

Fostering Connections to Success and Increasing Adoptions Act of 2008

Outcomes for children and youth in foster care are not good, especially for older youth who age-out to live on their own without family or other supports to turn to in times of need. These youth are more likely to drop out of school, earn lower wages if employed, become homeless, experience higher rates of pregnancy, and higher rates of incarceration. These youth suffered both the trauma of child abuse or neglect and the trauma of removal from their homes and placement into foster care. Our most vulnerable youth, they need our help and support to find a path to success in adulthood.

A year ago this month, significant federal legislation passed into law offering important supports for foster care youth. The new law, Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections Act, P.L.110-351), is the most meaningful child welfare reform legislation in over a decade. It places an emphasis on child well-being by: (1) addressing children's education and health care needs; (2) finding them a home to call their own; and (3) opening Title IV-E funding to help states with the costs. Decisions as to how to implement the various requirements and options at the state and local level, will be key to the success of this new law.

What does the law do? This omnibus legislation contains many provisions, both requirements and options, for states:

- Requires maintenance of linkages between children with their families.
- Expands support for older youth in foster care.
- Addresses children and youths' needs for education stability.
- Provides for coordinated health care.
- Increases incentives for adoption.
- Expands opportunities and supports for American Indian children.
- Increases training opportunities for all involved.

Maintaining ties with relatives: Research tells us that what is best for children is to remain in their homes. When that is not possible, placement with relatives and keeping siblings together is best. The Fostering Connections Act requires state agencies to provide notice to relatives when a child has to be removed from home. It also offers Title IV-E funds to subsidize kinship guardianship placements. This financial assistance to family members, mostly grandparents who are on fixed incomes, allows a close relative to care for a child when that relative would not be in a financial position to do so otherwise. Thirty-seven states and the District of Columbia offer subsidized guardianship. New York does not at this time. The law also provides funds for Family Connection Grants and Kinship Navigator programs.

Additional information regarding the subsidized guardianship option in this legislation will be provided in another edition of the Children's E-Newsletter.

The law also places a priority on keeping siblings together. Sibling ties are lifelong and important to one's identity and well-being. If siblings cannot be placed together, frequent visitation between brothers and sisters is required. Also, some relatives may not have the requisite number of bedrooms or required living space to become licensed as a foster care home. The law allows waiving some of the foster care licensing standards to eliminate that roadblock.

Improving Outcomes for Older Youth: The law also acknowledges that, for youth who are older and cannot return home, finding a permanent home through adoption is difficult. These teens often "age-out" of foster care with nowhere to go and no supports on which to fall back. They continue to need guidance in their lives. The Fostering Connections Act clarifies that these youth are eligible for independent living services and education and training vouchers. Evidence indicates that those who remain in foster care to age 21, as opposed to aging-out at 18, do better. The law extends states the option to provide supports to age 21 and requires a personal transition plan for all youth leaving foster care to independent living.

Education Stability: The Education Stability portions of Fostering Connections are detailed in the accompanying article in this edition of the Children's E-Newsletter.

Coordinated health care: States are now required to coordinate and collaborate with the state's Medicaid agency to develop a plan to meet the health care needs of foster care children. This plan must address a number of items which will lead to ongoing attention to each child's health care, including regular screenings, continuity of care, oversight of prescription medications, and need for a medical home.

Incentives for adoption: Children like these, who experience trauma, continue to have service and medical needs after they leave foster care. The law provides increased assistance payments for those children who are adopted, especially those with special needs. The law accomplishes this by removing the link between a child's eligibility for adoption assistance and outdated parental income levels. Instead, the new law establishes eligibility criteria for adoption assistance based upon the child's needs. Children who qualify for SSI (Supplemental Security Income) are automatically eligible. The law also provides increased incentives for adoption, especially for special needs children and older youth, and requires outreach to inform those adopting that they are potentially eligible for an adoption tax credit.

American Indian Children: For the first time, Indian tribes will have access to federal foster care and adoption assistance funds to administer their own programs instead of accessing funds through an agreement with their state agency. The law allows the continuation of those

agreements, the formulation of new agreements, and a new option of directly accessing Title IV-E funds for their work with foster care and adoption assistance programs.

Training Opportunities: The Fostering Connections Act allows training for staff in private child welfare agencies, court personnel, attorneys, guardian ad litem, court appointed special advocates and potential relative guardians using Title IV-E dollars. This funding will be phased in over five years.

Our vision for all children is for them to become healthy, educated, productive and responsible adults. For children in foster care, who have endured so much, this vision can seem out of reach. The omnibus bill addresses various supports to help these vulnerable children and youth achieve that vision. Each state will have to make decisions as to how to implement the various requirements in the law and which options to offer. In the present economic climate, those decisions will be difficult because some will require additional state and/or local funding. Each component in this new law is important in order to secure the best outcome for these children. The long-term ramifications of not funding the various elements will be even more costly.

Additional information about the law and guidance about its implementation can be found at the following organization web sites, whose resources were used in the development of this article:

Children's Defense Fund: <http://www.childrensdefense.org/child-research-data-publications/data/new-help-for-children-raised-by-grandparents-other-relatives.html>

Generations United: www.grandfamilies.org

CLASP: http://www.clasp.org/issues/pages?type=child_welfare&id=0001