

AB 154 (Evans)

Federal Law: Adoption Assistance

(As Amended 04/01/09)

SUMMARY

AB 154 would implement federal provisions included in House Resolution (H.R.) 6893, which increase incentives in current law to promote the adoption of children in foster care, particularly those with special needs and older youth.

BACKGROUND

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (H.R. 6893 / P.L. 110-351), signed into law in October 2008, reauthorizes several programs that would have expired without reauthorization including the Adoption Incentives Program. H.R. 6893 also provides state options for subsidized guardianship payments for relatives, incentives for adoption, adoption assistance, kinship navigator programs, new family connections grants, and federal support for youths to age 21. In addition, H.R. 6893 creates new requirements with regard to relative notification, educational stability, health oversight and coordination, sibling placement and informing foster parents about tax credits.

Under H.R. 6893, changes to the Adoption Incentives Program include:

- Reauthorization through Fiscal Year (FY) 2013 at \$43 million annually.
- A change in the baseline year for measuring a state's increased number of adoptions from FY 2002 to FY 2007. Under the original program, after a significant initial increase in adoptions, a number of states could no longer receive the incentive.
- An increase in the award amount of incentive payments to states from \$4,000 to \$8,000 for adoptions of older children age 9 and older.
- An increase in the award amount from \$2,000 to \$4,000 for adoptions of special needs children in foster care.
- Keeps the current standard of \$4,000 for all other foster care adoptions.
- Allows states to receive an additional payment of \$1,000 per adoption if the state's adoption rate exceeds its highest recorded foster child adoption rate since 2002.
- The Aid to Families with Dependent children (AFDC) eligibility requirement, which stipulates that the biological parents of the child in question must have been eligible for AFDC as of July 16, 1996, is completely eliminated by FY 2018. Beginning in FY 2010, the test for eligibility is eliminated for children age 16 or older, and any child who has been in care for 60 consecutive months. In each succeeding fiscal year, the age threshold for children is reduced by 2 years. Under current law, only children removed from families meeting the outdated 1996 AFDC income standard are eligible for adoption assistance. This requirement has resulted in a steady erosion of federal support for adoptions of special needs children.
- The savings that result for states from the increased federal adoption assistance must

be reinvested in child welfare services, including post adoption services (Title IV-B and Title IV E of the Social Security Act).

- Children who are adopted at age 16 and older are eligible for independent living services and education and training vouchers.
- States must inform all individuals considering adoption of their potential eligibility for the federal and state adoption tax credits.

THIS BILL

Specifically, AB 154:

- 1) Requires, in accordance with federal law, that any savings in state funds realized from the change in federal funding for adoption assistance be spent on foster care and adoption services
- 2) Requires DSS or a licensed adoption agency to inform the prospective adoptive family of their potential eligibility for a federal tax credit
- 3) Amends Welfare and Institutions Code Section 16131 is also amended to have state statutes conform to P.L. 110-351, the Fostering Connections to Success and Increasing Adoptions Act of 2008.

SUPPORT

American Federation of State, County and Municipal Employees (AFSCME)

Youth Law Center

California Youth Connection (CYC)
Family Law Section, State Bar of California

Academy of California Adoption Lawyers

California Adoption Lawyers, ACAL

OPPOSITION

None received.

FOR MORE INFORMATION

Celia Mata, Legislative Director
Assemblymember Noreen Evans
(916) 319-2007
(916) 319-2107 Fax
Celia.Mata@asm.ca.gov