

LAST UPDATED: FEBRUARY 15, 2024

INTRODUCED LEGISLATION

1. To amend the Internal Revenue Code of 1986 to qualify homeless youth and veterans who are full-time students for purposes of the low-income housing tax credit, [HR 7278](#) (Representatives Davis (IL-D) and Wenstrup (OH-R))

The bill would “fix” a current gap in the Low-Income Housing Tax Credit (LIHTC) to allow homeless youth and veterans to be eligible for housing units funded by the LIHTC even when they are full time students. This would allow more options for affordable housing for homeless youth. (Note that youth with experience in foster care who are full time students are currently eligible for LIHTC units.)

This bill was introduced on February 7th and was referred to the Ways and Means Committee.

2. Guaranteed income for Foster Youth Act, [HR 7083](#) (Representatives Garcia (CA-D), Omar (MN-D), and Lee (CA-D))

The press release can be found [here](#). The bill would amend 42 U.S.C.A. 677 (The Chafee Act) and 42 U.S.C.A. 675 (5) the transition planning requirement in the following ways:

- a. Amends the purpose section of the Chafee Act to allow Chafee funds to be used for a guaranteed income program as described in the new law.
- b. Amends to certification section to require that each IV-E agency certify the following:
 - i. how it intends to support the enrollment of eligible youth in the guaranteed income program and how, within 5 years after the state begins enrolling youth in the program, it will automatically enroll eligible youth as they emancipate;
 - ii. that youth and stakeholders have been widely consulted on the development of the program and enrollment process;
 - iii. that the agency will provide support to eligible youth, including youth with disabilities to enroll in the program;
 - iv. that eligible youth will be offered voluntary financial literacy programs;
 - v. that within 5 years of the state enrolling youth in the program that they are automatically enrolling all youth emancipated from foster care.
- c. The bill describes the guaranteed income program in the following way:
 - i. Individuals eligible for the guaranteed income program include youth who:
 1. were in foster care after attaining 14 years of age;
 2. exited foster care after attaining 16 years of age; and
 3. have not attained 27 years of age.

- ii. Youth should be automatically enrolled in the program.
 - iii. Youth shall receive \$12,000 per year in the program.
 - iv. Youth are eligible for the program for 5 years, beginning the later of the date the youth exits foster care or when this law is enacted.
 - v. The transition planning requirement is amended to require that youth are informed of the guaranteed income program if funded by the state, provided information about the impact, if any, of the benefit on other programs and assistance, and provided assistance in enrolling in the program as part of the transition planning process and that youth with disabilities shall be provided reasonable accommodations in enrollment.
- d. The bill clarifies that the cash benefits provided to a youth under the program shall be disregarded in determining the eligibility of the youth for, and the benefits to be provided to the youth under, any other Federal or federally supported program, and shall not be considered income of the youth for any purpose under any Federal law/
- e. The bill also provides interim and final reporting requirements to Congress related to the impact of the program on participants.

3. Increasing Access to Extended Foster Care Act. [HR 7010](#). *(Representatives Chu (CA-D) & Houchin (IN-R))*

The press release can be found [here](#).

The bill would amend 42 U.S.C.A. 675 (8)(definition of “child”); 42 U.S.C.A. 672 (a)(1)(B)(IV-E foster care maintenance); and 42 U.S.C.A. 671 (state Title IV-E plan) in the following ways:

- a. Makes youth eligible for extended foster care up until turning age 22 (through their 21st year);
- b. Remove the participation requirements (work, school, etc) for extended foster care;
- c. Make all youth in extended foster care IV-E eligible;
- d. Require that states that provide extended foster care offer the option to re-enter foster care between ages 18 and 21;
- e. Require the Administration for Children and Families to develop guidance on best practices for outreaching to youth about extended foster care and re-entry;
- f. Require the Administration for Children and Families to develop guidance, in consultation with the Secretary of Labor, on actions caseworkers can take to connect young people with workforce development services, including, Workforce Innovation and Opportunity Act (WIOA) youth job programs.

4. Find and Protect Foster Youth Act, [S. 1146](#) and [H.R. 2426](#) *(Senators Cornyn (TX-R), Grassley, Capito, Rubio, Blackburn, Tillis, Stabenow, Hassan, Lujan, and Rosen; and Representatives Gonzales, Houchin, Bacon, Newhouse, Mace, Lamborn, Lawler, Langworthy, Brown, Moore, Kamlager-Dove, Scanlon, Casten, Trone, Sewell, Gottheimer, Stanton, Valado)*

The bill passed the Senate on October 30, 2023 by unanimous consent (UC).

The bill would amend 42 U.S.C.A. 676 (Title IV-E) in the following ways:

- a. Since the enactment of the Preventing Sex Trafficking and Strengthening Families Act in 2014, states were required to include in their Title IV-E plan protocols for (1) locating any child missing from foster care, (2) determining the primary factors that contributed to the child running away from foster care or being absent from foster care and responding to those factors in subsequent placements, (3) determining the child’s experiences while absent from foster care, including screening to determine if the child is a possible victim of sex trafficking, and (4) reporting this information as required by the Secretary. States were also required to report, within 24 hours after receiving information that a child is missing, this information to law enforcement in entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children and that the State agency shall maintain regular communication with law enforcement agencies and NCMEC. 42 U.S.C.A. 671 (a)(35)(A) & (B).
- b. Due to concerns with the growing numbers of young people missing from foster care, S 1146 would require:
 - i. That HHS develop an evaluation to determine the effectiveness of the protocols mentioned above, whether states are complying with and enforcing these protocols, and the identifying the obstacles that states face in identifying and locating children missing from foster care.
 - ii. That HHS develop technical assistance tools and support for states to address obstacles to identifying and responding to reports of children missing from foster care and other vulnerable foster youth and providing such children and youth with effective services.
 - iii. That HHS provide states technical assistance and support so that they can improve their protocols for the identification of and the services they provide for youth who return to foster care. The information, advice, educational materials, and technical assistance provided may include information, advice, educational materials, and technical assistance to improve or modify policies and procedures (including relevant training for caseworkers). This technical assistance can also include assistance in using data and other means to assure accountability.
 - iv. That HHS consult with internal and external offices with expertise on sex trafficking, including the Office on Trafficking in Persons of the Administration for Children and Families

5. **Recruiting Families Using Data Act, S. 1313 and H.R. 3058** (*Representatives Kildee, Bacon, Moore, Feenstra, Cherfilus-McCormick; Senators Grasley, Hassan, Wicker, Lujan*)

Ways and Means Subcommittee on Work and Welfare [voted the bill](#) out of committee on November 30, 2023, with unanimous support 42-0.

UPDATE: [Passed House on January 18, 2024](#)

A fact sheet is [here](#). The bill would:

- a. revise and update the existing requirement that a state’s Title IV-E plan include a plan for the diligent recruitment of foster and adoptive families. This plan would now be called a Family Partnership Plan and must be developed in consultation with birth, kinship, foster and adoptive families, community-based service providers, technical assistance providers, and youth with lived experience with foster care and adoption. The Family Partnership Plan must include a description of:
 - i. how the State plans to identify, notify, engage, and support relatives (and others connected to the child) as potential placement resources for children;
 - ii. how the State plans to develop and implement child-specific recruitment plans for every child in or entering foster care who needs a foster or adoptive family;
 - iii. how the State plans to authentically engage children and youth in recruitment efforts on their behalf;
 - iv. how the State plans to use data to establish goals, assess needs, measure progress, reduce unnecessary placements in congregate care, increase permanency, improve placement stability, increase the rate of kinship placements, improve recruitment and retention of families for teens, sibling groups, and other special populations, and align the composition of foster and adoptive families with the needs of children in or entering foster care; and
 - v. how that State will stand up or support foster family advisory boards for the purpose of improving recruitment and retention of foster and adoptive families.

The Family Partnership Plan must include the following annual data collection requirements:

- a. collect and report on the State’s actual foster family capacity and congregate care utilization, including the number, demographics, and characteristics of licensed foster families, including prospective adoptive families, the number of such families that haven’t received a placement or are not being fully utilized and the reasons therefor, and the number, demographics, and characteristics of children placed in congregate care in-State and out-of-State.
- b. a summary of the most recent feedback from foster and adoptive parents and youth regarding licensure, training, support, and reasons why parents stop fostering or why adoptive or legal guardianship placements out of foster care fail or foster and such adoptive or legal guardianship families struggle to meet children’s needs.
- c. report on the State’s analysis of specific challenges or barriers to recruiting, licensing, and utilizing families who reflect the racial and ethnic background of children in foster care in the State, and the State’s efforts to overcome those challenges and barriers.
- d. Amend requirements for the Annual Outcomes Report to Congress to include:

- i. State-by-State data on the number, demographics, and characteristics of foster and adoptive families in the State, and the number of potential foster and adoptive families not being utilized in the State and the reasons why;
- ii. A summary of the challenges of, and barriers to, being a foster or adoptive parent, including with respect to recruitment, licensure, engagement, retention, and why parents stop fostering, adoptions disrupt or dissolve, or foster or adoptive families struggle, as reported by States based on surveys of foster and adoptive parents; and
- iii. A summary of the challenges and barriers States reported on efforts to recruit a pool of families that reflect the racial and ethnic background of children in foster care in the State, and efforts to overcome those barriers.

6. **The Foster and Homeless Youth Food Security Act of 2023, [HR 6423](#)** (*Representatives Davis, Holmes Norton, Jackson Lee, Cleaver, Mullin, Garcia, Brown, Schakowsky, Carson, Moore, Bacon, DeSaulnier, Carter*)

Currently college students receiving SNAP are subject to work requirements with limited exceptions. This bill would:

- a. Amend the Food and Nutrition Act of 2008 to establish a new exemption from SNAP work requirements for foster youth and homeless youth who are enrolled least half time in an institution of higher education;
- b. Incorporate updated definitions for the terms of “foster care individual” and “homeless youth”;
- c. Expand the existing list of food/meals exempted from consideration under SNAP rules to include meals prepared & served by colleges for enrolled foster care or homeless students.

7. **Tribal Family Fairness Act, [H.R. 2762](#)** (*Representatives Bacon, Kamlager-Dove, Davids, Fitzpatrick, Jayapal, Bush, Jackson Lee, Tokuda, Trone*)

The bill would:

- a. amend the MaryLee Allen Promoting Safe and Stable Families program by establishing a minimum grant award for tribes, increasing funds reserved for state court improvement grants, increasing the set-aside for tribes or tribal consortia, exempting certain plans from reporting requirements, allowing funds to be used for tribal customary adoptions, authorizing in-kind contributions to meet tribal matching requirements, and allowing tribal organizations to use the federal negotiated indirect cost rate in lieu of the administrative costs cap.
- b. amend the Stephanie Tubbs Jones Child Welfare Services program by modifying reporting requirements, authorizing in-kind contributions to meet tribal matching requirements, and allowing tribal organizations to use the federal negotiated indirect cost rate in lieu of the administrative costs cap.

8. The Fostering Success in Higher Education Act (FSHE), [S 2849](#) (*Senators Casey, Brown, Smith/Reps Davis & Krishnamoorth*)

A fact sheet can be found [here](#). The bill would:

- a. Invest \$150 million a year in States, tribes, and territories to establish or expand statewide initiatives to assist foster and homeless youth in enrolling in and graduating from institutions of higher education.
- b. Establish formula grants to States based on a state’s share of foster youth and homeless youth among all states, with a \$500,000 minimum grant.
- c. Dedicate 70% of state grants to develop Institutions of Excellence skilled at serving foster and homeless youth.
- d. Direct 25% of State grants to establish intensive, statewide transition initiatives to increase college enrollment by foster and homeless youth.

9. Expanded Coverage for Former Foster Youth, [S 2837](#) (*Senator Casey*)

A fact sheet can be found [here](#). The bill would amend the Medicaid statute to improve Medicaid for former foster youth until age 26 by doing the following:

- a. Expanding coverage and eliminating gaps in coverage by:
 - i. Eliminating the requirement that young people be enrolled in Medicaid when they were in foster care.
 - ii. Providing eligibility to young people who left foster care to a kinship guardianship arrangement at any age.
 - iii. Providing eligibility for youth who were emancipated from foster care prior to age 18.
- b. Requiring the following to improve outreach to eligible young people:
 - i. State Medicaid programs must work with state child welfare agencies to establish outreach and enrollment programs for this coverage.
 - ii. Outreach programs must be run in accordance with best practices established by HHS.

10. Foster Youth Mental Health Act, [S 2836](#) (*Senator Casey*)

A fact sheet can be found [here](#). The bill would amend various sections of Title IV-B:

- a. Amend the research, training or demonstration projects section Title IV-B (42 USCA 626) and
- b. Create a national navigation program to support the mental health and wellbeing of foster youth and former foster youth. The program must serve youth in foster care and youth with

experience in foster care up to age 28 as well as adoptive parents, kinship guardians, and parents. The program must:

- i. Include a 24-hour text line and toll-free hotline.
 - ii. Be staffed by youth who were formerly in foster care and individuals with expertise in helping young people navigate and access service to treat and support their mental health and well-being, insurance coverage and renewal, housing, childcare, skills training and education, extracurricular activities, and other critical services for young people with experience in foster care.
- c. Appropriate funds to create this national program.
- d. Amend the health care coordination plan requirements of Title IV-B (42 USCA 622(b)(15)) to:
- i. Create a set-aside for and expand health planning to ensure states have in place key components of a comprehensive children’s mental health system, including prevention, early intervention, and treatment.
 - ii. The system must include:
 - 1. the use of peer specialists; training of caseworkers on connecting young people with therapeutic supports; therapeutic supports and community-based resources that are appropriate for the needs of youth (including meaningful extracurricular activities and wellness support); processes to address privacy concerns; and planning for continuity of care.
 - 2. protocols for assisting youth access all available mental health services and supports, and community-based resources, such as parenting classes, community-provided financial and in-kind material support, behavioral health care, and community engagement opportunities;
 - 3. that the case plan for a youth who needs treatment includes documentation that options for treatment have been discussed with the youth and a plan for delivery of treatments has been made.
 - 4. Procedures for continuity of care if the youth experienced a placement move.
 - 5. That the transition plan for youth leaving the foster care system at age 18 or older includes a plan for continuity of care.

11. Foster Youth and Driving Act, [HR 1446](#) (Reps. Bacon, Moore, Stauber), and [S 699](#) (Senators Hassan and Young)

The bill would amend Title IV-E, and:

- a. Creates a new program and allocates \$36 million in Chafee funds to pay for costs related to learning how to drive and driving, including car insurance and the purchase of a car.
- b. Ensures that funds provided to young people through this program do not count as income for the purposes of eligibility for any other benefit or aid.

- c. Requires that family foster care parents receive training to support youth in opportunities for driving training and practice, as well as assistance in obtaining a driver's license and car insurance.
- d. Requires that the case and transition plan for youth ages 14 and older include information that the youth is receiving assistance in developing skills related to preparing to drive, including opportunity for practice driving, assistance in obtaining a driver's license and automotive insurance and in applying for driving and transportation assistance.
- e. Requires that states remove any barriers to foster parents providing authorization for youth under age 18 to obtain a driver's license or permit or take driving lessons.
- f. Requires that state shall work to remove barriers to obtaining a driver's license and appropriate insurance for youth under the age of 18, such as addressing liability and insurance ls to allow minor youth to more easily obtain a license.

12. SSI Savings Penalty Elimination Act, [S 2767](#) and [HR 5408](#) (Senators Brown and Cassidy/Reps. Higgins and Fitzpatrick)

The bill would raise the asset limit for individuals receiving SSI from \$2,000 to \$10,000 and from \$3000 to \$20,000 for couples and index both to inflation.

LEGISLATION NOT YET INTRODUCED

1. **Timely Mental Health for Foster Youth Act** *(Senator Stabenow/Rep. Thanedar)*

Sponsors are actively seeking feedback on this bill with plans of re-introducing this bill, however, we believe there is opportunity right now for feedback to fine tune the bill.

This bill was last introduced in 2022 as [S 836](#) / HR 2033. The bill would amend the requirement for a health oversight and coordination plan in Title IV-B. It would require that the plan now include:

- d. that an initial mental health screening of any child in foster care be completed not later than 30 days after the date the child enters into foster care and, in the case of any child in foster care for whom a mental health issue is identified in such initial screening, that a comprehensive assessment of the mental health of the child be completed not later than 60 days after the date the child enters into foster care”
- e. how health needs identified through such screenings and assessments will be monitored and treated for the duration of a child’s placement in foster care, including through annual mental health screenings, with respect to emotional trauma associated with a child’s maltreatment and removal from home, and, as appropriate, follow-up assessments and treatment.

2. **The Higher Education Access and Success for Homeless and Foster Youth Act (HEASHFY)** *(Senator Murray/Rep. Clark)*

This bill should be introduced soon as the sponsors and asking for letters of support. A HEASHFY fact sheet from the last session of Congress may be found [here](#). The bill text of HEASHFY from the last session of Congress may be found [here](#).

This bill would:

- a. require institutions of higher education to develop a plan to assist and give priority to homeless and foster youth for any on-campus housing during and between academic terms.
- b. Designate liaisons at each institution of higher education to assist homeless and foster youth in accessing student support services and community resources.
- c. Prioritize homeless and foster youth in Federal Work-Study positions.
- d. Provide homeless and foster youth in-state tuition rates to reduce barriers to college attendance due to lack of financial support, particularly when they haven’t had stable residency.
- e. Facilitate the recruitment, participation, and retention of homeless and foster youth in the TRIO and GEAR UP college access programs.