

Fostering Connections to Success and Increasing Adoptions Act (PL 110-351)

On October 7, 2008, in response to the growing need for federal foster care reform, President George W. Bush signed into law the Fostering Connections to Success and Increasing Adoptions Act (P.L. 110-351). The act will promote permanency for children waiting to be adopted and enable more children to leave foster care safely and permanently to the security of relative guardians. In addition, provisions in this act will greatly contribute to improving the lives of children currently in foster care by extending and enhancing previously available services.

Achieving Permanency

P.L. 110-351 makes it possible for more children and youth to leave foster care permanently to live with relative guardians or through adoption, to remain with or return safely to their birth families, and to experience better outcomes through provisions including:

Relative Guardian Provisions

- Due diligence requirement mandating states to identify relatives within 30 days of a child's removal from their family. In order to fulfill this requirement, state child welfare agencies will be allowed access to the Child Support Parent Locator Service.
- Waives certain non-safety licensing standards on a case-by-case basis.
- Establishes Kinship Navigator Programs through Family Connections Grants to help relative guardians know what services are available.
- Provides federal dollars for states opting to implement guardianship subsidy programs.
- Extends Medicaid to children living with relative guardians and receiving guardianship assistance.
- Extends Independent Living Program services and Education Training Vouchers for youth living with their relative guardians.

Adoption Provisions

- Extends the Adoption Incentives Program for an additional five years ending in September 30, 2013, while changing the baseline year for adoptions from 2003 to 2007. In addition, the law expands current incentives provided to states for the adoption of special needs children from foster care.
- Delinks eligibility for federal adoption assistance (Title IV-E of the Social Security Act) from eligibility for the outdated welfare program Aid to Families with Dependent Children (AFDC) resulting in the federal government sharing the responsibility for caring for all children who are adopted from foster care.
- Requires states to inform adoptive and prospective adoptive parents of the federal Adoption Tax Credit.

Family Connection Grants

- In addition to establishing Kinship Navigator Programs, states may apply for Family Connection Grants to provide intensive family finding activities and residential family-based substance abuse treatment to help children and families stay together or return home safely once removed from care.



Improved Outcomes

Promoting Better Outcomes for Youth in Care

- Requires states to ensure educational stability for children and youth in foster care by mandating that all children receiving Title IV-E foster care, adoption, or guardianship assistance be enrolled in school full time unless they have completed high school. In addition, states must arrange for children to remain in their “school of origin” and will be permitted to claim federal reimbursement for associated costs.
- States must develop health care service plans for children and youth in foster care. These plans must include mental, physical, and dental health services including health screens and continued treatment possibly through the establishment of a “medical home.” In addition, state plans must address how physicians and other professionals will be consulted in the evaluation of the health and wellbeing of the child and to determine an appropriate treatment.

Older Youth Provisions

- Allows states to extend foster care, adoption, and guardianship to age 21 to Title IV-E eligible youth who are enrolled in school, employed, in an activity promoting or removing barriers to employment, or who are unable to participate in employment or education due to a mental or physical illness.
- Mandates the development of a personal transition plan for youth aging out of foster care to begin at least 90 days prior to the youth’s exit from foster care at age 18, 19, 20 or 21.

Training

- States may now expand Title IV-E reimbursable training programs to prospective guardianship parents, private child serving organization staff, court personnel, attorneys, guardian ad litem, and Court Appointed Special Advocates (CASAs).
- The federal reimbursement rate for the expanded trainings begins at 55% and expands 5% points each year until a 75% reimbursement rate is achieved.

Maintaining Sibling Connections

Sibling Provisions

- Requires reasonable efforts to be made to place siblings in the same foster, guardianship, and guardianship homes unless otherwise harmful to the children.
- If the state cannot place siblings together, efforts must be made to ensure frequent visits and other interaction between the siblings unless such contact is found harmful to the children’s safety and wellbeing.

Supporting Tribal Nations

Tribal Authority

- Tribal nations will be able to directly claim Title IV-E for children and youth in their care from the federal government.

Technical Assistance

- Tribal nations will receive technical assistance for the administration, training, and Tribal/State interaction, and implementation of services related to preparing a plan for Title IV-E.
- Services provided for implementation may receive a one-time grant.

