



# Understanding the Opportunities and Potential Pitfalls of the Fostering Connections to Success and Increasing Adoptions Act

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# Overview of the Act

- Kinship care
- Older foster youth
- Adoption
- Well being [education and health]
- Indian Tribes



# Agenda

- Requirements
- Options
- Resources
- Regulatory concerns/Unintended consequences
- Schedule
- Role of the courts
- ARRA support
- What's left



# Kinship Care

## Requirements

- Notice of placement
- Placement with siblings

## Options

- Subsidized guardianship
- Waiving licensing standards

## Resources

- IV-E funding for guardianship (narrow eligibility), admin, and training
- Family Connections Grants
- Access to FPLS

## Regulatory concerns/Unintended Consequences

- “Rule out” of adoption and return to home
- Discuss adoption as more permanent alternative
- Exercising “due diligence” in notifying relatives
- “Reasonable” efforts to place siblings together
- Ensuring “Frequent visitation”



# Older Foster Youth

## Requirements

- Development of transition plan for youth who will leave care within 90 days
- Chafee eligibility for youth adopted, in guardianships after age 16

## Options

- Extending foster care past age 18
- Conditions on receipt of payments
- Allow children to leave, re-enter care

## Resources

- IV-E reimbursement for payments for eligible youth ages 18+

## Regulatory concerns/Unintended Consequences

- “Medical condition”, “A supervised setting in which the [youth] is living independently”
- NYTD



# Adoption

## Requirements

- States must inform prospective adoptive parents of availability and eligibility for federal adoption tax credit
- SSI children automatically qualified for assistance payments
- Reinvestment of savings

## Options

- Extend adoption assistance to age 21 for children adopted after age 16

## Resources

- Income eligibility for federal reimbursement for assistance removed
- Adoption incentives renewed/expanded

## Regulatory concerns/Unintended Consequences

- Incentivizing adoption post age 16



# Well Being

## **Requirements**

- State plan for ongoing oversight and coordination of health care services for children in foster care
- Case plan requirement ensuring educational stability
- Assurance in state plan that all children of age are enrolled in school

## **Options**

- Method of health care coordination

## **Resources**

- Enhanced federal reimbursement of certain training expenses
- Increased reimbursement rate for education-related travel

## **Regulatory concerns/Unintended Consequences**

- “Enrolled vs. attending”
- Link to IV-E reimbursement



# Indian Tribes

## **Requirements**

- Must allow states access to portion of Chafee funds

## **Options**

- Direct access to IV-E for Tribes
- State may assist Tribes in meeting non-federal match

## **Resources**

- IV-E funding
- Funds for technical assistance

## **Regulatory concerns**

- Determination of service area, foster care standards, financial capacity, in-kind match, determination of FMAP

# Schedule

## **Immediate Implementation**

- Notice to relatives
- Licensing standards
- Sibling placement
- Transition plans
- Educational stability
- Health oversight and coordination
- Adoption tax credit

## **Implementation upon State Plan Amendment**

- Subsidized guardianship

## **Phased-in Implementation**

- Adoption assistance delink (completed by 2018)
- Enhanced match for training (completed by 2013)
- Extending care past 18 (October 2010)
- Indian Tribes access to IV-E (October 2009)

# Role of the Courts

- Due diligence to notify relatives
- Relatives informed of options
- Licensing of relatives, use of unlicensed care
- Reasonable efforts to keep siblings together, ensuring frequent visitation
- Transition plans for youth
- Efforts to keep children in the school of origin
- Availability of adoption tax credit



# ARRA Resources

- Increased FMAP
- WIA resources
- Education resources
- Health Care resources
- Block grants that might provide support (CSBG, CDBG)
- Reduced pressure on TANF, CCDBG

# What's left?

- CFSR and AFCARS
- Delinking IV-E from AFDC
- Financing reform (IV-E, Medicaid, TANF, SSI)
- Addressing disproportionality