

FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008

H.R. 6893

110th Congress - 2nd Session

Signed October 7, 2008

SUMMARY OF THE LAW

- ❖ **Connecting and Supporting Relative Caregivers**
 - ❖ **Sibling placement and connections**
 - ❖ **Expanded support and transition planning for older youth in foster care**
 - ❖ **Educational stability and attendance requirements for children in foster, kinship and adoptive families**
 - ❖ **Coordinated health planning for children in foster care**
 - ❖ **Direct access of tribes to IV-E funds and technical assistance upon submission of plan**
 - ❖ **Improvement of Incentives for Adoption**
 - ❖ **Expanded funding for training to cover private agency staff, judges, attorneys, CASA, relative guardians, and others**
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CONNECTING AND SUPPORTING RELATIVES

- Authority for comparisons and disclosures of information in the **Federal Parent Locator Service** for child welfare, foster care and adoption assistance program purposes
- **Family Connection Grants**
- **Foster home licensing standards** – ability to waive non-safety standards on case by case basis
- **State option to implement a IV-E kinship guardianship assistance program**



CONNECTING AND SUPPORTING RELATIVE CAREGIVERS

Notification of relatives

- Requires states to use due diligence to identify and notify grandparents and other adult relatives including those suggested by the parents
 - Exceptions due to family or domestic violence
- Provide notice within 30 days of removal
- Effective 10/7/08 unless state legislation required and permission for delay



CONNECTING AND SUPPORTING RELATIVES NOTICE REQUIREMENTS

- Notice Must:
 - Specify the child removed from parent(s) custody
 - Explain options to participate in care and/or placement
 - Describe requirements to become foster parents
 - Outline available services and supports
 - Describe GAP, if state has chosen this option



GUARDIANSHIP ASSISTANCE (GAP)

- Optional provision of Fostering Connections
- State option to use Title IV-E funds to provide assistance to children who leave foster care for legal guardianship with a relative
- Children would be eligible for Medicaid
- Children not required to have “special needs”
- Guardianship subsidy agreement remains in effect even if guardian moves to another state
- Children must be eligible for Title IV-E foster care
- Must live with licensed relative for 6 consecutive months prior to guardianship



GUARDIANSHIP ASSISTANCE (GAP)

- If state exercises option, state must then document and court make findings on:
 - Why return home and adoption are not appropriate permanency options
 - The reason for any separation of siblings
 - The reason why a subsidized guardianship is in the child's best interests



FAMILY CONNECTION GRANTS

- Authorizes \$15 Million annually for the Family Connection Grant Program
- Competitive federal grants may be used for
 - Kinship navigator programs
 - Intensive family finding
 - Family group decision making or other similar conferencing
 - Residential, family-based substance abuse treatment
- Available to states, tribes, large metro areas and non-profits working with children in foster care



IMPROVING OUTCOMES FOR CHILDREN IN FOSTER CARE

Sibling placement

- Unless it is contrary to the safety or well-being of any of the siblings, reasonable efforts must be made to place siblings together
- If siblings are not placed together, states must document why not, and:
 - Must make reasonable efforts to provide frequent visitation between siblings or other on-going contact between siblings, unless it is documented that contact would be contrary to the safety or well-being
- The program instruction encourages periodic assessment of placement and visitation and allows states to define siblings



EDUCATIONAL STABILITY APPROPRIATENESS AND PROXIMITY

- The child's case plan must include “assurances that the placement of a child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.



EDUCATIONAL STABILITY

- The child's case plan must include
 - “(I) an assurance that the state [or local child welfare agency] has coordinated with appropriate local education agencies . . . to ensure that the child remains enrolled in the school in which the child was enrolled at the time of placement”
- If remaining in the same school is not in the best interest of the child, the child's case plan must include
 - “(II) . . . assurances by the state agency and the local education agencies to provide immediate and appropriate enrollment in a new school, with all of the education records of the child provided to the school.” 42 U.S.C. 675(1)(G)(ii).



EDUCATION STABILITY TRANSPORTATION

- The term foster care maintenance payments includes “reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement.”
 - Applies only to IV-E eligible children, although case plan requirement to ensure same school applies to **ALL** children in care
 - Requires state to fund match for IV-E eligible children; no federal dollars to support transportation for non IV-E eligible children.



EDUCATION STABILITY

ATTENDANCE

- State plan attendance requirement: states must include in their state plan, for all IV-E eligible children (including adoption assistance and guardianship assistance), “assurances that each child who has attained the minimum age for compulsory school attendance under state law . . . is a full-time elementary or secondary school student or has completed secondary school. . .” 42 U.S. C. §671
- Elementary or secondary school student includes:
 - A child enrolled or in the process of enrolling in school
 - Home schooling as permitted by state law
 - Independent study program
 - Incapable of attending due to medical condition that precludes participation



IMPROVING OUTCOMES FOR OLDER YOUTH ASSISTANCE FOR OLDER YOUTH TO AGE 21

The John H. Chaffee Foster Care Independence Program

- Extends eligibility to Independent Living Services to youth who enter kinship guardianship or were adopted at age 16 or older
- Extends eligibility for Education Training Vouchers (ETVs) to youth who enter kinship guardianship or were adopted at age 16 or older

National Youth in Transition Database (NYTD) – New data collection system to:

- Track independent living services provided to youth
- Measure States' performance in preparing youth for their transition from foster care to independent living



IMPROVING OUTCOMES FOR OLDER YOUTH

CURRENT REQUIREMENTS FOR CASE REVIEWS

- At least once every 6 months for all Title IV-E youth (including youth over 18)
- The court must find what services are needed for a youth 16 and older to transition from foster care to independence
- The court must find that reasonable efforts are being made to finalize the permanency plan
- States must implement procedural safeguards to ensure that all hearings, “including any hearing regarding the transition of the child from foster care to independent living” the court consults “in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child.”

42 U.S.C. §675(5); 45 C.F.R. §1356.21(b)(2)(i)



IMPROVING OUTCOMES FOR OLDER YOUTH

○ **Transition planning for youth aging out of foster care**

90-days prior to a youth's exit from DFS custody, develop a youth-directed transition plan

- Housing
- Health insurance
- Education
- Local opportunities for mentors and continuing support services
- Work force supports and employment services

42 U.S.C. 675(5)(H)



EXTENSION OF IV-E PAYMENTS

- Beginning 10/1/10, provides federal support to states that elect, via state plan, to support youth in foster care, kinship or adoptive families to age 19, 20, or 21, (if less than 21, agency must include written description to RO in title IV-E plan as to why choosing lower age) if youth is
 - Completing high school or an equivalency program
 - Enrolled in a post-secondary or vocational school
 - Participating in a program to promote employment
 - Employed for at least 80 hours a month, or
 - Incapable of doing any of the above activities due to a medical condition (states determine criteria)
- States may choose to allow IV-E reimbursement to one or more of these groups
- States determine the criteria for education and how to obtain assurances that youth is in education program or employed.



EXTENSION OF CARE

- If state extends foster care beyond 18, review hearings must be held
 - Wyoming law allows court jurisdiction beyond 18 for CPS and Juvenile delinquency cases
- The court must hold the agency accountable for continuing to seek permanency for youth and young adults past age 18
 - Another Planned Permanent Living Arrangement (APPLA) should only be used in extreme cases and with documented compelling reasons
 - The youth's age does not constitute a compelling reason



IMPROVING OUTCOMES FOR CHILDREN IN FOSTER CARE

○ Health oversight and coordination plan

Plan created for the on-going oversight and coordination of physical, mental health and dental services for children in foster care. The plan outlines:

- Schedule for health screenings
- How identified health needs will be treated and monitored
- How medical information will be updated and shared
- Continuity of health care services
- Oversight of prescription medicines (including psychotropic's)
- How the State consults with and involves medical and other professionals in assessing and meeting the health and well-being needs of children in foster care



IMPROVING OUTCOMES FOR CHILDREN IN FOSTER CARE

- **Health oversight and coordination plan**

Importance of EPSDT (Early Periodic Screening and Testing)

Early - Identifying problems early, starting at birth

Periodic - Checking children's health at periodic, age appropriate intervals

Screening - Doing physical, mental, developmental, dental, hearing, vision, and other screening tests to detect potential problems

Diagnosis - Performing diagnostic tests to follow up when a risk is identified, and

Treatment - Treating the problems found.



IMPROVEMENT OF INCENTIVES FOR ADOPTION

- Federal adoption tax credit
- Child who meets SSI disability requirements meets “special needs “ requirement for adoption assistance
- De-links eligibility for IV-E adoption assistance from 1996 AFDC requirements
- Increases adoption incentive payments to states for adoptions of special needs youth



ON-LINE RESOURCES

FOSTERING CONNECTIONS RESOURCE CENTER

<http://www.fosteringconnections.org/>

AMERICAN BAR ASSOCIATION - LEGAL CENTER FOR FOSTER CARE AND EDUCATION

<http://www.abanet.org/child/education/>

AMERICAN ACADEMY OF PEDIATRICS - HEALTHY FOSTER CARE AMERICA

<http://www.aap.org/fostercare/>

