



**Side-by-Side: Comparison of Provisions in the
House Fostering Connections to Success Act, the Senate Finance
Committee Chairman’s Mark*and the Fostering Connections to
Success and Increasing Adoptions Act**

	Fostering Connections to Success Act (H.R. 6307)	Chairman’s Mark of S. 3038	Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893)
Kinship Navigator Program	<p>Creates a competitive grant program for “family connection grants” that can be used for any of three purposes: to create/implement kinship navigator programs, intensive family-finding efforts, or family group decision-making meetings.</p> <p>Allows for 20 new grantees each year.</p> <p>25% state match in first and second years; 50% match in third year of the grants.</p>	<p>Guarantees \$5 million for each year through FY2013 to fund a competitive grant program for states to create kinship navigator programs. The programs will help link relative caregivers, both inside and outside of the formal child welfare system, to a broad range of services and supports that will help them meet the needs of the children in their care. Also allows states to use adoption/guardianship incentive payments for “relative navigator and support services.”</p>	<p>House/Senate with modification</p> <p>Guarantees \$15 million for each year FY2009 through FY2013 for a competitive grant program for “family connection grants” that can be used for any of four purposes: to create/implement kinship navigator programs, intensive family-finding efforts, family group decision-making meetings or residential family treatment programs. \$5 million each year is reserved for grants for implementation of kinship navigator programs.</p> <p>Allows for 30 new grantees each year.</p> <p>25% state match in first and second years; 50% state match in third year of the grants.</p>
• Eligibility for grants	<p>Eligible entities include “State, local, or tribal child welfare agencies, and private nonprofit organizations that have experience in working with foster children or children in kinship care arrangements.”</p>	<p>Eligible entities include “tribal organizations, and public or private agencies of a state, or those serving a large metropolitan area, that have experience addressing the needs of kinship caregivers or children.”</p>	<p>House</p> <p>Eligible entities include “State, local, or tribal child welfare agencies, and private nonprofit organizations that have experience in working with foster children or children in kinship care arrangements.”</p>
Subsidized Guardianship	<p>**</p> <p>Gives states the option to use Title IV-E funds for kinship guardianship assistance payments.</p>	<p>**</p> <p>Gives states the option to use Title IV-E funds for relative guardianship assistance payments.</p>	<p>Same</p> <p>Gives states the option to use Title IV-E funds for kinship guardianship assistance payments.</p>
• Length of time child must be in foster care	<p>12 months</p>	<p>The month prior to granting guardianship</p>	<p>New</p> <p>Child must reside with the prospective relative guardian for at least 6 <i>consecutive</i> months in foster care and be eligible for IV-E payments while in the relative’s home.</p>

*Bill language not yet available and we have pulled from the summary of the Mark and S. 3038.

**Based on the description in the Chairman’s Mark, the House and Senate provisions appear to be the same.

	Fostering Connections to Success Act (H.R. 6307)	Chairman’s Mark of S. 3038	Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893)
<ul style="list-style-type: none"> • Child required to be with relatives in foster care? 	<p>Child must reside with relative for at least six months and be eligible for IV-E payments while in the relative’s home.</p>	<p>There is no requirement that the child live with the relative in foster care prior to exiting with subsidy, but the relative must be licensed as a foster family home.</p>	<p>House with modification</p> <p>Child must reside with relative for at least 6 <i>consecutive</i> months in foster care and be eligible for IV-E payments while in the relative’s home.</p>
<ul style="list-style-type: none"> • Rule out adoption and return home 	<p>State agency must rule out adoption and return home.</p> <p>The state must also document in the child’s case plan: (i) the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted; (ii) the reasons for any separation of siblings during placement; (iii) the reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests; (iv) the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment; (v) the efforts the agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons therefore; and (vi) the efforts made by the state agency to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.</p>	<p>State agency must determine that being returned home or adopted are not appropriate permanency options for the child and, in the case of a child for whom removal from the home was associated primarily with parental substance abuse and addiction, that attempts to engage the family in residential, comprehensive family treatment programs are inappropriate or have been unsuccessful, or such programs are unavailable.</p> <p>The state must also document in the child’s case plan: 1) the steps the agency has taken to determine that it is not appropriate for the child to return home or be adopted; 2) the reasons why a permanent placement with a fit and willing relative through a relative guardianship assistance arrangement is in the child’s best interests; 3) the ways in which the child meets the eligibility requirements for relative guardianship assistance payments; 4) the efforts the agency has made to discuss adoption by the child’s relative guardian and, if the relative guardian chose not to pursue adoption, the reasons why this is so; and 5) the efforts made by the state agency to secure the consent of the child’s parent(s) to the relative guardianship assistance arrangement (or the reason why those efforts were not made).</p>	<p>House</p> <p>State agency must rule out adoption and return home.</p> <p>The state must also document in the child’s case plan: (i) the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted; (ii) the reasons for any separation of siblings during placement; (iii) the reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests; (iv) the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment; (v) the efforts the agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons therefore; and (vi) the efforts made by the state agency to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.</p>

	Fostering Connections to Success Act (H.R. 6307)	Chairman’s Mark of S. 3038	Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893)
<ul style="list-style-type: none"> • Placement with Siblings (Sibling Exception) 	<p>For <u>all</u> placements, requires states to make reasonable efforts to place siblings removed from their home in the same foster care placement unless the state documents that such a joint placement would be contrary to the safety or well-being of any of the siblings.</p> <p>Siblings <u>may</u> be placed in the same kinship guardianship arrangement, if the state agency and the relative agree on the appropriateness of the arrangement for the siblings, and allows the relative to receive payments for each of the siblings.</p>	<p>Does not require siblings to be placed together, except in relative guardianship arrangements.</p> <p>Requires that siblings be placed together in the same kinship guardianship arrangement, unless inappropriate to do so, and allows the relative to receive payments for each of the siblings.</p>	<p>House language with modification</p> <p>For <u>all</u> placements, requires states to make reasonable efforts to place siblings removed from their home in the same foster care placement unless the state documents that such a joint placement would be contrary to the safety or well-being of any of the siblings.</p> <p>For all placements, in the case of siblings not jointly placed, requires that reasonable efforts be made to provide for frequent visitation or other ongoing interaction unless the state documents that such interaction would be contrary to the safety or well-being of any of the siblings. (New)</p> <p>Siblings <u>may</u> be placed in the same kinship guardianship arrangement, if the state agency and the relative agree on the appropriateness of the arrangement for the siblings, and allows the relative to receive payments for each of the siblings.</p>
<ul style="list-style-type: none"> • Covered expenses 	<p>**</p> <p>Subsidized guardianship payment</p> <p>Nonrecurring expenses associated with obtaining guardianship limited to \$2000</p>	<p>**</p> <p>Subsidized guardianship payment</p> <p>Nonrecurring expenses associated with obtaining guardianship limited to \$2000</p>	<p>Same</p> <p>Subsidized guardianship payment</p> <p>Nonrecurring expenses associated with obtaining guardianship limited to \$2000</p>

	Fostering Connections to Success Act (H.R. 6307)	Chairman’s Mark of S. 3038	Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893)
<ul style="list-style-type: none"> • Payments 	<p>There is not a specific requirement to initially base payments on the circumstances or needs of the relative or the child.</p> <p>Payment level may be readjusted based on changes in the circumstances of the relative or needs of the child.</p> <p>Must be equal to the foster care maintenance payment, or, at the option of the state, the adoption assistance payment.</p> <p>May continue, at state option, until age 21 if the guardianship agreement was entered into when the child was age 16 or older. State may also elect to allow guardianship payments to continue to age 19, 20, or 21 if the youth is completing high school or a program leading to an equivalent credential; enrolled in post-secondary or vocational school; participating in a program or activity designed to promote, or remove barriers to, employment; or employed for at least 80 hours per month; or to age 21 if child has a mental or physical disability.</p> <p>Maintains current law that allows a child to continue to receive foster care maintenance or adoption assistance payments until age 21 if the child has a “mental or physical handicap” and extends this eligibility to children eligible for kinship guardianship assistance payments.</p>	<p>Must be based on the circumstances of the relative and the needs of the child.</p> <p>Payment level may be readjusted based on changes in the circumstances of the relative or needs of the child with the concurrence of the relative guardian.</p> <p>May not be less than the adoption assistance payment and not more than the foster care maintenance payment.</p> <p>May continue, at state option, until age 21 if the guardianship agreement was entered into when the child was age 16 or older. State may also elect to allow guardianship payments to continue to age 19, 20, or 21 if the youth is completing high school; enrolled in college (or equivalent vocational education); participating in a program or activity designed to promote employment or remove barriers to employment; employed at least 80 hours per month; or determined by the state to be “particularly vulnerable” or “a high-risk individual.”</p> <p>Maintains current law that allows a child to continue to receive foster care maintenance or adoption assistance payments until age 21 if the child has a “mental or physical handicap” and extends this eligibility to children eligible for kinship guardianship assistance payments.</p>	<p>House/Senate with modification</p> <p>There is not a specific requirement to initially base payments on the circumstances or needs of the relative or the child. (House)</p> <p>Payment level may be readjusted based on the circumstances of the relative or needs of the child <i>in consultation</i> with the relative guardian. (Senate with modification)</p> <p>May not be more than the foster care maintenance payment. (New)</p> <p>May continue, at state option, until age 21 if the guardianship agreement was entered into when the child was age 16 or older. State may also elect to allow guardianship payments to continue to age 19, 20, or 21 if the youth is completing high school or a program leading to an equivalent credential; enrolled in post-secondary or vocational education; participating in a program or activity designed to promote, or remove barriers to, employment; employed at least 80 hours per month; <i>or is incapable of doing any of the above activities due to a documented medical condition.</i></p> <p>Maintains current law that allows a child to continue to receive foster care maintenance or adoption assistance payments until age 21 if the child has a “mental or physical handicap” and extends this eligibility to children eligible for kinship guardianship assistance payments.</p>

	Fostering Connections to Success Act (H.R. 6307)	Chairman's Mark of S. 3038	Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893)
<ul style="list-style-type: none"> Continued services under waiver 	<p>Allows states that provided guardianship assistance or services as part of a IV-E waiver demonstration project to claim IV-E funds for provision of those same supports to children who are receiving such supports under a waiver as of September 30, 2008.</p>	<p>Does not provide for continued services under waiver.</p>	<p>House</p> <p>Allows states that provided guardianship assistance or services as part of a IV-E waiver demonstration project to claim IV-E funds for provision of those same supports to children who are receiving such supports under a waiver as of September 30, 2008.</p>
<ul style="list-style-type: none"> Moving out of state 	<p>**</p> <p>If the relative and child move out of state, the agreement will remain in effect.</p>	<p>**</p> <p>If the relative and child move out of state, the agreement will remain in effect.</p>	<p>Same</p> <p>If the relative and child move out of state, the agreement will remain in effect.</p>
<ul style="list-style-type: none"> Criminal background checks 	<p>**</p> <p>Requires background checks of relative guardians.</p>	<p>**</p> <p>Requires background checks of relative guardians.</p>	<p>Same</p> <p>Requires background checks of relative guardians.</p>

	Fostering Connections to Success Act (H.R. 6307)	Chairman’s Mark of S. 3038	Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893)
Notice to Relatives	<p>Requires states to attempt to locate and notify any non-custodial parents, siblings, grandparents, aunt, or uncles of the child who are adults within 30 days after the child is placed in foster care, subject to exceptions due to family or domestic violence.</p> <p>The notice must tell the relative of the placement and explain the options the relative has to participate in the care and placement of the child.</p> <p>Does not require notice to relatives receiving Temporary Assistance for Needy Families (TANF) when the child is not placed in foster care.</p>	<p>Requires that the states “exercise due diligence” to identify and provide notice to all adult grandparents and other adult relatives of the child within 60 days of the removal of the child from the custody of the child’s parent or parents, subject to exceptions due to family or domestic violence.</p> <p>In the notice, states are required to explain the options the relative has to participate in the care and placement of the child, to describe the requirements to become a foster family home and the additional services and supports that are available for children in such a home and, if the state has elected to make relative guardianship assistance payments, the notice must describe how to enter into such an agreement to receive such payments.</p> <p>Requires the state to provide similar notice to relatives who are receiving TANF and have been caring for children (without their parents present) as a result of interaction with the child welfare agency. If the agency fails to notify the recipients of TANF, the state may incur a TANF penalty of 1-3.5%.</p> <p>Allows child welfare agencies to obtain state and federal child support data, including information to help locate children’s parents and other relatives.</p>	<p>House/Senate with modification</p> <p>Requires states to “exercise due diligence” to identify and provide notice to all adult grandparents and other adult relatives within <i>30 days after the removal</i> of a child from the custody of the child’s parent or parents, subject to exceptions due to family or domestic violence. (House/Senate)</p> <p>In the notice, states are required to explain the options the relative has to participate in the care and placement of the child, describe the requirements to become a foster family home and the additional services and supports that are available for children in such a home and, if the state has elected to make relative guardianship assistance payments, the notice must describe how to enter into such an agreement to receive such payments. (Senate)</p> <p>Allows child welfare agencies to obtain state and federal child support data, including information to help locate children’s parents and other relatives. (Senate)</p>

	Fostering Connections to Success Act (H.R. 6307)	Chairman’s Mark of S. 3038	Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893)
Separate Licensing Standards	Does not address separate licensing standards for relative and non-relative foster homes.	<p>Requires HHS to establish not more than 10 demonstration projects (at least 2 in rural states, 1 in a state where counties primarily administer the Title IV-E foster care program, and 1 in a tribe that directly operates a Title IV-E foster care program) to determine the extent to which flexibility in the application of licensing standards for the homes of immediate relative foster parents results in improved well-being and permanency outcomes for children in foster care.</p> <p>A state or tribe selected to conduct such a demonstration may modify the extent to which the home of an immediate foster parent relative (grandparent, aunt, uncle or adult sibling) meets any of the state’s foster family home licensing standards that concern – 1) the number or size of bedrooms in the home (with appropriate safeguards for age and sex of the children); 2) the number of bathrooms in the home (with appropriate safeguards for age and sex of the children); and 3) the overall square footage of the home.</p>	<p>New</p> <p>Codifies current federal guidance that states may waive certain non-safety related licensing standards on a case-by-case basis.</p> <p>Requires Secretary of Health and Human Services not later than 2 years after enactment to submit a report to the House Committee on Ways and Means and the Senate Finance Committee with the following: the national and state numbers and percentages of children in foster care placed in licensed relative foster homes and the numbers and percentages of those placed in unlicensed relative foster homes; the types of and frequency with which states grant case-by-case waivers of non-safety related standards for relative foster homes; an assessment of how such waivers have affected children in foster care; a review of the reasons a relative foster home may not be licensed in spite of waivers; and recommendations for actions to increase the percentage of relative foster homes that are licensed.</p>
Eligibility for Chaffee/Education and Training Vouchers/ Independent Living	Does not address access to independent living or Education and Training Vouchers for youth exiting foster care to guardianship.	<p>Extends eligibility for independent living services to youth exiting foster care to guardianship or adoption at the age of 16.</p> <p>Extends eligibility for Education and Training Vouchers to those exiting care to guardianship at the age of 16 (those adopted from foster care at age 16 are already eligible under current law).</p>	<p>Senate</p> <p>Extends eligibility for independent living services to youth exiting foster care to guardianship or adoption at the age of 16.</p> <p>Extends eligibility for Education and Training Vouchers to those exiting care to guardianship at the age of 16 (those adopted from foster care at age 16 are already eligible under current law).</p>

	Fostering Connections to Success Act (H.R. 6307)	Chairman's Mark of S. 3038	Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893)
De-linking Adoption Assistance Eligibility from AFDC income Requirements	Does not de-link adoption assistance eligibility.	<p>De-links eligibility for adoption assistance payments from the income requirements of AFDC and SSI and requires that any savings resulting must be reinvested in services under Titles IV-B and IV-E. .</p> <p>Takes effect for children ages 0-6 in FY2013; ages 6-12 in FY2012; ages 12 and up in FY2011.</p> <p>Deems any child who meets the medical or disability requirements related to SSI-eligibility to be a child with special needs for the purposes of adoption assistance eligibility.</p>	<p>Senate with modifications</p> <p>De-links eligibility for adoption assistance from the income requirements of AFDC and SSI and requires that any savings resulting must be reinvested in services under Titles IV-B and IV-E.</p> <p>Phases in over 9 years with the first children becoming eligible in FY2010 if they are age 16 or older, have been in care for 60 consecutive months, or are a member of a sibling group in which one siblings meets either of the above requirements.</p> <p>Additional changes will also be phased in: Any child who meets the medical or disability requirements related to SSI-eligibility will be deemed to be a child with special needs for the purposes of adoption assistance eligibility; and, children in the care of private child welfare agencies and Indian tribal organizations, as well as those in the care of state and local public agencies, will be eligible for IV-E Adoption Assistance.</p>
Eligibility for Adoption Assistance Payments Post-guardianship	Maintains eligibility for adoption assistance if guardian decides to adopt later and allows the child to maintain eligibility as if placement with the relative guardian in a legal guardianship arrangement had never been made.	Maintains eligibility of any child who has received Federal relative guardianship assistance payments, and who is determined by the state to have special needs, for Federal adoption assistance.	House /Senate Maintains eligibility for adoption assistance if guardian decides to adopt later and allows the child to maintain eligibility as if placement with the relative guardian in a legal guardianship arrangement and any kinship guardianship assistance payment.

	Fostering Connections to Success Act (H.R. 6307)	Chairman's Mark of S. 3038	Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893)
Extension of Adoption Incentives Program	** Extends Adoption Incentives Program for five years through FY 2013.	** Extends Adoption Incentives Program for five years through FY 2013.	Same Extends Adoption Incentives Program for five years through FY 2013.
• Baseline year for incentive payment	** 2007	** 2007	Same 2007
• Incentive payment amount	\$4,000 per adoption that exceeds the highest number of adoptions plus \$4,000 per special needs non-older child adoption or \$8,000 per older child adoption No option for increases based on rate of adoptions.	\$4,000 per adoption that exceeds the highest number of adoptions plus \$3,000 per special needs non-older child adoption or \$8,000 per older child adoption Could receive additional payment if the state's adoption <u>rate</u> exceeds the highest ever previously recorded rate for a year beginning in 1998. The award would be \$1,000 multiplied by the number of adoptions that occurred as a result of the state exceeding its highest ever foster child adoption rate and holding the foster care caseload constant.	House/Senate with modifications \$4,000 per adoption that exceeds the highest number of adoptions plus \$4,000 per special needs non-older child adoption or \$8,000 per older child adoption (House) Could receive additional payment if the state's adoption <u>rate</u> exceeds the highest ever previously recorded rate for a year beginning in 2002. The award would be \$1,000 multiplied by the number of adoptions that occurred as a result of the state exceeding its highest ever foster child adoption rate and holding the foster care caseload constant. (Senate with amended base year)

	Fostering Connections to Success Act (H.R. 6307)	Chairman’s Mark of S. 3038	Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893)
<ul style="list-style-type: none"> • Timeframe for use of incentive payments 	<p>**</p> <p>States have 24 months beginning with the month in which the payments are made to spend the adoption incentive funds.</p>	<p>**</p> <p>States have 24 months beginning with the month in which the payments are made to spend the adoption incentive funds.</p>	<p>Same</p> <p>States have 24 months beginning with the month in which the payments are made to spend the adoption incentive funds.</p>
<ul style="list-style-type: none"> • Guardianship incentive payments 	<p>Does not provide for guardianship incentive payments.</p>	<p>Provides guardianship incentive payments to states only if the appropriations for adoption incentive payments are not spent and funds are available.</p> <p>The incentive payment would be equal to \$1,000 for each guardianship agreement established in the initial year the state operates the IV-E guardianship program and for subsequent years, \$1,000 for each such placement above the state’s previous highest number of agreements.</p>	<p>House</p> <p>Does not provide for guardianship incentive payments.</p>
Adoption Tax Credit	<p>**</p> <p>Requires that the state inform any individual who is adopting or whom the state is aware is considering adopting a child from foster care about the availability of the federal tax credit.</p>	<p>**</p> <p>Requires that the state inform any individual who is adopting or whom the state is aware is considering adopting a child from foster care about the availability of the federal tax credit.</p>	<p>Same</p> <p>Requires that the state inform any individual who is adopting or whom the state is aware is considering adopting a child from foster care about the availability of the federal tax credit.</p>

	Fostering Connections to Success Act (H.R. 6307)	Chairman’s Mark of S. 3038	Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893)
Support for Youth up to Age 21	<p>Allows states, at their option, to continue providing payments for youth in foster care, including in supervised independent living settings, until age 19, 20, or 21 provided that the youth is either completing high school or a program leading to an equivalent credential; enrolled in post-secondary or vocational school; participating in a program or activity designed to promote, or remove barriers to, employment; or employed for at least 80 hours per month. Also allows states to extend adoption assistance and/or guardianship payments to youth ages 19, 20, or 21 if 16 or older when adoption assistance or guardianship agreement took effect. This option would go into effect Oct. 1, 2010.</p> <p>Maintains current law that allows a child to continue to receive foster care maintenance or adoption assistance payments until age 21 if the child has a “mental or physical handicap” and extends this eligibility to children eligible for kinship guardianship assistance payments.</p>	<p>Allows states, at their option, to continue providing payments for youth in foster care, including in supervised independent living settings, until age 19, 20, or 21 provided that the youth is completing high school; enrolled in college (or equivalent vocational education); participating in a program or activity designed to promote employment or remove barriers to employment; employed at least 80 hours per month; or determined by the state to be “particularly vulnerable” or “a high-risk individual”. Also allows states to extend adoption assistance and/or guardianship payments to youth ages 19, 20, or 21 if 16 or older when adoption assistance or guardianship agreement took effect. This option would go into effect Oct. 1, 2010.</p> <p>Maintains current law that allows a child to continue to receive foster care maintenance or adoption assistance payments until age 21 if the child has a “mental or physical handicap” and extends this eligibility to children eligible for kinship guardianship assistance payments.</p> <p>During the 90-day period immediately before a child legally emancipates, requires the child’s caseworker, and other representatives as appropriate, to help the child develop a personal transition plan. The plan must be as detailed as the child chooses and include specific options on housing, health insurance, education, local opportunities for mentoring, continuing support services, work force supports and employment services.</p>	<p>Senate with modifications</p> <p>Allows states, at their option, to continue providing payments for youth in foster care to age 19, 20, or 21 if the youth is completing high school or a program leading to an equivalent credential; enrolled in post-secondary or vocational education; participating in a program or activity designed to promote, or remove barriers to, employment; employed at least 80 hours per month; <i>or is incapable of doing any of the above activities due to a documented medical condition</i>. Also allows states to extend adoption assistance and/or guardianship payments to youth ages 19, 20, or 21 if 16 or older when adoption assistance or guardianship agreement took effect. This option would go into effect Oct. 1, 2010.</p> <p>Maintains current law that allows a child to continue to receive foster care maintenance or adoption assistance payments until age 21 if the child has a “mental or physical handicap” and extends this eligibility to children eligible for kinship guardianship assistance payments.</p> <p>During the 90-day period immediately <i>before a child leaves foster care (at age 18, 19, 20 or 21)</i> requires the child’s caseworker, and other representatives as appropriate, to help the child develop a personal transition plan. The plan must be as detailed as the child chooses and include specific options on housing, health insurance, education, local opportunities for mentoring, continuing support services, work force supports and employment services.</p>

	Fostering Connections to Success Act (H.R. 6307)	Chairman’s Mark of S. 3038	Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893)
Expanding Eligibility for Title IV-E Training Dollars	<p>Allows states to be reimbursed for training provided to all populations currently covered as well as relative guardians, private child welfare agencies approved by the state, and members of the staff of abuse and neglect courts, agency attorneys, attorneys representing children or parents, guardians ad litem, or other court-appointed special advocates representing children in proceedings of such courts.</p> <p>States will be reimbursed for providing such training at 55% for expenditures in FY2009; 60% for expenditures in FY2010; 65% for expenditures in FY2011; 70% for expenditures in FY2012; and at 75% for expenditures thereafter.</p>	<p>Allows states to be reimbursed for training provided to all populations currently covered as well as current or prospective relative guardians, provided those relative guardians care for children receiving Federal foster care, relative guardianship assistance, or adoption assistance.</p> <p>Does not extend Title IV-E training funds to staff of private child welfare agencies.</p> <p>States will be reimbursed for providing such training at 75%.</p>	<p>House</p> <p>Allows states to be reimbursed for training provided to all populations currently covered as well as relative guardians, private child welfare agencies approved by the state, and members of the staff of abuse and neglect courts, agency attorneys, attorneys representing children or parents, guardians ad litem, or other court-appointed special advocates representing children in proceedings of such courts.</p> <p>States will be reimbursed for providing such training at 55% for expenditures in FY2009; 60% for expenditures in FY2010; 65% for expenditures in FY2011; 70% for expenditures in FY2012; and at 75% for expenditures thereafter.</p>
Access to IV-E Funds for Indian Tribes	Allows Indian tribes direct access to IV-E funds. Provisions not identical.	Allows Indian tribes direct access to IV-E funds. Provisions not identical.	Allows Indian tribes direct access to IV-E funds. Provisions not identical to either House or Senate.

	Fostering Connections to Success Act (H.R. 6307)	Chairman’s Mark of S. 3038	Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893)
Promoting Educational Stability	<p>**</p> <p>Requires states to address educational stability in each child’s case plan including assuring that the placement takes into account the proximity to the child’s school of origin and the appropriateness of the current school placement and documenting efforts to coordinate with the local education agency to ensure that the child remains in their school of origin unless not in the child’s best interest.</p> <p>If remaining in the school of origin is not in the child’s best interest, the state child welfare agency must coordinate with the school to ensure immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.</p> <p>Allows IV-E foster care maintenance payments (at the Medicaid federal matching rate rather than the current rate for transportation of 50%) to cover the cost for the child to travel to the child’s school of origin.</p> <p>Requires states to provide assurances in their Title IV-E state plans that every child in IV-E foster care or who receives adoption assistance or subsidized guardianship payments under IV-E who has attained the minimum age for compulsory school attendance under state law is enrolled as a full-time elementary or secondary school student or has completed secondary school.</p>	<p>**</p> <p>Requires states to address educational stability in each child’s case plan including assuring that the placement takes into account the proximity to the child’s school of origin and the appropriateness of the current school placement and documenting efforts to coordinate with the local education agency to ensure that the child remains in their school of origin unless not in the child’s best interest.</p> <p>If remaining in the school of origin is not in the child’s best interest, the state child welfare agency must coordinate with the school to ensure immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.</p> <p>Allows IV-E foster care maintenance payments (at the Medicaid federal matching rate rather than the current rate for transportation of 50%) to cover the cost for the child to travel to the child’s school of origin.</p> <p>Requires states to provide assurances in their Title IV-E state plans that every child in IV-E foster care or who receives adoption assistance or subsidized guardianship payments under IV-E who has attained the minimum age for compulsory school attendance under state law is enrolled as a full-time elementary or secondary school student or has completed secondary school.</p>	<p>Same</p> <p>Requires states to address educational stability in each child’s case plan including assuring that the placement takes into account the proximity to the child’s school of origin and the appropriateness of the current school placement and documenting efforts to coordinate with the local education agency to ensure that the child remains in their school of origin unless not in the child’s best interest.</p> <p>If remaining in the school of origin is not in the child’s best interest, the state child welfare agency must coordinate with the school to ensure immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.</p> <p>Allows IV-E foster care maintenance payments (at the Medicaid federal matching rate rather than the current rate for transportation of 50%) to cover the cost for the child to travel to the child’s school of origin.</p> <p>Requires states to provide assurances in their Title IV-E state plans that every child in IV-E foster care or who receives adoption assistance or subsidized guardianship payments under IV-E who has attained the minimum age for compulsory school attendance under state law is enrolled as a full-time elementary or secondary school student or has completed secondary school.</p>

	Fostering Connections to Success Act (H.R. 6307)	Chairman’s Mark of S. 3038	Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893)
Addressing Children’s Health Needs	Requires states, in their Title IV-B plans, to develop, in coordination and collaboration with the state Medicaid agency and in consultation with pediatricians and other experts, a plan for the ongoing oversight and coordination of health care services for any child in foster care, including how initial and follow-up health screenings would be provided; how health needs identified would be monitored and treated; how medical information would be updated and appropriately shared, including the possibility of implementing electronic health records; what steps are or will be taken to ensure continuity of health care services, including the possibility of establishing a medical home for every child in care; and what will be done to ensure the oversight of prescription medications, including psychotropic drugs.	Does not address children’s health needs.	House Requires states, in their Title IV-B plans, to develop, in coordination and collaboration with the state Medicaid agency and in consultation with pediatricians and other experts, a plan for the ongoing oversight and coordination of health care services for any child in foster care, including how initial and follow-up health screenings would be provided; how health needs identified would be monitored and treated; how medical information would be updated and appropriately shared, including the possibility of implementing electronic health records; what steps are or will be taken to ensure continuity of health care services, including the possibility of establishing a medical home for every child in care; and what will be done to ensure the oversight of prescription medications, including psychotropic drugs.
Increasing Federal Match Rate for D.C.	Increases federal Title IV-E match rate from 50% to 70% for the District of Columbia.	Does not increase federal Title IV-E match rate for the District of Columbia.	This provision is included in the Medicare Improvements for Patients and Providers Act of 2008 (P.L. 110-275).
Collection of Unemployment Compensation Debts Resulting from Fraud	** Allows states to intercept tax refunds and credits to collect unemployment compensation debt due to fraud. Includes procedural safeguards and allows intercept only for debts related to fraud.	** Allows states to intercept tax refunds and credits to collect unemployment compensation debt due to fraud. Includes procedural safeguards and allows intercept only for debts related to fraud.	Does not include

	Fostering Connections to Success Act (H.R. 6307)	Chairman’s Mark of S. 3038	Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893)
Investment of Operating Cash	<p>**</p> <p>In addition to current investment options, allows operating cash of the United States Treasury to be invested, for not more than 90 days, in repurchase agreements with parties acceptable to the Secretary.</p> <p>Eliminates the provision barring the Treasury Department from requiring the sale of obligations by a particular person, dealer, or financial institution.</p>	<p>**</p> <p>In addition to current investment options, allows operating cash of the United States Treasury to be invested, for not more than 90 days, in repurchase agreements with parties acceptable to the Secretary.</p> <p>Eliminates the provision barring the Treasury Department from requiring the sale of obligations by a particular person, dealer, or financial institution.</p>	<p>Same</p> <p>In addition to current investment options, allows operating cash of the United States Treasury to be invested, for not more than 90 days, in repurchase agreements with parties acceptable to the Secretary.</p> <p>Eliminates the provision barring the Treasury Department from requiring the sale of obligations by a particular person, dealer, or financial institution.</p>
Definition of “Qualifying Child”	<p>Does not amend the definition of “qualifying child”.</p>	<p>Modifies the definition of “qualifying child” for purposes of “the dependency exemption, the child credit, the earned income credit, the dependent care credit, and head of household filing status” in three ways:</p> <ol style="list-style-type: none"> 1) In order to be treated as a qualifying child, the person must be “younger than the individual claiming him or her as a qualifying child or permanently and totally disabled.” 2) A person who is married and files a joint tax return cannot be a qualifying child. 3) Generally, a person can only be a qualifying child of their parent but, if no parent claims such child, another otherwise eligible taxpayer may claim the child if such individual “has a higher adjusted gross income for the taxable year than any parent eligible to claim the child .” 	<p>Senate</p> <p>Modifies the definition of “qualifying child” for purposes of “the dependency exemption, the child credit, the earned income credit, the dependent care credit, and head of household filing status” in three ways:</p> <ol style="list-style-type: none"> 1) In order to be treated as a qualifying child, the person must be “younger than the individual claiming him or her as a qualifying child or permanently and totally disabled.” 2) A person who is married and files a joint tax return cannot be a qualifying child. 3) Generally, a person can only be a qualifying child of their parent but, if no parent claims such child, another otherwise eligible taxpayer may claim the child if such individual “has a higher adjusted gross income for the taxable year than any parent eligible to claim the child .”

For more information, please contact Beth Davis-Pratt in CDF’s Child Welfare and Mental Health Team at 202-662-3629 or edavis-pratt@childrensdefense.org or Tiffany Conway at the Center for Law and Social Policy at 202-906-8026 or tconway@clasp.org.

November 6, 2008