

**FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT (HR 6893)
PL 110-351**

TITLE I – CONNECTING AND SUPPORTING RELATIVE CAREGIVERS

Category	Current Law	New Law
KINSHIP GUARDIANSHIP AND SUPPORTING RELATIVE CAREGIVERS	Relatives must become foster parents and meet the foster parent licensing and training requirements and receive payments not as a kin parent but as a foster parent.	Gives states the option to use federal Title IV-E funds for kinship guardianship payments for children raised by relative caregivers
	N/A	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.
	Reasonable efforts must be made (with certain exceptions) to preserve and reunify families or if that is not possible place a child according to the permanency plan.	Children eligible under this provision are those for whom return home and adoption are ruled out and who would otherwise be likely to remain in foster care until they aged out of the system.
	N/A	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.
	Federal Title IV-E waiver authority has expired and those waivers that were at the end of their approved time (five years) were to expire.	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).

Category	Current Law	New Law
KINSHIP GUARDIANSHIP AND SUPPORTING RELATIVE CAREGIVERS (CONT.)	Allows youths likely to remain in foster care to age 18 to qualify for independent living services. Allows youths likely to remain in foster to age 18 and youths adopted from foster care after reaching age 16, to qualify for training vouchers.	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	Limited amount of annual funds (\$30 million in 2009) available for competitive grants to fund regional partnership that may provide residential family substance abuse treatment.	Authorizes a new grant program for activities designed to connect children in foster care (or at risk of entering foster care) with family.
	N/A	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.
	Regional partnership funding is \$20 million in 2010 and in 2011 and must include the state child welfare agency as a partner along with local entities including the courts, tribal child welfare agencies or nonprofit organizations.	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.
	Funding for regional partnerships was \$40 million in 2007, \$35 million in 2008, \$30 million in 2009 and \$20 million in 2010 and 2011.	\$5 million of the \$15 million in guaranteed funds are reserved each year for grants for kinship navigator programs.
NOTICE TO RELATIVES	No requirement.	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).

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LICENSING STANDARDS FOR RELATIVES	All relatives must meet the licensing requirements of foster parents. Through HHS regulation, states have been allowed to waive some requirements on a case by case basis.	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	<p>In general, a child may no longer be eligible for Federal foster care maintenance payments or adoption assistance payments once he or she has attained 18 years of age.</p> <p>However, in the case of a foster care maintenance payment, a child who at his or her 18th birthday is still a full-time high school student (and who can reasonably be expected to complete this degree) may remain eligible until his or her 19th birthday.</p>	<p>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</p> <ol style="list-style-type: none"> 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.

Category	Current Law	New Law
CONTINUING FEDERAL SUPPORT FOR CHILDREN IN CARE AFTER AGE 18 (CONT.)		Allows protections and requirements currently in place for younger children in foster care to apply to youth ages 18-21.
	If adoption assistance payments are being made on behalf of a child, and the State determines that the child has a “mental or physical handicap” that warrants continued assistance, it may continue to provide these payments until the child’s 21 st birthday.	Allows states to extend adoption assistance and/or guardianship payments on behalf of youth ages 19, 20, or 21 if the youth was 16 or older before adoption assistance/guardianship agreement became effective.
TRANSITION PLAN FOR CHILDREN AGING OUT OF FOSTER CARE	A State is required to have in place a case review system for each child in foster care to, among other things, periodically review the child’s status in foster care and to develop and carry out a permanency plan for the child.	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	To be eligible for Federal foster care maintenance payments, a child must be living in a foster family home or in a “child-care institution.”	The definition of child caring facility for someone 18 or older includes a supervised setting for independent living.
EFFECTIVE DATE OF THIS STATE OPTION	N/A	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	Title IV-E training dollars can only cover public agency personnel.	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.

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EXPANDING IV-E FOR PRIVATE AGENCY TRAINING (CONT.)		Allows IV-E training dollars to be used to train prospective relative guardians in addition to foster and adoptive parents.
	Federal training match for public agency personnel is 75%.	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 2011and 70% in 2012.
PROMOTING EDUCATIONAL STABILITY	A State is required to maintain an individual written case plan for each child in foster care. Among other things, this case plan must include the child’s education records with an assurance that the child’s placement in foster care takes into account proximity to the school in which the child is enrolled at the time of the placement.	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.
	States are also entitled to receive federal reimbursement of 50% of their costs related to the “proper and efficient” administration of their Title IV-E foster care program. Guidance has been provided that indicates that transportation of a child in foster care to and from his/her school of origin is a Title IV-E administrative function and, thus, that 50% of the costs of this transportation may be claimed as a Title IV-E administrative cost.	The cost of transportation from a child’s foster home to that child’s school can be calculated as part of the foster care maintenance payment.
	The law requires each child on whose behalf federal foster care maintenance payments or adoption assistance payments are made to meet certain federal eligibility requirements.	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..