

Historic Foster Care and Adoption Legislation Clears Congress

Since June, National CASA, along with representatives from local and state CASA programs, has been very active in Congress, pushing for passage of landmark foster care reform legislation. *The Fostering Connections to Success and Increasing Adoptions Act* includes many significant improvements and opportunities for our children.

We are happy to report that the bill was approved by Congress on September 22. The President signed the bill into law on October 8.

Most measures in the legislation will take effect immediately upon approval by the President, though guidance to states by the Department of Health and Human Services will be needed for clarification. Provisions that take effect at a later date are noted in the detail below.

The goals and major provisions of the legislation follow.

➤ **Permanent Placement with Relatives**

- Federal assistance is available for grandparents and other relatives who have been licensed and served as foster parents for 6 consecutive months for a child that is IV-E eligible, and who have agreed to become the child's legal guardian. The possibility for the child's reunification or adoption must have already been ruled out.
- Siblings may also be placed in the same relative home with federal assistance.
- Children 14+ must be consulted about the permanent relative placement.
- States must notify grandparents and other adult relatives within 30 days after child is removed from home
- Clarifies federal guidance on licensing standards for relative foster family placements. Allows states, on a case-by-case and child specific basis, to waive standards that do not jeopardize the child's safety, such as the number of bedrooms, square footage, etc.

➤ **Maintain Connections with Siblings and Family**

- States are required to make reasonable efforts to keep siblings together in foster, kin, or adoptive placements, provided in the child's best interest.
- Funding is provided for a new Family Connection Grants program. \$15 million is authorized annually for competitive, matching grants to state, local, or tribal agencies and nonprofit organizations with experience working with children in foster care or kinship care for: 1) kinship navigator programs (e.g., connecting families with resources to guide and support their care of children); 2) intensive family-finding efforts; 3) family group decision-making meetings, with special attention to children exposed to domestic violence; and 4) family substance abuse programs.

➤ **Increase the Number of Adoptions for Waiting Children**

- The Adoption Incentives Program is reauthorized through FY 2012 at \$43 million annually.
 - The baseline year is changed to FY 2007 for measuring a state's increased number of adoptions.
 - Incentive payments to states is increased from \$4,000 to \$8,000 for adoptions of children age 9 and older; increases the incentive for adoption of special needs children younger than 9 by \$2,000. Maintains the adoption incentive payment of \$4,000 for all other children who are adopted within the state.
 - The AFDC eligibility requirement for federal adoption assistance will be completely eliminated by FY 2018. Beginning in FY 2010, the test for eligibility is eliminated for children age 16 or older, and any child who has been in care for 60 consecutive months. In each succeeding fiscal year, the age threshold for children is reduced by 2 years.
 - The savings that result for states from the increased federal adoption assistance must be reinvested in child welfare services, including post-adoption services.
 - Children who are adopted at age 16 and older are eligible for independent living services and education and training vouchers.
 - States must inform all individuals considering adoption of their potential eligibility for the Adoption Tax Credit.
- **Improve Outcomes and Transition for Older Youth** (effective Oct. 1, 2010)
- At state option, IV-E funding is available for foster care maintenance for youth beyond age 18 (up to age 21). The youth must be enrolled in high school, post-secondary or vocational school or equivalent, an employment preparation program, employed at least 80 hours/month, or unable to engage in such activities because of a medical condition. The youth may be living in a supervised independent living situation, foster family, group home.
 - Child welfare agencies must work with the youth, and other representatives as appropriate, at least 90 days prior to emancipation, to develop a personal transition plan. The plan should be as detailed as the youth requests, addressing housing, health insurance, education, mentoring opportunities, continuing support services, work force supports and employment services.
- **Improve Competencies of Individuals Working with Children Involved in the Child Welfare System**
- Title IV-E funding will now be available to states for training of public and private child welfare agency staff, as well as for training court personnel, attorneys, **guardians ad litem and court appointed special advocates**. The federal reimbursement to states for training is scheduled at 50% for FY 2009, 60% in FY 2010, 70% in FY 2011, and finally 75% in FY 2012 and thereafter.
 - Funding may also be accessed for training relative guardians, foster and adoptive parents.

- **Improve Outcomes for Children in Tribal Courts** (effective October 1, 2009)
 - Creates the option for federally recognized tribes to continue or create Tribal/State agreements, or to directly access and administer IV-E funds for foster care and adoption assistance programs. In order to directly access IV-E funds, the tribe's IV-E plan must be approved by HHS.
 - Technical assistance grants, in the amount of \$300,000, are available to tribes to develop their federal foster care plan. The federal support is designed to assist tribes with necessary data collection systems, cost allocations, agency and tribal court procedures for case review, and other requirements of the federal foster care plan.
 - Allows tribes to access a proportionate amount of Chafee Foster Care Independence Program funds.

- **Improve Education Stability and Coordination of Medical Needs**
 - The child welfare agency must ensure that a child remains in the same school at the time of his/her placement in foster care, if in the child's best interest.
 - If enrollment in the school of origin is not in the child's best interest, immediate enrollment in the new school, with records, is required
 - If the child is subsequently removed to another placement, the state may access IV-E funds for transportation costs to the school of origin. This can range between 50% - 83% of the costs, depending upon the federal allocation for locales.
 - Requires states to develop a plan for ongoing oversight and coordination of health care services for every child in foster care, in collaboration with pediatricians and other experts. The plan should address: 1) initial and follow-up health care screenings; 2) treatment for needs identified in the screenings; 3) how medical information will be shared, which may include development of a health care passport; 4) continuity of health care services; 5) oversight of prescription medicines; and 6) how the state actively consults and collaborates with physicians and other appropriate professionals to assess the health and well-being of children in care to determine appropriate medical care.

The legislation can be reviewed at <http://thomas.loc.gov>; enter "HR 6893" in the search line, then check "search bill number."