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H.R. 6893

Fostering Connections to Success and Increasing Adoptions Act of 2008

Selected Amendments to Title IV-E (Foster Care and Adoption Assistance Program) of the Social Security Act (42 U.S.C. 675)

Purpose of H.R. 6893

To amend parts B and E of title IV of the Social Security Act to connect and support relative caregivers, improve outcomes for children in foster care, provide for tribal foster care and adoption access, improve incentives for adoption, and for other purposes.

H.R. 6893 Text

To view the full text of H.R. 6893, visit:
http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:h6893eh.txt.pdf.

Provision		Title IV-E Program Section Amended	Fostering Connections to Success & Increasing Adoptions Act Amendment	New Services & Supports Provided	Impact on State Independent Living Programs & Indian Child Welfare Programs
Title 1: Connecting and Supporting Relative Caregivers	Children in Kinship Guardianship	State Plan for Foster Care and Adoption Assistance: Sec. 471(a)	Amends Sec. 471 by adding the following paragraph: <i>“(28) At the option of the State, provides for the State to enter into kinship guardianship assistance agreements to provide kinship guardianship assistance payments on behalf of children to grandparents and other relatives who have assumed legal guardianship of the children for whom they have cared as foster parents and for whom they have committed to care on a permanent basis.”</i>	Gives states the option of using Title IV-E funds for kinship guardianship payments for children raised by relative caregivers.	
	Independent Living Program Eligibility	John H. Chafee Foster Care Independence Program (CFCIP): Sec. 477(a) Purpose	Amends purpose of CFCIP by adding the following paragraph: <i>“(7) To provide the services referred to in this subsection to children who, after attaining 16 years of age, have left foster care for kinship guardianship or adoption.”</i>	Allows children who leave foster care after age 16 for kinship guardianship or adoption to be eligible for independent living services.	
	Education and Training Vouchers Program Eligibility	CFCIP: Sec. 477(i)(2) Education and Training Vouchers	Amends Education and Training Voucher program eligibility to the following: <i>“(2) For purposes of the voucher program, youths “who, after attaining 16 years of age, are adopted from, or enter kinship guardianship from, foster care” may be considered to be youths otherwise eligible for services under the State program...”</i>	Allows children who leave foster care after age 16 for kinship guardianship or adoption to be eligible for education and training vouchers.	

Provision		Title IV-E Program Section Amended	Fostering Connections to Success & Increasing Adoptions Act Amendment	New Services & Supports Provided	Impact on State Independent Living Programs & Indian Child Welfare Programs
Title II: Improving Outcomes for Children in Foster Care	Title IV-E Program Eligibility	Definitions Sec. 475	Amends Sec. 745 by adding definition of “child”: “(8)(A)...the term ‘child’ means an individual who has not attained 18 years of age” and “(B) At the option of a State”, includes an individual “(i) who is in foster care under the responsibility of the State” and is receiving assistance under an adoptive or guardianship agreement (after turning 16); “(ii) who has attained 18 years of age; (iii) who has not attained 19, 20, or 21 years of age, as the State may elect; and (iv) who is: (I) completing secondary education or program leading to an equivalent credential; (II) enrolled in an institution which provides post-secondary or vocational education; (III) participating in a program or activity designed to promote, or remove barriers to, employment; (IV) employed for at least 80 hours per month; or (V) incapable of doing any of the activities described in subclauses (I) through (IV) due to a medical condition...”	Allows states to extend Title IV-E payments for youth in foster care and adoptive or guardianship placements up to age 21 when certain employment and education requirements are met. States may exercise the option to extend Title IV-E payments to youth older than 18 starting on October 1, 2010.	
	Youth in Child Care Facilities	Foster Care Maintenance Payments Program Sec. 472 (c)(2)	Amends the definition of “child-care institution” to include a supervised setting in which a child who has attained 18 years of age is living independently.	Allows states to extend Title IV-E payments for youth ages 18-21 in a supervised independent living setting or group home.	

Provision		Title IV-E Program Section Amended	Fostering Connections to Success & Increasing Adoptions Act Amendment	New Services & Supports Provided	Impact on State Independent Living Programs & Indian Child Welfare Programs
Title II: Improving Outcomes for Children in Foster Care (continued)	Case Planning	Definitions Sec. 475 (5) Case review system	Amends definition of “case review system” by adding the following to paragraph (5) The term “case review system” means a procedure for assuring that—: “(H) during the 90-day period immediately prior to the date on which the child will attain 18 years of age, or such greater age as the State may elect...a caseworker... and, as appropriate, other representatives of the child provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services and is detailed as the child may elect.”	Requires child welfare agencies to assist youth in developing a personalized transition plan during the 90-day period immediately before exiting foster care at ages 18, 19, 20, or 21 (as determined by the state).	
	Training of Child Welfare Staff, Foster or Adoptive Parents, Relative Guardians, and Court Personnel	Payments to State; Allotments to States Sec. 474 (a)(3)(B)	Amends (B) to the following: ...“for the short-term training of current or prospective foster or adoptive parents or relative guardians, the members of the staff of State-licensed or State-approved child care institutions providing care or State-licensed or State approved child welfare agencies providing services to children receiving assistance under this part and members of the staff of abuse and neglect courts, agency attorneys, attorneys representing children or parents, guardians ad litem, or other court-appointed special advocates... in ways that increase the ability of such current or prospective parents, guardians, staff members, institutions, attorneys, and advocates to provide support and assistance to foster and adopted children and children living with relative guardians...”	Expands the availability of Title IV-E training monies to cover the cost of training private child welfare agency staff, attorneys, court personnel, guardians ad litem, court appointed special advocates, and relative guardians.	

Provision		Title IV-E Program Section Amended	Fostering Connections to Success & Increasing Adoptions Act Amendment	New Services & Supports Provided	Impact on State Independent Living Programs & Indian Child Welfare Programs
Title II: Improving Outcomes for Children in Foster Care (continued)	Education of Children in Foster Care	Definitions Sec. 475 (1) Case Plan	Amends definition of “case plan” by adding the following to subsection (1): <i>“(G) A plan for ensuring the educational stability of the child while in foster care, including - (i) assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and proximity to the school in which the child is enrolled at the time of placement; and (ii)(I) an assurance that the State agency has coordinated with appropriate local educational agencies...to ensure that the child remains in the school in which the child is enrolled at the time of placement; and (II) if remaining in such school is not in the best interests of the child, assurances by the State agency and the local educational agencies to provide immediate and appropriate enrollment in a new school...”</i>	Requires state child welfare agencies to coordinate with schools to improve educational stability for foster care children. Agencies and schools must work together to ensure that children remain in the school that they are enrolled in at the time of foster care placement or provide immediate enrollment in a new school when in child’s best interest.	
	Education of Children in Foster Care	State Plan for Foster Care and Adoption Sec. 471 (a)	Amends Sec. 471 by adding to subsection (a) “In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which—” the following paragraph: <i>“(30) provides assurances that each child who has attained the minimum age for compulsory school attendance under State law and with respect to whom there is eligibility for payment under the State plan is a full-time elementary or secondary school student or has completed secondary school...”</i>	Requires child welfare agencies to ensure that every school-age child in foster care & every school-age child receiving a payment under an adoption or guardianship agreement is enrolled full-time in an elementary or secondary school or has completed secondary school.	

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Title II: Improving Outcomes... (cont.)	Health Care of Children in Foster Care	State Plans for Child Welfare Services Sec. 422	Amends Sec. 422 by amending paragraph (15) of subsection (b) " Each plan for child welfare services under this subpart shall—" to the following: (A) <i>provides that the State will develop... in consultation with pediatricians, other experts in health care, and experts in and recipients of child welfare services, a plan for the ongoing oversight and coordination of health care services for any child in a foster care placement, which shall... include an outline of—(i) a schedule for initial and follow-up health screenings...; (ii) how health needs identified through screenings will be monitored and treated; (iii) how medical information for children in care will be updated and appropriately shared...; (iv) steps to ensure continuity of health care services...; (v) the oversight of prescription medicines; and(vi) how the State actively consults with and involves physicians or other appropriate medical or non-medical professionals in assessing the health and well-being of children in foster care and in determining appropriate medical treatment for the children;...</i> "	Requires states to develop a plan for the ongoing oversight and coordination of health care services for any child in foster care. In developing the plan, states must coordinate with the state Medicaid agency and consult with pediatricians, other health care experts, child welfare experts, and recipients of child welfare services.	
	Title III: Tribal Foster Care...Access	Foster Care & Adoption Assistance Program Funding	Title IV-E Program: Federal Payments for Foster Care and Adoption Assistance	Amends Title IV-E Foster Care and Adoption Assistance Program to include " <i>Equitable Access for Foster Care and Adoption Services for Indian Children in Tribal Areas</i> " by adding new section: " <i>479B. Programs Operated By Indian Tribal Organizations.</i> "	Allows tribes to receive direct funding to operate Title IV-E foster care and adoption assistance programs for children under their jurisdiction.

Provision		Title IV-E Program Section Amended	Fostering Connections to Success & Increasing Adoptions Act Amendment	New Services & Supports Provided	Impact on State Independent Living Programs & Indian Child Welfare Programs
Title III: Tribal Foster Care and Adoption Access (continued)	Independent Living Program Funding	John H. Chafee Foster Care Independence Program (CFCIP): Sec. 477	Amends CFCIP to include <i>“Authority to Receive Portion of State Allotment as Part of an Agreement to Operate the John H. Chafee Foster Care Independence Program”</i> by adding to Sec. 477 the following subsection: <i>“(j) Authority for an Indian Tribe, Tribal Organization, or Tribal Consortium to Receive an Allotment.”</i> Tribal allotments based on <i>“(5) Tribal Foster Care Ratio - the ratio of (A) the number of children in foster care under the responsibility of the [tribe]...to (B) the sum of (i) the total number of children”</i> in state foster care <i>“and (ii) the total number of children in foster care under the responsibility of all Indian tribes... in the State...”</i>	Allows tribes to access a portion of the state’s CFCIP funds to provide independent living services for tribal youth in the state. Tribes with an approved Title IV-E plan or a Title IV-E agreement or contract with a State may apply for an allotment of CFCIP and ETV funds.	
	Technical Assistance	Technical Assistance; Data Collection and Evaluation Sec. 476	Amends Section 476 by adding the following subsection: <i>“(c) Technical Assistance and Implementation Services for Tribal Programs,”</i> which allows for <i>“technical assistance and implementation services that are dedicated to improving services and permanency outcomes for Indian children and their families”</i> to be provided to Indian tribes. Technical assistance and implementation services include: <i>“information, advice, educational materials, and technical assistance...with respect to the types of services, administrative functions, data collection, program management, and reporting... required under State plans...”</i>	Provides funding for technical assistance (TA) to assist tribes in the development of Title IV-E programs (foster care, adoptive, and independent living services). Funding for TA will be available for fiscal year 2009. One time grants not exceeding \$300,000 will be available to tribes to assist in Title IV-E plan development.	

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Title IV: Improvement of Incentives for Adoption	Adoption Incentive Program	Adoption Incentive Payments Sec. 473A	Amends Sec. 473A by: 1) providing a 5 year program extension by striking "1998 through 2007" and inserting "2008 through 2012" in subsection (b)(5); 2) increasing incentive payments for special needs and older child adoptions by striking "\$2,000" and inserting "\$4,000" in subparagraph B of subsection (d)(1) and striking "\$4,000" and inserting "\$8,000" in subparagraph C of subsection (d)(1); and 3) providing an additional incentive payment for adoption rates by adding a new paragraph "Increased Incentive Payment for Exceeding the Highest Ever Foster Child Adoption Rate" in subsection(d).	Extends Adoption Incentive Program five more years; Doubles incentive awards from \$2,000 to \$4,000 for special needs adoptions and from \$4,000 to \$8,000 for older child adoptions; Enhances incentives to promote adoption of children in foster care by awarding state an additional \$1000 per adoption above state's highest recorded adoption rate since 2002.	