



Fostering Connections to Success and Increasing Adoptions Act (H.R.6893) **Summary**

On October 7, 2008, President Bush signed into law the Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893). The act will help hundreds of thousands of children and youth in foster care by promoting permanent families for them through relative guardianship and adoption and improving education and health care. Additionally, it will extend federal support for youth to age 21. H.R. 6893 also will offer for the first time many American Indian children important federal protections and support. H.R. 6893 has bipartisan support and is fully paid for. This bill resolves differences between the House-passed Fostering Connections to Success Act (H.R. 6307) and the Senate Finance Committee-approved Chairman's Mark of S. 3038, the Improved Adoption Incentives and Relative Guardianship Support Act.

The Fostering Connections to Success and Increasing Adoptions Act provides important supports for children and youth in foster care by:

Ensuring Permanent Placements with Relatives

- **Kinship guardianship assistance payments for children living in foster care with relatives (Sec. 101).** The Act gives states the option to use federal Title IV-E funds for kinship guardianship payments for children raised by relative caregivers who care for them in foster care and are committed to caring for them permanently when they leave foster care. The children must be eligible for federal foster care maintenance payments while in the home of the relative and must reside with the relative for at least six consecutive months in foster care to be eligible for the kinship guardianship assistance payment. The children who are eligible 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. Children fourteen and older must be consulted about the kinship guardianship arrangement and siblings may be placed in the same home and receive support even if some of them are not otherwise eligible. The kinship guardianship assistance payment rate for these children must not exceed the foster care payment that would have been paid had the child remained in a foster family home. Children eligible for these payments are also automatically eligible for Medicaid, as are children in foster care and those who receive adoption assistance payments. H.R. 6893 also makes children who leave foster care after age 16 for kinship guardianship (or adoption) eligible for independent living services and education and training vouchers.
- **Notice to relatives (Sec. 103).** H.R. 6893 would require state agencies to exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of a child within 30 days after the child is removed from his or her home. It will help grandparents and other relatives get involved in children's care early on. The bill also allows child welfare agencies to directly access the Federal Parent Locator Service to help locate children's parents to help them find relatives.
- **Licensing standards for relatives (Sec. 104).** The Act clarifies that states may waive non-safety licensing standards on a case-by-case basis in order to eliminate barriers to placing children safely with relatives in licensed homes. These standards include things like square footage requirements and minimum numbers of bedrooms or bathrooms per person. It also 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.

Increasing Adoptive Families for Children

- **Federal support for adoption assistance for more children with special needs (Sec. 402).** By “de-linking” a child’s eligibility for federal adoption assistance payments from outdated AFDC income requirements, the Act increases the number of children with special needs who can be adopted with federal support. Currently a child in foster care may be eligible for federal adoption assistance only if the home he is removed from has an income that meets the state’s AFDC income eligibility standard in place on July 16, 1996, without taking into account inflation. Linking a child’s eligibility for adoption assistance to the income of her parents whose parental rights were subsequently terminated makes no sense on basic fairness grounds. H.R. 6893 would eliminate this income eligibility requirement for adoption assistance. In addition, 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. This Act requires that savings resulting from these new Title IV-E eligibility rules must be invested in services (including post-adoption services) provided under Parts B and E of Title IV. The expansion of children eligible for federal adoption assistance payments will be phased in over nine years, with older children and those who have spent at least 60 consecutive months in care, and their siblings, being eligible first. 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.
- **Expanding the Adoption Incentives Program (Sec. 401).** The Act enhances incentives in current law to promote the adoption of children from foster care. It renews the Adoption Incentive Grant Program for an additional five years, updates to FY 2007 the adoption baseline above which incentive payments are made, doubles the incentive payments for adoptions of children with special needs and older children adoptions, and gives states 24 months to use the adoption incentive payments. H.R. 6893 also permits states to receive an additional payment if the state’s adoption rate exceeds its highest recorded foster child adoption rate since 2002.
- **Making older children adopted from foster care eligible for additional supports (Sec. 101).** H. R. 6893 makes children 16 and older adopted (or who leave to legal guardianship with a relative) from foster care eligible for independent living services and for education and training vouchers.
- **Outreach about the adoption tax credit (Sec. 403).** The Act helps to ensure that children in foster care benefit from the adoption tax credit. Research shows that the majority of taxpayers taking advantage of the federal adoption tax credit had not adopted through public child welfare agencies but, rather, through private agencies or attorneys. H.R. 6893 requires 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.

Maintaining Sibling Ties and Other Family Connections

- **Placing siblings together (Sec. 206).** H.R. 6893 helps promote permanent family connections for children by keeping siblings together in foster care, kinship guardianship or adoptive placements. 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.

- **Family Connection Grants (Sec. 102).** H.R. 6893 authorizes a new grant program in Subpart 1 of Title IV-B 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. Many of these activities would help grandparents and other relatives who are caring or want to care for their relative children. H.R. 6893 would guarantee \$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 these funds would be reserved each year for grants for kinship navigator programs. Funds would also be set aside for evaluation and technical assistance.

Improving Outcomes for Older Youth in Foster Care

- **Continuing federal support for children in foster care after age 18 (Sec. 201).** Compared to youth in the general population, youth who have experienced foster care are more likely to become homeless, incarcerated, and unemployed when they age out of care. They also are more likely to have physical, developmental, and mental health challenges. Unlike youth outside the child welfare system, most youth in foster care lose the only support system they know when they reach 18. There is evidence that youth who remain in foster care to age 21 have better outcomes when they leave care. H.R. 6893 allows states, at their option, 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. The protections and requirements currently in place for younger children in foster care would continue to apply for youth ages 18-21. Youth ages 18-21 could be placed in a supervised setting in which they are living independently, as well as in a foster family home or group home. States could also extend adoption assistance and/or guardianship payments on behalf of youth ages 19, 20, or 21.
- **Helping older youth successfully transition from foster care to independence (Sec. 202).** Approximately half of all young people between the ages of 18-24 still live with their parents. This is not an option for youth who are in foster care – once they leave foster care, they are on their own. H.R. 6893 requires child welfare agencies to help youth make this transition to adulthood by requiring, during the 90-day period immediately before a youth exits from care at 18, 19, 20, or 21 that the child's caseworker, and other representatives as appropriate, helps the child develop a personal transition plan. 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.

Improving the Quality of Staff Working with Children in the Child Welfare System

- **Extending federal training to more staff (Sec. 203).** The Act recognizes the importance of a quality workforce to children's well-being. It 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. Title IV-E training dollars could also be used to train prospective relative guardians in addition to foster and adoptive parents. Funding for this new training is phased in over 5 years.

Increasing Access to Federal Funding to Promote Better Outcomes for Indian Children

- **Allowing Indian tribes direct access to federal foster care and adoption assistance funds (Sec. 301).** Currently, Indian tribes cannot access Title IV-E funds to administer their own foster care or adoption assistance programs. They must have an agreement with a state government to access IV-E funds. More than half of the federally recognized tribes do not have such an agreement. H.R. 6893 allows states and tribes to continue to operate or create Tribal/State agreements to administer the IV-E program. However, it also creates the option for tribes or tribal consortia to directly access and administer IV-E funds. This provision increases resources for Indian children and extends the IV-E protections to more Indian children. The bill also would allow tribes to access a portion of the state's Chafee Foster Care Independence Program (CFCIP) funds and require the tribe to provide independent living services for tribal youth in the state. H.R. 6893 would also require the Secretary of the Department of Health and Human Services to provide technical assistance, implementation services, and grants to assist tribes in the transition to administering their own programs.

Addressing Children's Health and Education Needs

- **Developing health oversight and coordination plans (Sec. 205).** The Act 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 plan must describe: how initial and follow-up health screenings will be provided, health needs identified will be monitored and treated, and medical information will be updated and appropriately shared with providers; the steps that are or will be taken to ensure continuity of health care services, including the possibility of establishing a medical home for every child in care; and what will be done to ensure the oversight of prescription medications, including psychotropic drugs.
- **Promoting educational stability (Sec. 204).** Research shows that, on average, each change in school placement for a child results in a loss of six months of educational progress. More than one-third of children in foster care have experienced four changes in school placement. H.R. 6893 would require 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 it 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 bill also increases the amount of federal funding that may be used to cover education-related transportation costs for children in foster care. In addition, H.R. 6893 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.

For further information on H.R.6893, please contact Beth Davis-Pratt of the Child Welfare and Mental Health Team at the Children's Defense Fund at edavis-pratt@childrensdefense.org or 202-662-3629 or Tiffany Conway at the Center for Law and Social Policy at tconway@clasp.org or 202-906-8026.

September 16, 2008