Fostering Connections to Success and Increasing Adoptions Act: Opportunities & Implementation


April 24, 2009
How the Act Came to Be

- Built upon existing proposals over the last several years
- Responded to gaps post-Adoption and Safe Families Act
- Generated broad bipartisan/bicameral support
- Benefitted from the voices of youths, relative caregivers and others directly affected
- Represented consensus among stakeholders
- It was paid for – costs were fully offset
Why the Act is Significant

- Helps achieve better outcomes for children and youth and addresses racial disparities
- Recognizes the federal/state partnership needed for real change for children and youth
- Can make a real difference in children’s lives once implemented
- Helps to generate broader interest in children in foster care in the states
Why the Act is Significant (2)

- Builds momentum for additional federal improvements to enhance child and family outcomes in prevention, specialized treatment, post-permanency services, workforce improvements, and enhanced accountability
Overview

Promotes Family Connections

- Identification of and notice to grandparents and other relatives
- Federal support for state Kinship Guardianship Assistance Programs*
- Kinship Navigator and other Family Connection Grants*
- Reasonable efforts to maintain sibling connections
- Case-by-case waivers of non-safety licensing standards for relative homes*
Overview (2)

- Expansion of training for relative guardians*
- Enhanced incentives for adoptions of older youth and other children with special needs*
- Increased federal support for adoption assistance

Assists Older Youth

- Continuation of federal support for youth in foster care, adoption assistance, and guardianship to age 21*
- Development of transition plan
Promotes Health and Education

• Development of health oversight and coordination plan
• Assurance children in foster care remain in their original school and that children in foster care, guardianship and adoption attend school
Overview (4)

Increases Supports for American Indian Children

- Expanded protections and supports for American Indian children in foster care, adoption assistance, or guardianship through direct application for IV-E funds*
Overview (5)

Expands Federal Support for Training

• Increased Title IV-E funds for relative caregivers, private agency staff, judges, attorneys, guardian ad litems, and other court appointed special advocates*

* Optional for states
Kinship Guardianship Assistance Program

- State *option* to use Title IV-E funds for assistance to children who leave foster care for legal guardianship with a relative who they lived with in foster care (similar to adoption assistance)
  - Non-recurring costs of guardianship establishment (up to $2,000)
  - On-going financial assistance – up to foster care amount
Kinship Guardianship Assistance Program (2)

- Children receiving guardianship assistance are eligible for Medicaid
- States will be able to claim reimbursement on the first day of the quarter in which a state plan amendment is submitted
Guardianship Assistance: Eligible Children

- “Eligible for” Title IV-E foster care maintenance payments for at least 6 consecutive months while living with *prospective* relative guardian
- Strong attachment to prospective guardian
- Reunification and adoption are not appropriate permanency options
- Siblings of children also eligible if placed in same guardianship arrangement (even if not otherwise eligible)
Guardianship Assistance: Eligible Children (2)

- Children 14 and older must be consulted about guardianship
- Some youths eligible beyond 18
  - Youths with “mental or physical handicap” to age 21 (Effective 10/1/10)
  - Youth who leave legal guardianship at 16 or older may be eligible to 19, 20, 21 if state opts to do so (Effective 10/1/10)
Guardianship Assistance: Eligible Children (3)

- Children receiving guardianship assistance on 9/30/08 under a waiver are grandfathered in, even if state does not take the option
Guardianship Assistance: Eligible Guardians

- Must be a “relative” (not defined)
- Have a strong commitment to caring permanently for the child
- Must have cared for child for at least 6 consecutive months in relative’s home
- Licensed as foster parent (for child to be eligible for Title IV-E foster care maintenance payments)
- Must enter into kinship guardianship assistance agreement with the state
- Must assume legal guardianship
Guardianship Assistance: Other

- Case plan must document:
  - Steps to determine return home or adoption are not appropriate
  - Why guardianship is in child’s best interest and how child qualifies
  - Efforts to discuss adoption with prospective relative guardian
  - Efforts to discuss guardianship arrangements with parents
Guardianship Assistance: Other (2)

- Kinship guardianship assistance agreement must be established between state and prospective guardian before guardianship is established.
- Payment may not exceed foster care maintenance.
- Requires transition plan for youth within 90 days prior to leaving foster care or ceasing to receive Chafee services.
- Youth who enter into kinship guardianship assistance agreement after 16th birthday are eligible for independent living services and education and training vouchers.
Examples of Pending Questions

- How is “relative” defined?
- Can children who have already left foster care with relative guardians become eligible?
- Does a relative home have to be fully licensed before the “six months” can begin?
- For further information, see a new guide by 18 national organizations: “New Help for Children Raised by Grandparents and Other Relatives: Questions and Answers About the Fostering Connections to Success and Increasing Adoptions Act of 2008” (visit www.childrensdefense.org/FCSIAAguide)
Why Do It?

- Children need help now
- Children will benefit from permanent families
- Research shows children will otherwise remain in foster care at state cost
- Cost savings can be recognized with decreased administrative expenses
- Special opportunities for certain children in child welfare waiver states (IL, IW, MN, OR, WI, TN)
Notice to Relatives

- State child welfare agency must exercise *due diligence* to identify and provide notice to all adult relatives (with domestic violence exceptions) within 30 days of child’s removal from parent(s) custody
- Notice must describe:
  - That the child is/has been removed from parent(s) custody
  - Options for relatives to participate in care/placement of the child
  - Requirements to become foster care providers and obtain available services and supports
  - How to enter into a kinship guardianship assistance agreement (if state has chosen this option)
Notice to Relatives (2)

- Consequences if relatives do not respond to the notice
- Child welfare agencies may now access the Federal Parent Locator Service (FPLS) to locate children’s parents to assist in relative search
- Federal and state governments use FPLS primarily to establish, collect and enforce child support obligations
- Authorized persons in state child welfare agency can submit information request to FPLS through their state’s child support agency
Family Connection Grants

- Guarantees $15 million per year:
  - For up to 30 competitive matching grants
  - To state, local or tribal child welfare agencies or non-profit organizations with experience working in foster and kinship care
- Reserves $5 million of these funds specifically for kinship navigator programs
- Other uses include: Family group decision making, intensive family finding, residential family treatment
- Sets aside funds for evaluation and technical assistance
States have the option (as of 10/1/10) to support youth in foster care, kinship or adoptive families to age 19, 20 or 21, 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
Older Youths: Additional Supports

- Maintains current provision allowing states to continue adoption assistance to age 21 for youths with “mental or physical handicap” and extends the same for youths in kinship guardianship (as of 10/1/10)
- Permits youth 18 and older to be placed in “supervised independent living setting” (to be defined by regulation)
- Children 16 and older who are adopted from foster care, or who enter into legal guardianship with a relative, are eligible for Chafee independent living services and education and training vouchers beyond 18.
Older Youths: Transition Plans

- Requires personal transition plan for youth within 90 days prior to leaving foster care or before they stop receiving Chafee independent living services
- Must be as detailed as youth chooses
- Must include specific options on housing, health insurance, education, mentors and continued supports, and employment services
Examples of Pending Questions

- How should a “supervised setting in which the individual is living independently” be defined? (HHS must define in regulations.)
- How can states retain eligibility under Title IV-E for youths who leave care at 18 and later want to return to care in order to benefit from the ongoing assistance for older youths?
- What various types of assistance for these older youths beyond room and board can be supported by the new federal funds?
Why Do It?

- Increases chances for success for older youths in care
  - Promotes continuing education
  - Reduces risk of teen pregnancy
  - Increases opportunities for establishing family and community connections
- Offers a return of about $2.40 for every $1 invested based only on the expected increase in college completion
- Offers states that already extend support to youths beyond 18 savings in state expenditures
Which Improvements Come With Federal Dollars?

- Family Connection Grants ($15 million/year; 75% federal in Yrs. 1&2; 50% Yr.3)
- Provision of federal funds for transporting IV-E eligible children to their original school (FMAP rate for IV-E children only)
- Federal reimbursement for kinship guardianship assistance payments (FMAP rate for eligible children; may already be getting FMAP for these children in foster care)
- Adoption Incentive Program (Financial reward possible if adoptions of special needs children exceed the new baseline or rate increase)
Which Improvements Come With Federal Dollars? (2)

- Federal reimbursement to keep older youth in care beyond their 18th birthday (FMAP rate for eligible youth) ($186 million over 3; $735 million over 8)
- Federal reimbursement for adoption assistance payments for more children with special needs (FMAP rate and admin. Rate for more children with special needs who are adopted; phased in between FY 2010 and FY 2018; $1.432 billion during that period)
Which Improvements Come With Federal Dollars? (3)

- Implementation and technical assistance grants related to improving outcomes for Indian children and increasing access to IV-E assistance to Indian Tribes considering direct IV-E funding ($3 million a year)
- Authority for Indian Tribes and tribal consortia to receive direct Title IV-E funding ($237 million between FY 2010 and FY 2018)
- Expanding eligibility for IV-E training ($138 million over 5, $142 million over 10)
What Key Questions Should States be Asking?

• How will it benefit our children? How many?
• Is the policy rationale consistent with directions we want to take for children?
• To what extent are we already doing it? How are we paying for it?
• What new state or local costs will we face?
• What are we already spending?
• What can be said about cost-effectiveness, both short and long term?
• What will it cost not to implement the improvement?
For Further Information

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