

ARTICLE ON NEW FEDERAL LAW

**IMPORTANT: New federal law is the most significant child welfare legislation in years.
“Fostering Connections to Success and Increasing Adoptions Act” (PL 110-351)**

Summary

In early October, 2008, the president signed “The Fostering Connections to Success and Increasing Adoptions Act (PL 110-351)”; a law that advocates around the country are calling the most significant child welfare federal legislation in years. **Fostering Connections** contains numerous provisions that promote adoption and guardianship for children languishing in the child welfare system, particularly children with special needs and older children. The new law also permits states to develop or expand programs designed to assist youth aging out of the foster care system and help provide them with necessary education and skills to succeed as young adults. **Fostering Connections** also contains groundbreaking “educational stability” provisions to ensure and promote positive educational outcomes for youth in foster care. The bill received bipartisan support and was signed quickly by the President after it passed both houses of Congress. Specific provisions include:

Youth aging out of care – allows states to continue providing financial support for children in foster care who are pursuing education, training, or work up to the age of 21. Specifically, the law allows states, at their option, to provide care and support to youth in foster care until the age of 19, 20, or 21 provided that the youth is either 1) completing high school or an equivalency program; 2) enrolled in post-secondary or vocational school; 3) participating in a program or activity designed to promote, or remove barriers to, employment; 4) employed for at least 80 hours per month; or 5) incapable of doing any of these activities due to a medical condition. The protections and requirements currently in place for younger children in foster care would continue to apply for youth ages 18-21. Youth ages 18-21 could be placed in a supervised setting in which they are living independently, as well as in a foster family home or group home. States could also extend adoption assistance and/or guardianship payments on behalf of youth ages 19, 20, or 21. *The bill requires that the child welfare agency work with the youth to create a transition plan for the youth that will cover housing, education, health insurance, mentoring programs and other available supports within 90 days of the youth’s removal from foster care.*

Education– *the law requires that the child welfare agency work with education officials to help keep children in foster care in their schools of origin* whenever it is in the child’s best interest to remain, and mandates that the agency takes steps to assure children’s school attendance. Additionally, the law provides that in the event it is not in the child’s best interests to remain in the school of origin that the agency must coordinate with school system to *assure immediate enrollment in a new school*. This provision parallels a legislative proposal submitted during the 2007-08 legislative session by the Center for Children’s Advocacy, the Office of the Child Advocate and Connecticut Voices for Children that would have required the Department to ensure foster children in Connecticut had the right to educational stability. The state bill received unanimous support from the Children’s and Education Committees during the 2008 session. The advocacy coalition resurrected the bill for the 2008-09 legislative session and are currently working with other stakeholders to ensure passage. The law must address how the state will implement the federal mandate regarding educational stability, how transportation issues will be addressed and funded, and how decisions regarding school placement will be made. Per the federal law, Connecticut has until July 1, 2010 to implement the educational stability mandate and enrollment mandates.

Siblings- *the law requires the child welfare agency make reasonable efforts to place siblings together, and if that is not possible, to provide for frequent visitation* or other ongoing interaction between siblings. This provision parallels existing state law (CGS 46b-129 and 17a-10a) that requires DCF to make such efforts regarding placement and visitation.

Improving Incentives for Adoption – the law reauthorizes and improves current incentives that provide financial bonuses to states increasing the number of children adopted out of foster care. It includes a special incentive for the adoption of older children and increases the incentive for adoption of children with special needs.

Supporting Relative Caregivers –the law codifies existing federal guidelines that states may waive non-safety foster care licensing standards for a relatives' home, creates the Family Connections grant with 5 million reserved for Kinship Navigator programs and provides for relative guardianship payments. *The law also requires the agency use due diligence to identify relatives within 30 days of removal and notice (including to current relative caregivers) on right to try and get involved in the child's care from the outset of the case.* This provision parallels and *expands upon existing Connecticut law* (CGS 17a-10b) which requires the Department to give notice to grandparents within 15 days of a child's removal from the home.

Increasing Tribal Foster Care and Adoption Access – the law allows Tribes to serve the children in their communities by providing Indian Tribes with the same direct access to federal funding for foster care and adoption services that states currently receive. It would also establish a National Child Welfare Resource Center for Tribes.