

# IMPLEMENTING THE STRENGTHENING FAMILIES ACT

## A Checklist for State Advocates

February 2015

### Effective as if enacted on October 1, 2013:

#### ***Sec. 201: Extension of Adoption Incentive Program Through Fiscal Year 2016***

- Extend the Adoption Incentive program – renamed the Adoption and Legal Guardianship Incentive Payments (Sec. 203) – for three years (through FY 2016).

#### ***Sec. 205: Increase Period of Time for which Incentive Payments are Available for Expenditure***

- Increase the period for which incentive payments are available for expenditure through the adoption and guardianship incentive program from two to three years (not mandatory).

#### ***Sec. 221: Extension of the Family Connection Grant Program***

- Extend the Family Connection Grant Program for one year (through FY 2014) at the current authorization of \$15 million per year.
- Allow institutions of higher education to receive grants, in addition to other groups already allowed to receive grants.
- Kinship navigator grantees must specifically include foster children who are parents in their partnership efforts with agencies.
- HHS will no longer require that \$5 million is reserved for kinship navigator programs.

### Effective September 29, 2014 or October 1, 2014 where asterisked:

#### ***Sec. 103: Including Sex Trafficking Data in the Adoption and Foster Care Analysis and Reporting System (AFCARS)***

- Submit data on the annual number of children in foster care who are identified as sex trafficking victims either before or while they were in foster care to be included in the Adoption and Foster Care Analysis Reporting System (AFCARS).

#### ***Sec. 202\*: Improvements to Award Structure***

- Determine Adoption and Legal Guardianship Incentive Payments based on improvements in rates rather than absolute numbers (transition period allowed in FY2014 before the new incentive structure is fully implemented).
  - In FY 2014, calculate awards using the current-law methodology
  - In FY 2015, calculate awards using the current-law methodology and the new methodology laid out in Sec. 202 (with States receiving the average between the two); and
  - In FY 2016, calculate awards entirely using the new methodology laid out in Sec. 202.
  - Award category and amount changes:
    - \$5,000 awarded per placement for increasing the percentage of foster children adopted in a year above the State's base rate
    - \$4,000 awarded per placement for increasing the percentage of foster children placed with a legal guardian in a year above the State's base rate
    - \$7,500 awarded for increasing the percentage of foster children ages 9-13 adopted or placed with a legal guardian in a year above the State's base rate

- \$10,000 awarded for increasing the percentage of foster children age 14+ adopted or placed with a legal guardian in a year above the state's base rate

**Sec. 204: *Limitation on Use of Incentive Payments***

- Use the adoption and guardianship incentive payments to supplement – not supplant – other funds (federal or non-federal) already being used for services under Titles IV-E or IV-B of the Social Security Act.

**Sec. 206\*: *State Report on Calculation and Use of Savings Resulting from the Phase-Out of Eligibility Requirements for Adoption Assistance; Requirement to Spend 30 Percent of Savings on Certain Services***

- Calculate and report on use of savings resulting from the phase-out of eligibility requirements for adoption assistance.
- Spend at least 30 percent of savings on post-adoption services, post-guardianship services, and services to prevent foster care (with at least two-thirds of this 30 percent being spent on post-adoption or post-guardianship services).

**Sec. 207: *Preservation of Eligibility for Kinship Guardianship Assistance Payments with a Successor Guardian***

- Ensure children who are receiving Title IV-E Guardianship Assistance Program can continue receiving such payments in the event that their legal guardian dies or is no longer able to care and they are placed with a successor guardian.

**Sec. 208: *Data Collection on Adoption and Legal Guardianship Disruption and Dissolution***

- Collect and report the number of children who enter foster care under supervision of the state after finalization of an adoption or legal guardianship.

**Sec. 209: *Encouraging the Placement of Children in Foster Care with Siblings***

- Sec. 209 Ensure that when a child is removed from their home, agencies notify all parents of siblings to the child (where the parent has legal custody of the sibling) within 30 days after the removal of the child from the custody of the parent(s).

**Effective One Year After Enactment (by September 29, 2015)**

**Sec. 101: *Identifying, Documenting, and Determining Services for Children and Youth at Risk of Sex Trafficking***

- Develop policies and procedures to identify, document, and determine appropriate services for children or youth in the placement, care or supervision of the state that are victims of sex trafficking or at risk of becoming a sex trafficking victim.
- Extend services to youth under the age of 26 regardless of whether they were in foster care (not mandatory).

**Sec. 104: *Locating and Responding to Children Who Run Away From Foster Care***

- Develop and implement plans for: expeditiously locating any child missing from foster care, determining the primary factors that contributed to the child's running away, determining the child's experiences while absent from foster care and reporting such related information to HHS.

**Sec. 111: *Supporting Normalcy for Children in Foster Care***

- Implement the "reasonable and prudent parent standard."

**Sec. 112: *Improving Another Planned Living Arrangement as a Permanency Option***

- End the use of "Another Planned Permanent Living Arrangement" (APPLA) as a permanency goal for children under the age of 16 in foster care.

**Sec. 113: *Empowering Foster Children Age 14 and Older in the Development of Their Own Case Plan and Transition Planning for a Successful Adulthood***

- Consult youth in foster care age 14 or older in the development of their own case plan.
- Allow youth to select two trusted adults to be part of the permanency planning team.

- ❑ Give youth a list of their rights while in foster care regarding education, health, visitation, court participation, and other matters.

- ❑ Give youth in foster care ages 14 or older a free credit report and help youth resolve any inaccuracies.

***Sec. 114: Ensuring Foster Children Have a Birth Certificate, Social Security Card, Health Insurance Information, Medical Records, and a Driver’s License or Equivalent State-Issued Identification Card.***

- ❑ Provide a birth certificate, social security card, health insurance information, medical records, and a driver’s license or state ID to youth if and when they exit foster care at age 18 (or older in states that extend foster care beyond 18), who have spent at least six month in care.

**Effective Two Years After Enactment (by September 29, 2016)**

***Sec. 101: Identifying, Documenting, and Determining Services for Children and Youth at Risk of Sex Trafficking***

- ❑ Demonstrate to HHS that the state is implementing the policies and procedures that were developed in year 1 to identify, document, and determine appropriate services for children or youth in the placement, care or supervision of the state who are victims of sex trafficking or at risk of becoming a sex trafficking victim.

***Sec. 102: Reporting Instances of Trafficking***

- ❑ Report information on a child or youth identified as being a sex trafficking victim to law enforcement within 24 hours of receiving the information.

***Sec. 104: Locating and Responding to Children Who Run Away From Foster Care***

- ❑ Report information on missing or abducted children to law enforcement within 24 hours of receiving the information.

**Effective Three Years After Enactment (by September 29, 2017)**

***Sec. 102: Reporting Instances of Trafficking***

- ❑ Report annually to HHS the number of children and youth who are sex trafficking victims.

***Sec. 112: Improving Another Planned Living Arrangement as a Permanency Option***

- ❑ End the use of “Another Planned Permanent Living Arrangement” (APPLA) as a permanency goal for children under the age of 16 in foster care under the responsibility of an Indian tribe, tribal organization or tribal consortium.

**Effective Six Years After Enactment (by September 29, 2020)**

***Sec. 111: Supporting Normalcy for Children in Foster Care***

- ❑ An additional \$3 million will be made available annually under the Title IV-E Independent Living Program to support foster youths’ participation in age-appropriate activities.