

H. R. 6893

One Hundred Tenth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Thursday,
the third day of January, two thousand and eight*

An Act

To amend parts B and E of title IV of the Social Security Act to connect and support relative caregivers, improve outcomes for children in foster care, provide for tribal foster care and adoption access, improve incentives for adoption, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fostering Connections to Success and Increasing Adoptions Act of 2008”.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—CONNECTING AND SUPPORTING RELATIVE CAREGIVERS

- Sec. 101. Kinship guardianship assistance payments for children.
- Sec. 102. Family connection grants.
- Sec. 103. Notification of relatives.
- Sec. 104. Licensing standards for relatives.
- 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.

TITLE II—IMPROVING OUTCOMES FOR CHILDREN IN FOSTER CARE

- Sec. 201. State option for children in foster care, and certain children in an adoptive or guardianship placement, after attaining age 18.
- Sec. 202. Transition plan for children aging out of foster care.
- Sec. 203. Short-term training for child welfare agencies, relative guardians, and court personnel.
- Sec. 204. Educational stability.
- Sec. 205. Health oversight and coordination plan.
- Sec. 206. Sibling placement.

TITLE III—TRIBAL FOSTER CARE AND ADOPTION ACCESS

- Sec. 301. Equitable access for foster care and adoption services for Indian children in tribal areas.
- Sec. 302. Technical assistance and implementation.

TITLE IV—IMPROVEMENT OF INCENTIVES FOR ADOPTION

- Sec. 401. Adoption incentives program.
- Sec. 402. Promotion of adoption of children with special needs.
- Sec. 403. Information on adoption tax credit.

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

- Sec. 501. Clarification of uniform definition of child.
- Sec. 502. Investment of operating cash.
- Sec. 503. No Federal funding to unlawfully present individuals.

percentage set forth in such section 474(a)(3)(B), the percentage that shall apply is—

- (1) 55 percent, if the expenditure is made in fiscal year 2009;
- (2) 60 percent, if the expenditure is made in fiscal year 2010;
- (3) 65 percent, if the expenditure is made in fiscal year 2011; or
- (4) 70 percent, if the expenditure is made in fiscal year 2012.

SEC. 204. EDUCATIONAL STABILITY.

(a) **IN GENERAL.**—Section 475 of the Social Security Act (42 U.S.C. 675), as amended by section 101(c)(4) of this Act, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking clause (iv) and redesignating clauses (v) through (viii) as clauses (iv) through (vii), respectively; and

(B) by adding at the end the following:

“(G) A plan for ensuring the educational stability of the child while in foster care, including—

“(i) assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and

“(ii)(I) an assurance that the State agency has coordinated with appropriate local educational agencies (as defined under section 9101 of the Elementary and Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of placement; or

“(II) if remaining in such school is not in the best interests of the child, assurances by the State agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.”; and

(2) in the 1st sentence of paragraph (4)(A)—

(A) by striking “and reasonable” and inserting “reasonable”; and

(B) by inserting “, and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement” before the period.

(b) **EDUCATIONAL ATTENDANCE REQUIREMENT.**—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 101(a) and 103 of this Act, is amended—

(1) by striking “and” at the end of paragraph (28);

(2) by striking the period at the end of paragraph (29) and inserting “; and”; and

(3) by adding at the end the following:

“(30) provides assurances that each child who has attained the minimum age for compulsory school attendance under State law and with respect to whom there is eligibility for a payment under the State plan is a full-time elementary or secondary

school student or has completed secondary school, and for purposes of this paragraph, the term ‘elementary or secondary school student’ means, with respect to a child, that the child is—

“(A) enrolled (or in the process of enrolling) in an institution which provides elementary or secondary education, as determined under the law of the State or other jurisdiction in which the institution is located;

“(B) instructed in elementary or secondary education at home in accordance with a home school law of the State or other jurisdiction in which the home is located;

“(C) in an independent study elementary or secondary education program in accordance with the law of the State or other jurisdiction in which the program is located, which is administered by the local school or school district; or

“(D) incapable of attending school on a full-time basis due to the medical condition of the child, which incapability is supported by regularly updated information in the case plan of the child.”.

SEC. 205. HEALTH OVERSIGHT AND COORDINATION PLAN.

Section 422(b)(15) of the Social Security Act (42 U.S.C. 622(b)(15)) is amended to read as follows:

“(15)(A) provides that the State will develop, in coordination and collaboration with the State agency referred to in paragraph (1) and the State agency responsible for administering the State plan approved under title XIX, and in consultation with pediatricians, other experts in health care, and experts in and recipients of child welfare services, a plan for the ongoing oversight and coordination of health care services for any child in a foster care placement, which shall ensure a coordinated strategy to identify and respond to the health care needs of children in foster care placements, including mental health and dental health needs, and shall include an outline of—

“(i) a schedule for initial and follow-up health screenings that meet reasonable standards of medical practice;

“(ii) how health needs identified through screenings will be monitored and treated;

“(iii) how medical information for children in care will be updated and appropriately shared, which may include the development and implementation of an electronic health record;

“(iv) steps to ensure continuity of health care services, which may include the establishment of a medical home for every child in care;

“(v) the oversight of prescription medicines; and

“(vi) how the State actively consults with and involves physicians or other appropriate medical or non-medical professionals in assessing the health and well-being of children in foster care and in determining appropriate medical treatment for the children; and

“(B) subparagraph (A) shall not be construed to reduce or limit the responsibility of the State agency responsible for administering the State plan approved under title XIX to administer and provide care and services for children with

IMPORTANT LEGISLATIVE CLARIFICATION REGARDING FOSTERING CONNECTIONS ACT

On September 20, 2011, H.R. 2883, the Child and Family Services Improvement and Innovation Act, reauthorizing title IV-B of the Social Security Act, was signed into law. Among the many important provisions of the Act, it provides clarification to a critical element of the education stability provisions of the Fostering Connections Act.

Specifically, it clarifies that the requirement for the child welfare agency to consider proximity and appropriateness of the school when making living placement decisions, as well as the responsibility to maintain children in the same school unless not in the child's best interest, applies to the initial placement in foster care and any subsequent placement changes. Previous guidance had encouraged agencies to follow the education stability requirements during all subsequent placement changes, but now it is clear that the requirements apply throughout the time the child is in care.

**112TH CONGRESS, 1ST SESSION (2011)
H. R. 2883**

AN ACT To amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Child and Family Services Improvement and Innovation Act”.

SEC. 106. PROVISIONS RELATING TO FOSTER CARE OR ADOPTION.

(a) EDUCATIONAL STABILITY FOR EACH FOSTER PLACEMENT.—Section 475(1)(G) of the Social Security

Act (42 U.S.C. 675(1)(G)) is amended—

**(1) in clause (i), by striking “the placement” and inserting “each placement”; and
(2) in clause (ii)(I), by inserting “each” before “placement”.**