



## The Fostering Connections to Success and Increasing Adoptions Act of 2008 Offers Help to Children Raised by Relatives

- The Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893/P.L. 110-351) will help hundreds of thousands of children in foster care and those at risk of entering foster care. In particular, it will offer new support to many children who are being raised by their grandparents and other relatives because their parents cannot care for them. The Act's kinship provisions draw heavily from the Kinship Caregiver Support Act, long championed by Senators Clinton (D-NY) and Snowe (R-ME) and Representatives Davis (D-IL) and Johnson (R-IL) and others.
- The Fostering Connections to Success and Increasing Adoptions Act helps different groups of kinship care families in various ways. The Act offers:
  1. **Notice to Relatives When a Child is about to Enter Care.** State child welfare agencies must provide notice, within 30 days of the removal of any child from the custody of the child's parents, to all adult grandparents and other relatives of the child. The act allows for exceptions in situations of family or domestic violence. This notice allows grandparents and other relatives to get involved early in the child's care, as sometimes relatives can keep the child out of foster care. The Act also allows child welfare agencies to obtain state and federal child support data, including information to help locate children's parents and other relatives.
  2. **Grants for Kinship Navigator Programs and Other Activities to Engage Family Members.** New Family Connection Grants will connect children in or at risk of entering foster care to family. \$5 million of the \$15 million in annual guaranteed funding for the grants is reserved for Kinship Navigator programs. These programs will help link relative caregivers, both in and out of foster care, to a broad range of services and supports for their children and themselves. It also will help agencies more effectively and efficiently serve kinship care families. State agencies, agencies serving large metropolitan areas, Indian tribal organizations, and private non-profit organizations with experience serving children in foster care or kinship care may apply for the competitive grants. Funding can also be used for intensive family-finding efforts, family group decision making meetings, and residential family substance abuse treatment programs, all of which engage family members.
  3. **Federal Support to States for Kinship Guardianship Assistance.** State child welfare agencies will have the option to use federal funds for kinship guardianship assistance to help children leave foster care to live permanently with relatives. The children must have been cared for by prospective relative guardians in foster care for six consecutive months and the children must be eligible for federal foster care payments in the home of the relative caregiver. Before offering kinship guardianship assistance, state agencies must

determine that reunification and adoption are not appropriate options for these children. They must document efforts to discuss adoption with the relatives and kinship guardianship with the child's birth parent. Children ages 14 and older must be consulted about guardianship arrangements. Children living with relative guardians will be eligible for Medicaid and a cash payment that may not exceed the foster care payment. Generally, children are eligible to receive guardianship assistance to age 18. However, in certain circumstances, children may be eligible to continue to receive guardianship assistance to age 21. Currently 37 states and the District of Columbia have subsidized guardianship programs. Federal support for such programs will help them reach more children. All children receiving support for subsidized guardianship payments and services in a state under a federal child welfare waiver on September 30, 2008 will be automatically eligible to continue this support if the state decides to provide kinship guardianship assistance under the act.

4. **Keeping Siblings Together.** State child welfare agencies must make reasonable efforts to place siblings in the same foster care, kinship, or adoptive home or to maintain connections among siblings, unless it would be contrary to their safety or well being to do so. Siblings may be covered by kinship guardianship assistance even if not all are eligible individually.
5. **Helping to Keep Children in School.** State child welfare agencies must assure that every school-age child in foster care or receiving kinship guardianship or adoption assistance is enrolled full time in school. In addition, while making placement decisions for a child in foster care, child welfare agencies must help to keep the child in his or her original school, when it is in the child's best interest, or assist with a prompt transfer to a new school.
6. **Eligibility for Independent Living Services and Education and Training Vouchers.** For the first time, children who leave foster care after age 16 for kinship guardianship will now be eligible for education and training vouchers for higher education or other vocational training. (Currently children who remain in foster care or are adopted at age 16 or older from foster care are eligible for this help.) The law clarifies that these children will also be eligible for independent living services.
7. **Clarifies That States May Waive Non-Safety Related Licensing Standards for Relative Homes On a Case-by-Case Basis.** Currently certain licensing standards applied to all foster parents create special barriers for foster parents who are related to the child. Most often these rules are related to physical conditions in the home, such as requirements that there be a separate bedroom for each child or a certain amount of square footage in the home. Current guidance clarifies that such standards can be waived in individual cases, but now it is explicit in this new law. The new law also requires the Department of Health and Human Services to report to Congress on the use of licensing waivers and recommendations for increasing the percentage of relative foster family homes that are licensed.

October 14, 2008

*For further information on the Fostering Connections to Success and Increasing Adoptions Act, please contact Beth Davis-Pratt of the Child Welfare and Mental Health Team at the Children's Defense Fund at [edavis-pratt@childrensdefense.org](mailto:edavis-pratt@childrensdefense.org) or 202-662-3629 or Tiffany Conway at the Center for Law and Social Policy at [tconway@clasp.org](mailto:tconway@clasp.org) or 202-906-8026.*