 1 to 3 years.
- d. \$5 million of the annual funds will be reserved for implementation of kinship navigator programs.

7. Health Oversight and Coordination

- a. State agencies will develop a coordination plan to identify and meet the health care needs of foster children which will include: (a) mental and dental health needs; (b) schedule for initial and corresponding health screenings; (c) how medical information is updated and shared appropriately, with the possible inclusion of electronic health records, (d) strategies to ensure health care continuity, that may include establishing medical homes for every child in care; (e) oversight of prescription medications; and (f) how the state will actively consult with physicians and appropriate medical, and non-medical, professionals to assess the health and well-being of foster children to determine appropriate and timely treatment for the children.

8. Independent Living Services and Education Training Vouchers for Former Foster Youth

- a. Permits eligibility for former foster youth to access John H. Chaffee Independent Living Services for youth who leave care for adoption or relative guardianship after their 16th birthday. Education & Training Vouchers (ETV) would also be available to youth who leave foster care for relative guardianship after their 16th birthday.
- b. Current statute limits eligibility for Chaffee Independent Living Services for those youth who remain in care until their 18th birthday.

9. Kinship Navigator Program Grants

- a. \$5 million for fiscal years 2009-2013 will be appropriated to: (a) establish kinship navigator programs in states; (b) promote effective partnerships among public and private agencies to more effectively serve kinship families.

- b. Grantees would be required to establish information and referral systems that link kinship caregivers to support services available to them; conduct outreach activities with other relevant community based organizations to link kin-care families to the kinship navigator program; preparation, distribution and use of resource guides.

10. Relative Licensing Standards

- a. Clarifies existing federal administrative guidance allowing states to waive licensing standards provided that they do not pose a threat to the safety of the child.
- b. Two years following enactment of legislation, the Secretary of HHS will report to Congressional committees with oversight of child welfare services (House Ways & Means and Senate Finance) that details: (a) the number and percentage of foster children placed in licensed relative foster homes; (b) the number and percentage of children placed in unlicensed relative foster homes; (c) how often States grant non-safety licensing waivers for relative foster homes; (d) types of non-safety standards waived; (e) a review of how these waivers have impacted foster children's safety, permanency and well-being; (f) a review of complications for relative foster families to comply with licensing standards despite the waiver ability; and (g) include recommendations for action, either administrative or legislative, to increase the percentage of licensed relative foster homes while also ensuring safety and enhancing permanency and well-being.

11. Sibling Placement

- a. All reasonable efforts will be made to keep siblings together who are removed from their home and placed into foster care, kinship guardianship, or adoptive placement. If provision is not complied with, a state must document why such placement would be contrary to the well-being for any of the siblings involved.
- b. In instances where siblings are not placed together, unless otherwise detrimental to safety or well-being for any of the siblings, states must provide for frequent visitation opportunities.

12. Stephanie Tubbs Jones Child Welfare Services Program

- a. Renames the federal Child Welfare Services Program, (Title IV-B, Part 1) as the Stephanie Tubbs Jones Child Welfare Services Program.²
- b. Within 30 days following the removal of child from parental custody, due diligence must be provided to identify and serve notice to all adult grandparents and other adult relatives of the child and to describe available options, requirements, and supports available if they choose to become a foster home or a guardianship home. If a state has opted to provide guardianship supports, notice must be provided how such agreements are available.

² Stephanie Tubbs-Jones (1949-2008) represented Ohio's 11th District in Congress for 10 years. The Child Welfare Services program was the initial federal program created for the protection of abused and neglected children and was included in the original Social Security Act of 1935 (P.L. 74-271).

13. Support for Older Children in Foster Care

- a. At a State option, an extension of federal Title IV-E foster care maintenance payments, adoption assistance payments, and/or relative guardianship payments is available for ages 19, 20, or 21 (whichever age a state options for).
- b. To be eligible, after reaching age 18, the individual must be: (a) completing high school; (b) enrolled in college (or equivalent vocational education); (c) participating in a program or activity designed to promote employment or remove barriers to employment; (d) employed at least 80 hours a month; or (e) determined to be “particularly vulnerable” or a “high risk individual.”
- c. During the 90 days prior to a youth aged 18-21 leaving foster care, a personal transition plan must be developed jointly between the youth, caseworker and other representatives as appropriate. The plan must detail the youth’s options for housing, health insurance, continuing support, work force opportunities and continuing education.
- d. Effective date of extension of foster care supports beyond 18 is October 1, 2010.

14. Training Supports for Child Welfare Agencies, Relative Guardians, and Court Personal

- a. Provides federal Title IV-E training supports for relative guardians, adoptive parents, state approved child welfare agencies (including private agencies), staff for child abuse and neglect courts, agency attorneys, and attorneys on behalf of children, parents, guardians ad litem or other court appointed special advocates representing children.
- b. A state will be reimbursed for such training at a phase in rate that begins at 55% for Fiscal Year 2009 and increasing 5% each year until maximum rate of 70% is reached for Fiscal Year 2012.

15. Tribal Foster Care & Adoption Access

- a. Establishes, for the first time, direct access to tribes for federal foster care and adoption assistance provided a tribal plan is approved by the Secretary of HHS. Kinship guardianship assistance, at the tribes option, is also available. Access to an appropriate portion of the state’s Chafee Foster Care Independence Program is also available.
- b. The Secretary of HHS shall make available one time technical assistance grants in the amount of \$300,000 to tribes that are seeking to develop a federal foster care plan. The supports will assist tribes with the necessary data collection systems, cost allocation plan, agency and tribal court procedures for case review, and any other requirements to develop approval of federal foster care plan.
- c. Provisions will become effective October 1, 2009.