DEPARTMENT OF CHILDREN AND FAMILIES
ISSUE BRIEF

ISSUE: The New Federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351)

Background:

This federal act is designed to connect and support relative caregivers, improve outcomes for children in foster care, and improve incentives for adoption. It will provide state options for subsidized guardianship payments for relatives, incentives for adoption, adoption assistance, kinship "navigator" or search programs, new family connection grants, and federal support for youth to age 21.

Kinship Guardianship Assistance Payments for Children

This law gives States the option to provide kinship guardianship assistance payments on behalf of children to grandparents and other relatives who assume legal guardianship of the children, and states will be able to use federal title IVE funds for this purpose. Children exiting foster care for relative guardianship or adoption after the age of 16 are eligible for independent living services and education and training vouchers. Children receiving kinship guardianship assistance payments are eligible for Medicaid.

Family Connection Grants

The federal overseeing agency, the Department of Health and Human Services, may make matching grants to child welfare agencies and private non-profit organizations to help children, who are in or at risk of entering foster care, to reconnect with family members.

Notification of Relatives

Within 30 days after the child has been removed from parental custody, the state shall exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of the child. The notice will be sent to any other adult relatives suggested by the parents, subject to exceptions related to domestic violence.

Licensing Standards for Relatives

Allows for a waiver of licensing standards on a case-by-case basis for relative foster family homes.

State Option for Foster Children After Age 18

Effective October 10, 2010, the state has the option to extend foster care and adoption assistance programs to any child up to age 21 if the individual is:

- completing secondary education or equivalent;
- enrolled in an institution which provides post-secondary or vocational education;

- participating in a program to promote or remove barriers to employment; or
- employed for at least 80 hours per month

Transition for Children Aging Out of Foster Care

During the three-month period leading to the child turning 18 (or greater as the State may elect) a caseworker must provide the child with assistance and support in developing a transition plan.

Training to Child Welfare Agencies, Guardians, and Court Personnel

Each state with an approved plan is entitled to a payment of 75 percent of expenditures (including travel and per diem expenses) for the short-term training of current or prospective foster or adoptive parents. Relative guardians, court personnel and child welfare agency staff are added to this provision as well.

Educational Stability

Each child's state case plan must include:

- Assurances the placement of the child in foster care takes into account the current educational setting and proximity to school;
- An assurance the state agency has coordinated with local educational agencies to ensure the child remains in school;
- if remaining in such school is not in the best interests of the child, assurances by the state and local agencies to provide immediate enrollment and transfer of records to a new school; and
- Consideration of reasonable travel for the child to remain in his or her current school.

Health Oversight and Coordination Plan

The state will develop a plan, in consultation with pediatricians and other experts, for the oversight and coordination of health care services for foster care youth. The plan must also include consideration of mental health and dental health needs.

Sibling Placement

For all placements, the state must make a "reasonable effort" to place siblings in the same foster care, kinship guardianship, or adoptive placement. If the siblings are removed from their home and not jointly placed, the state must make a "reasonable effort" for frequent visitation or other ongoing interaction. The state does not have to make a "reasonable effort" if the state documents that such a joint placement or continued interaction would be contrary to the safety or well-being of any of the siblings.

Adoption Incentives Program

The Adoption Incentives Program is extended through 2013. Incentive payments for special needs adoptions and older child adoptions are increased.

Effective Date

The provisions in this act shall take effect on the date of enactment of this Act. A delay is permitted if state legislation is required by an approved plan.