

FOSTERING FUTURES

OLDER YOUTH AND THE LAW

FEDERAL LAWS	
TITLE	KEY PROVISIONS
<p>Fostering Connections To Success And Increasing Adoptions ACT (P.L. 110-351) Increased opportunities for children to be placed with relatives, expanded incentives to encourage adoptions from foster care, expanded federal support for adoption assistance, and increased options for supporting youth in foster care after age 18</p>	<ul style="list-style-type: none"> • Provided federal funding for subsidized guardianship programs • Required notice of relatives when children enter care • Waived licensing standards for kin • Funded Family Connections Grants to support kinship navigator, family group decision-making, and other programs • Enhanced the adoption incentive program Expanded Title IV-E adoption assistance benefits to children who would otherwise not be eligible because of their birth parents' income; expanded eligibility is phased in over time until 2018 • Required states to inform prospective adoptive parents about the adoption tax credit • Extended independent living and education vouchers for youth in care • Required states to work on transition plans for youth at risk of aging out of care • Allowed federal reimbursement to states that offer support youth in foster care at ages 19, 20, and 21

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	<ul style="list-style-type: none"> • Provided tribes with an opportunity for direct Title IV-E funding • Required states to track health information for children in care, promote school continuity and success • Expanded federal funding for training for caregivers and professionals
<p>Safe and Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239)</p> <p>This act was enacted to improve protections for children and hold states accountable for the safe and timely placement of children across state lines</p>	<ul style="list-style-type: none"> • State is required to have in effect a procedure for the orderly and timely interstate 1 placement of children. • State is required to complete and report on foster and adoptive home studies requested by another State within 60 days • The State that requested the home study must accept the completed home study unless, within 14 days of receiving the report, the State determines that reliance on the report would be contrary to the child’s welfare. • Parts of the home study involving education and training of prospective foster and adoptive parents do not have to be completed within the same 60- (or 75-) day timeframe. Further, States are permitted to contract with a private agency to conduct the home study.
<p>2004 Reauthorization of the Individuals with Disabilities Education Act (P.L. 108-446)</p>	<ul style="list-style-type: none"> • Children’s educational needs are considered when making decisions

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<p>This act was reauthorized I 2004 with a new focus on improving educational stability, opportunities and outcomes for special-needs children in foster care.</p>	<ul style="list-style-type: none"> • A specific individual is appointed to advocate for each child’s educational needs • The child welfare system, the school system, and the judicial system communicate with each other about individual children who are in foster care. • Delays are eliminated in enrolling children in new schools or transferring school records when students move due to new placement. The new school should immediately enroll the child and honor the child’s existing Individualized Education Plan (IEP) until a new assessment can be conducted.
<p>Foster Care Independence Act of 1999 (P.L. 106-169)</p> <p>This act is targeted at youth who are “likely to remain in foster care until age 18” and those who have aged out of the foster care system</p>	<ul style="list-style-type: none"> • Allows states to serve youth up to age 21 regardless of whether or not they are eligible for the Title IV-E Foster Care Program • Increase federal funding to assist and serve young people transitioning from foster care. • Establishes the John H. Chafee Foster Care Independence Program, which strongly supports the dependency system’s capacity to help youth make a healthy transition into adulthood • Allows states to provide Medicaid to youth between the ages of 18 and 21 who were in foster care on their 18th birthday.

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	<ul style="list-style-type: none"> Increases the youth-assets limit from \$1,000-\$10,000 without jeopardizing the youth’s eligibility for the Title IV-E funded foster care. Ensures foster parents have adequate preparation to care for the children placed in their home. Provides additional funding for adoption incentive payments. Mandates that states use a portion (up to 30%) of their independent living program funds to provide room and board for youth ages 18 to 21 who have exited foster care.
<p>John H. Chafee Foster Care Independence Program</p> <p>This program reinforces the importance of adoption and other permanency options for teens in foster care.</p>	<ul style="list-style-type: none"> Independent living services should not be seen as an alternative to adoption for teens. Enrollment can happen concurrently with continued efforts to locate and achieve placement in adoptive families for older children in foster care. Requires states to train foster and adoptive parents, group-care workers, and case managers about the issues confronting adolescents preparing for independent living. Reinforces the importance of providing personal and emotional support for children aging out of foster care through the promotion of interactions with mentors and other dedicated adults.

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	<ul style="list-style-type: none"> Specifies that independent living services may be provided to youth people at “various ages” and stages of achieving independence, “including children waiting for adoption or other permanent options.”
<p>Adoption and Safe Families Act of 1997 (P.L. 105-89)</p> <p>Sought to promote the safety, permanency, and well-being of children in foster care, accelerate the permanent placement of children in care, and increase the accountability of the child welfare system.</p>	<ul style="list-style-type: none"> Clarified “reasonable efforts” agencies must make to reunify families before terminating parental rights; Required permanency hearings to be held within 12 months after a child enters care; Required states to begin termination of parental rights proceedings in certain cases; Promoted concurrent planning; Required criminal records checks; Established adoption incentive payments for states that increase the number of children adopted from foster care; Required states to provide health insurance coverage to all children for whom there is an adoption assistance agreement in place and who cannot be placed without medical assistance; Prevented states from delaying or denying placements based on geographic barriers; encourage states to plan for effective cross-jurisdictional placements; and

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	<ul style="list-style-type: none"> Continued Title IV-E eligibility for children whose prior adoption ended through adoption dissolution or the adoptive parents' death. Specifies 4 types of permanent plans that are acceptable: <ul style="list-style-type: none"> Return to parent Placement for adoption Legal guardianship Another Planned Permanent Living Arrangement (APPLA) Three exceptions in which the agency may defer filing a Termination of Parental Rights (TPR) petition: <ol style="list-style-type: none"> The child is being cared for by a relative Compelling reason supports a finding that termination would not be in the child's best interest The agency has not provided the parent with the services listed in the case plan
McKinney-Vento Homeless Assistance Act of 1997 (P.L. 100-77)	<ul style="list-style-type: none"> This law targets all youth who do not have a fixed, regular, or adequate residence Enables youth who are homeless (including those awaiting foster care placements) to remain in their school or origin if they wish, and it requires school

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<p>This act was passed to help youth and their families who are experiencing homelessness and to protect the right of the youth who is homeless to attend school</p>	<p>districts to provide transportation to that school if needed.</p> <ul style="list-style-type: none"> Child welfare professionals working with qualifying youth in out-of-home care may be able to use this provision to keep a particular youth in his or her home school.
<p>The Family First Prevention Services Act of 2018</p> <p>Seeks to prevent children from entering foster care, supporting kinship caregivers, and reduced reliance on group care.</p>	<ul style="list-style-type: none"> Permits states and eligible tribes to receive federal reimbursement under Title IV-E of the Social Security Act to support family preservation services for children at risk of entering care. Limits federal Title IV-E reimbursement to states and tribes for maintenance payments—also known as room-and-board payments—for children placed in group settings. Extends various child welfare programs, including the Adoption and Guardianship Incentive Payment Program Allows states to use Title IV-E funding to offer evidence-based kinship navigator programs Establishes an electronic interstate case-processing system Reinstates the eligibility link for children under age 2 whose adoptions are finalized between January 1, 2018 and June 30, 2024

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<p>The Preventing Sex Trafficking and Strengthening Families Act of 2014</p> <p>Created more protections for children in foster care to prevent sex trafficking, added incentives for guardianship placements, required states to use new federal IV-E funds for post-adoption and guardianship support.</p>	<ul style="list-style-type: none"> • Required states to identify children at risk of sex trafficking and develop policies to support these children • Gave foster parents and other caregivers the right to allow children in foster care to participate in the normal activities of childhood • Reduced the use of Another Planned Permanent Living Arrangement (AAPLA) for children under age 16 • Empowered youth to participate in their own case plan • Required states to provide youth with key documentation such as birth certificate and Social Security card • Added a guardianship incentive to the adoption incentive program; changed the incentive program to be based on the rate of adoption/guardianship rather than the number of adoptions from foster care • Required states to track and reported on increased federal Title IV-E adoption assistance funds due to the Fostering Connections Act and to spend at least 30 percent of those funds on post-adoption and post-guardianship services and services to prevent foster placement • Required data gathering on adoption and guardianship disruptions and dissolutions