



KEY FACTS: AN OVERVIEW OF FOSTERING CONNECTIONS
DISCUSSION DRAFT
CALIFORNIA WORKING FAMILIES POLICY SUMMIT
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INTRODUCTION

The Fostering Connections to Success and Increasing Adoptions Act of 2008, H.R. 6893/P.L. 110-351, is an omnibus child welfare law designed to improve the well-being of children in foster care and provide them with greater permanence. The Act was passed with wide bi-partisan support and represents the work of hundreds of individuals and organizations around the country who came together to identify and agree on the most important federal policy changes that would make a difference in the lives of children and families served by the child welfare system. The Act:

- Increases incentives for adoption, particularly for children with special needs and older youth in foster care
- Extends federal Adoption Assistance to cover more children with special needs who are adopted from foster care.
- Offers federal funding to support children who can leave foster care through guardianship with grandparents or other relatives.
- Makes it easier for relatives to care for children when parents are unable to by requiring states to notify relatives when children are removed from their parents, providing grants to support family connections, and clarifying that states can waive non-safety licensing requirements for relative caregivers on a case-by-case basis.
- Provides American Indian children equitable access to foster care, adoption, and child welfare services by allowing tribes direct access to federal funding.
- Increases opportunities for success for older youth by providing federal foster care payments beyond the age of 18 (up to the age of 21), and by providing independent living services and education and training vouchers for youth who leave foster care for adoption or guardianship after their 16th birthday.
- Improves educational opportunities for children in foster care by requiring case plans to address educational stability.
- Improves oversight and coordination of health care by requiring states work with pediatricians, other health and child welfare experts, and recipients of child welfare services to develop a plan to identify and respond to the health care needs of children in foster care.
- Expands training opportunities for relative guardians, staff in private agencies, court personnel, attorneys and other advocates for children by increasing the training that qualifies for federal assistance.¹

TITLE I—CONNECTING AND SUPPORTING RELATIVE CAREGIVERS

Federal Law¹	Implementation Issues²	Related California Law
Sec. 101. Kinship guardianship assistance payments for children. 42 U.S.C § 671(a)(28).	Allows California to obtain federal financial participation for qualifying placements with relative guardians.	California operates the Kin-GAP Program with state and county funds. Welf. & Inst. Code §§ 11360 – 11376.
Sec. 102. Family connection grants. 42 U.S.C. § 627.	Allows California to apply for federal funds for specified programs.	
Sec. 103. Notification of relatives. 42 U.S.C § 671(a)(28).	Requires due diligence to identify and notify grandparents and other adult relatives within 30 days after removal, subject to family or domestic violence exceptions.	<p>If no parent or guardian lives in California or if their address is unknown, notice of the initial dependency must be provided to an adult relative living in the county or nearest to the court. Welf. & Inst. Code § 290.2(a)(6).</p> <p>Parents can be ordered to disclose to the social worker the names, residences, and other identifying information of maternal and paternal relatives of the child. Welf. & Inst. Code § 319(f)(3).</p> <p>Under specified circumstances, a search for relatives is authorized after the disruption of an adoption. Welf. & Inst. Code § 361.3(f).</p> <p>California law contains numerous provisions related to relative placements and preferences, <i>e.g.</i>, Family Code § 7950(a)(1), Welf. & Inst. Code §§ 309(d), 319(f), 361.2(e), 361.3, 16000(a), 16501.1(c)(1).</p>
Sec. 104. Licensing standards for relatives. 42 U.S.C. § 671(a)(10).	Permits states to waive non-safety licensing standards for relative foster family homes on a case-by-case basis for specific children in foster care.	Relatives must meet licensing standards, Welf. & Inst. Code §§ 309(d), but licensing agencies can approve alternatives that are not detrimental to the health and safety of a child. 22 Cal. Code Regs. § 80024. Relatives and members of their household must pass a background check. Welf. & Inst. Code § 361.4.

Sec. 105. Authority for comparisons and disclosures of information in the Federal Parent Locator Service for child welfare, foster care, and adoption assistance program purposes. 42 U.S.C. § 653.	Permits state child welfare services more direct access to the Federal Parent Locator Service.	
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TITLE II—IMPROVING OUTCOMES FOR CHILDREN IN FOSTER CARE

Federal Law	Implementation Issues	Related California Law
Sec. 201. State option for children in foster care, and certain children in an adoptive or guardianship placement, after attaining age 18. 42 U.S.C. §§ 672(c)(2), 673(a)(4), 675(8).	Allows federal financial participation for AFDC-FC (foster care payments) and Adoption Assistance (AAP) (and Kinship Guardianship Assistance if that option is selected) for eligible youth up to age 21.	AFDC-FC and Kin-GAP end at age 18, or 19 if youth is in school or training and reasonably likely to complete education or training or obtain high school equivalency by age 19. Welf. & Inst. Code §§ 11363, 11401 & 11403. Adoption assistance ends at age 18, or 21 if the youth has a mental or physical handicap that warrants continuation of assistance. Welf. & Inst. Code § 16120(d).
	Requires the creation of a new placement option for youth over 18 who are living independently in a supervised setting.	AFDC-FC placement options reflect current federal law. Welf. & Inst. Code § 11402.
	Provides eligibility for independent living services and education and training vouchers for children who leave foster care for relative guardianship or adoption after their 16 th birthday.	Provides ILP eligibility for youth in KinGAP regardless of when the youth entered the KinGAP program. Welf. & Inst. Code § 11375.
Sec. 202. Transition plan for children aging out of foster care. 42 U.S.C § 675(5)(H).	Requires assistance and support in the development of a transition plan, with specified options, within the 90-day period before a child turns 18 (or greater age if the state takes the new federal option and terminates foster care benefits at greater age).	Youth are involved in the development of transition, permanency, and case plans. Welf. & Inst. Code §§ 10609.4(b)(1)(E) & (G), 16001.9(a)(19), 16500.1(b)12. Specified conditions must be met before the court terminates jurisdiction for youth who have reached the age of majority. Welf. & Inst. Code § 391.

Federal Law	Implementation Issues	Related California Law
Sec. 203. Short-term training for child welfare agencies, relative guardians, and court personnel. 42 U.S.C. § 674(a)(3)(B).	Expands training available for federal financial participation.	The legislature has established a Foster Children and Parent Training Fund and has authorized CDSS to develop an enhanced statewide basic foster parent training program. Welf. & Inst. Code §§ 903.7 & 903.8. The legislature has also established a child welfare training program for county child protective services workers. Welf. & Inst. Code §§ 16205-16208.
Sec. 204. Educational stability. 42 U.S.C §§ 671(a)(30); 675(1)(G) and (4)(A).	Allows federal financial participation for the cost of reasonable travel to allow the child to remain in the school in which he or she was enrolled at the time of placement.	AFDC-FC payments do not include the cost of travel for education purposes. Welf. & Inst. Code § 11460(b).
	<p>Requires each child’s case plan to include a plan for assuring the educational stability of the child while in foster care, including assurances:</p> <p>(1) that the placement has taken into account the appropriateness of the current education setting and proximity to the school in which the child is enrolled at the time of placement;</p> <p>(2) that the child welfare agency has coordinated with appropriate local education agencies to ensure the child remains in the school in which the child was enrolled at the time of placement; and</p> <p>(3) by the child welfare agency and local education agencies to provide immediate and appropriate enrollment in a new school, with all of the education records of the child provided to the school, when remaining in the school of origin is not in the child’s best interest.</p>	<p>Case plans must provide for placement in close proximity to the child’s school, consistent with the child’s special needs and best interests. Welf. & Inst. Code § 16501.1(c).</p> <p>The legislature has expressed its intent that child welfare and education agencies cooperate. Ed. Code § 48850(a); Welf. & Inst. Code § 16000(b).</p> <p>Children are permitted to remain in their school of origin until the end of the school year, if it is in their best interest. Ed. Code § 48853.5(d).</p> <p>Foster children have the right to immediate enrollment in a new school. Ed. Code § 48853.5.</p>

Federal Law	Implementation Issues	Related California Law
	Requires an assurance that school-aged children in foster care or receiving adoption assistance or subsidized guardianship payments are enrolled in school or have completed secondary school.	<p>Case plans must include specified education information. Welf. & Inst. Code §§ 706.6(j), 16010.</p> <p>Social workers must make certain that arrangements for and monitoring of the child’s educational progress while in placement are undertaken. MPP 31-405(o).</p> <p>Care providers must ensure educational services are provided, including attendance at an educational program in accordance with state law. <i>See, e.g.,</i> 22 Cal. Code Regs. 84079(a)(4).</p>
Sec. 205. Health oversight and coordination plan. 42 U.S.C. § 622(b)(15)	Requires each state to develop a plan for the ongoing oversight and coordination of health care services for any child in foster care, including a strategy to identify and respond to the health care needs of children in foster care placements, including mental health and dental services.	<p>State law implements the current federal requirement that each child’s case plan include specified health information. Welf. & Inst. Code §§ 706.6(j); 16010. The court can authorize some health care services. <i>See, e.g.,</i> Welf & Inst. Code §§ 369, 369.5, 370, 739, & 739.5.</p> <p><i>Note:</i> The California Foster Children’s Health Task Force, a broad-based interdisciplinary group, created a set of recommendations for a system of health care for children in foster care ten years ago. Karpilow, K. (1998). <i>Code Blue: Health Services for Children in Foster Care</i> (Institute for Research on Women and Families, California State University Sacramento.)³</p>
	The plan must be developed in collaboration with the state Medicaid agency and in consultation with pediatricians, other health care experts, child welfare experts, and recipients of child welfare services.	The Child Welfare Council, which is co-chaired by the California Secretary of Health and Human Services and includes representatives from CDHCS and CDSS, among other agencies and organizations, may provide a forum for development of the required plan. Welf. & Inst. Code §§ 16540 – 16545.

Federal Law	Implementation Issues	Related California Law
Sec. 206. Sibling placement. 42 U.S.C. § 671(a)(31).	Requires states to make reasonable efforts to place siblings together or, when sibling are not placed together, to provide for frequent visitation or other ongoing interaction unless it would be contrary to the safety or well-being of any of the siblings.	Child welfare agencies must make diligent efforts to place children with siblings and maintain relationships among siblings, unless it would be detrimental to the child. Welf. & Inst. Code §§ 366(a)(1)(D), 366.21(e), 16002, 16004, 16501.1(f)(6).

TITLE III—TRIBAL FOSTER CARE AND ADOPTION ACCESS

Federal Law	Implementation Issues	Related California Law
Sec. 301. Equitable access for foster care and adoption services for Indian children in tribal areas. 42 U.S.C § 679B.	Allows tribes to apply for IV-E funding directly, rather through agreements with state agencies.	The director of CDSS is authorized to enter into agreements with tribes regarding care and custody of Indian children and develop allocation methodologies for child welfare services. Welf. & Inst. Code §§ 10553.1, 10553.2.
Sec. 302. Technical assistance and implementation. 42 U.S.C. § 676(c).	Provides technical assistance and grants to tribes to support IV-E plan development.	

TITLE IV—IMPROVEMENT OF INCENTIVES FOR ADOPTION

Federal Law	Implementation Issues	Related California Law
Sec. 401. Adoption incentives program. 42 U.S.C. § 673b.	Extends the adoption incentives program, resets the baseline year, provides payment for increasing the rate of adoption (not just number of adoptions) and increases adoption bonus payments.	
Sec. 402. Promotion of adoption of children with special needs. 42 U.S.C. § 673(a)(2)(A).	Phases out AFDC eligibility criteria for federal financial participation in adoption assistance (FY 2010 – FY 2018.)	Does not include AFDC criteria. California provides adoption assistance (with state funds) for eligible children who do not meet IV-E criteria. Welf. & Inst. Code § 16120.
Sec. 403. Information on adoption tax credit. 42 U.S.C § 671(a)(33).	Requires states to provide information about the federal adoption tax credit to anyone adopting or considering adoption of a child in foster care.	Requires the department or adoption agency to provide information about adoption assistance. Welf. & Inst. Code § 16119.

TITLE V—CLARIFICATION OF UNIFORM DEFINITION OF CHILD AND OTHER PROVISIONS

Federal Law	Implementation Issues	Related California Law
Sec. 501. Clarification of uniform definition of child. 26 U.S.C. §§ 24(a); 152(c)(3).	Clarifies the definition of “child” in the Internal Revenue Code.	
Sec. 502. Investment of operating cash.	Treasury option to reinvest excess operating cash in repurchase agreements.	
Sec. 503. No federal funding to unlawfully present individuals.	Prohibits any interpretation of the bill that would alter current prohibitions on federal payments to individuals who are unlawfully present in the United States.	

RESOURCES ON THE FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008:

Center for Law and Social Policy

<http://www.clasp.org/publications/fctsaiaact2008resources.htm>

Child Welfare League of America

<http://www.cwla.org/advocacy/adoptionhr6893.htm>

Children’s Bureau

http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/2008/pi0805.htm

Children’s Defense Fund

http://www.childrensdefense.org/site/PageServer?pagename=priorities_childwelfare#foster

Congressional Research Service

<http://www.pcsao.org/InTheNews/FosteringConncections/FosteringConnections.pdf>

National Conference of State Legislatures

<http://www.ncsl.org/statefed/humserv/SummaryHR6893.htm>

¹ For a section by section description of the bill provisions, see the CRS Report for Congress. A link to the report is in the resources section.

² Federal regulations and policy will further define the statutory provisions and may raise additional implementation issues.

³ *Code Blue* is available at: <http://www.ccrwf.org/publications/codeblue.pdf>