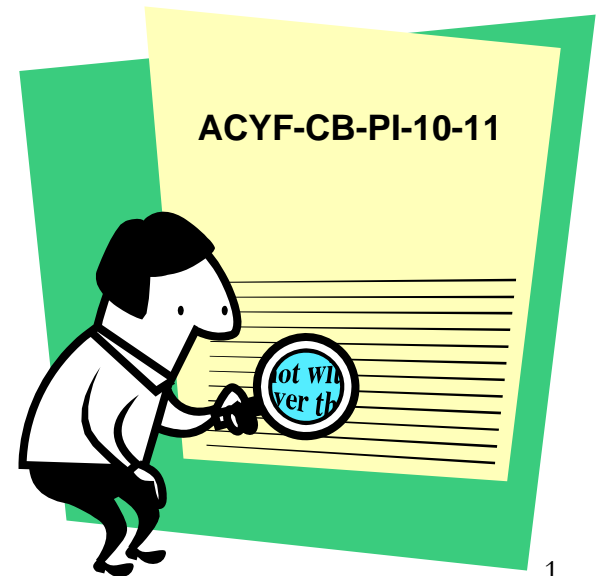

ACYF-CB-PI-10-11: An Overview of the Comprehensive Fostering Connections PI

Allison Lowery Palmer,
U.S. Department of Health and Human Services,
Administration for Children and Families, Children's Bureau
AAICAMA Presentation December 16, 2010



Agenda

- Extending Title IV-E Assistance to Youth Up to Age 21
 - Title IV-E Guardianship Assistance Program
 - Education and Health Provisions
 - Sibling Placement, Notifying Relatives and Waiving Non-Safety Licensing Standards for Relatives
 - Title IV-E Adoption Assistance
 - Title IV-E Administrative and Training Costs
 - Negotiating Tribal Agreements in Good Faith
-

Extending Title IV-E Assistance to Youth Up to Age 21



Extending Title IV-E Up to Age 21

- If the agency chooses to expand the definition of child, the selected age **must** apply to the title IV-E foster care, adoption assistance and, if applicable, guardianship assistance programs.
- CB encourages a title IV-E agency to expand the definition of child up to age 21.
 - If the agency wishes to extend assistance over age 18, but only up to age 19 or 20, the agency must submit a description as to why the agency is choosing a lower age.

Educational and Employment Conditions for Youth 18+



- A title IV-E agency may design its child welfare programs to provide extended care to youth in any of the five educational or employment circumstances.
- In designing its program, the agency is given considerable flexibility in relation to these conditions, such as:
 - Including only one, some or all conditions;
 - Establishing specific criteria for meeting the conditions;
 - Determining how the agency will verify or obtain assurances that the youth meets the conditions, and the frequency of the verifications.

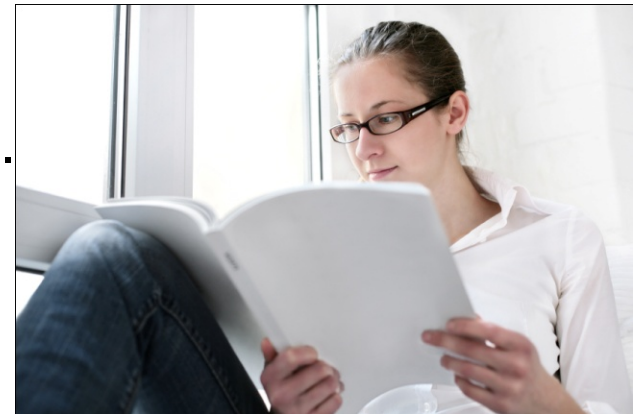
Removal from Home Criteria and Placement and Care for Youth 18+ in Foster Care

- Youth 18+ in foster care must meet the title IV-E removal criteria.
 - There are several ways a youth can meet these criteria, depending on whether a youth is continuing in foster care after turning 18 or reentering foster care after turning 18.
 - See Section B of PI-10-11 for more information.
- The agency must obtain placement and care responsibility of youth over age 18 receiving title IV-E foster care maintenance payments through a VPA, written authorization from the youth or court order.

Supervised Independent Living

Settings for Youth 18+

- An agency may develop a range of supervised independent living arrangements that can be reasonably interpreted as consistent with the law.
- The setting must be paired with a supervising agency or worker, but does not necessarily have to meet the same safety and licensing standards as a foster family home or child care institution. Possible examples include:
 - host homes;
 - college dorms;
 - shared housing;
 - semi-supervised or supervised apartments.



Title IV-E Protections and Case Review Requirements for Youth 18+

- All title IV-E protections and case review requirements apply to youth over age 18, including:
 - Periodic reviews
 - Permanency hearings and TPR requirements
 - Monthly caseworker visits, and
 - A judicial determination that the agency made reasonable efforts to finalize a permanency plan every 12 months for youth over age 18 receiving title IV-E foster care who were removed via court order.
- However, an agency has flexibility in how to apply these requirements, such as:
 - Focusing agency and caseworker permanency efforts on the goal of independent living and the youth's progress in meeting this goal.
 - Conducting hearings/visits and delivering services in an age-appropriate manner.

Transition Planning Requirements

- **As part of the case review system, title IV-E agency caseworkers (or other child representatives) must:**
 - Assist and support a youth in foster care in developing a transition plan.
 - Develop the plan during the 90-day period before the youth attains age 18 (or older age up to 21 as elected by the agency).
- **The transition plan must:**
 - Be personalized at the direction of the child,
 - Be as detailed as he or she chooses, and
 - Include specific options regarding housing, health insurance, health care proxy, education, local opportunities for mentors, continuing support services, work force supports and employment services.
- The transition plan is not required if a youth leaves foster care more than 90 days before his/her 18th birthday or older age, as elected by the agency.



Title IV-E Guardianship Assistance Program (GAP)



Title IV-E GAP

- A title IV-E agency may elect to enter into kinship guardianship assistance agreements to provide payments on behalf of children to relatives who assume legal guardianship for children for whom they have provided care as foster parents.

Title IV-E GAP – Defining Relative

- An agency has **considerable flexibility** in defining “relative” for the purposes of the GAP.
 - e.g., a definition may be broad and include extended family, friends, Tribal kin and/or ‘fictive’ kin.
- We **encourage** an agency to have a definition consistent with the relative notification provision that will support the identification and notification of potential relatives/kin.



Title IV-E GAP – Conditions for Guardianship

- The following eligibility criteria must be applied to every child and **may not** be changed:
 - ❑ Criminal record checks.
 - ❑ Return home/adoption are not options for the child.
 - ❑ Child has attachment to guardian and guardian has strong commitment to care for child.
 - ❑ A child who has attained age 14 has been consulted about the guardianship.
- In addition, the GAP **must be implemented statewide/service area-wide**
 - Child must be eligible for title IV-E foster care for at least 6 months, while in the home of the prospective guardian, but the agency has the discretion to extend that amount of time.

GAP – Agreements and Payments

- **A GAP agreement must include the following terms:**
 - The agency will reimburse for total nonrecurring costs up to \$2,000.
 - The agreement is in effect regardless of the State/service area of residence.
- **If specified in the GAP agreement, an agency has the following flexibility:**
 - May require periodic renewals of agreements
 - May adjust the amount as the child ages or needs change.
 - May continue payments if a child moves out of the guardian's home to attend college or to live independently.
 - May reduce GAP payments when other sources of income are received by the guardian or child.
- **A GAP payment must be made in order for the child to be categorically eligible for Medicaid.**

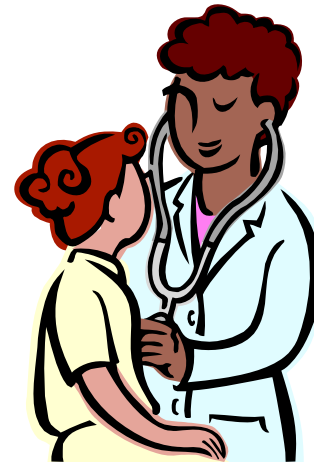
GAP – Siblings

- An agency may make GAP payments on behalf of siblings of an eligible child placed in the same home.
 - The title IV-E agency must pay NRE of sibling, not to exceed \$2,000.
 - Sibling is not required to meet eligibility criteria.
 - It does not matter whether the eligible child or sibling is placed first in the home.

GAP – Termination

- An agency must stop GAP payments in certain circumstances, such as when:
 - ❑ The guardian is no longer legally responsible for the child under age 18.
 - ❑ The guardian is no longer providing support to the child.

Education and Health Provisions



Enrolling Children in School

- Title IV-E plan requirement to:
 - Assure that each child receiving a title IV-E payment that has reached the age for compulsory school attendance is:
 - a full-time elementary or secondary student; or
 - in an authorized independent study program; or
 - being home schooled consistent with the law of the State or jurisdiction.
 - Alternatively, the title IV-E agency must assure that the child:
 - has completed secondary school; or
 - is incapable of attending school due to a documented medical condition.

- For a child in **foster care**, the title IV-E agency must regularly document and update the child's incapability to attend school in the child's case plan. The agency should update the status of the child's medical condition whenever the case plan is updated.

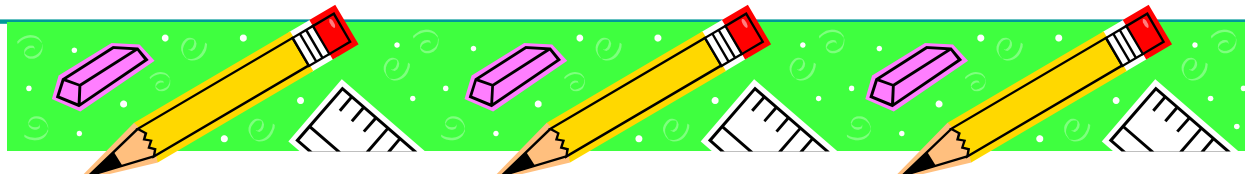
Enrolling Children in School, cont.

- The title IV-E agency has the discretion to determine:
 - How to ensure the enrollment requirements are being met.
 - Whether and how it will document medical conditions that render a child who is adopted or in a guardianship incapable of attending school.
- CB encourages the title IV-E agency to:
 - Work with the local education agency to address barriers to enrollment.
 - Identify experts on educational efforts to serve as a resource.
 - Monitor the progress of each child in school consistent with education case plan requirements.



Educational Stability

- Educational stability case plan requirement:
 - An assurance that the child's initial placement takes into account the appropriateness of the current school and the proximity of that school to the placement; AND
 - that the agency has coordinated with the local education agency to ensure the child can stay enrolled in their school despite the placement; OR
 - if the agency determines it isn't in the child's best interests to stay in the same school, an assurance that the child is immediately enrolled in a new school and that all the child's educational records are provided to the new school.
- Although these assurances relate to the time of the child's initial foster care placement, we encourage an agency to update the plan whenever a child changes schools.



Payments for School Transportation

- As part of a child's title IV-E foster care maintenance payment, an agency has the discretion to:
 - Include the cost of reasonable travel for a child to remain in the same school he or she was attending prior to placement in foster care in a child's title IV-E foster care maintenance payment.
 - Include these costs whether the child is in an initial or a subsequent placement.
 - Determine what is considered reasonable travel (based on factors such as cost, distance and time).
 - Provide the payment to the child's care provider or make a separate payment to the transportation provider.
- Transportation costs associated with the child's attendance at his or her school of origin *remain allowable administrative costs* under title IV-E.



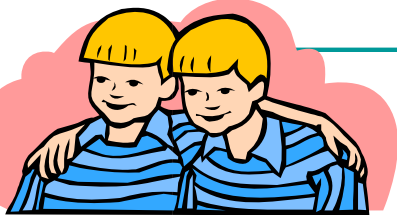
Health Care Oversight and Coordination

- Title IV-B plan requirement for a State/Tribal agency to develop and submit a plan for ongoing oversight and coordination of health care services for children in foster care.
- CB encourages the agency to:
 - Pay particular attention to oversight of the use of psychotropic medicines in treating the mental health care needs of children.
- An agency has flexibility to decide:
 - How to implement the specific requirements of the plan.
 - Whether to implement a single, agency-wide health care monitoring entity or put into place another mechanism.
 - What to include in the schedule for health screenings, as long as it meets standards of medical practice.



Sibling Placement, Notifying Relatives and Waiving Non- Safety Licensing Standards for Relatives





Sibling Placement

- **The title IV-E agency must:**
 - ❑ Make reasonable efforts to place siblings removed from their home in the same foster care, adoption or guardianship placement.
 - ❑ Facilitate frequent visitation or ongoing interactions for siblings who cannot be placed together (as determined by the agency).
 - ❑ Make exceptions when the agency determines that placement together or visitation/ongoing interaction is contrary to the safety or well-being of any of the siblings.

Sibling Placement, cont.

- The title IV-E agency has discretion to:
 - ❑ Define siblings or sibling groups.
 - ❑ Set standards for visitation and contact (a minimum of monthly).
 - ❑ Determine appropriate settings and supervision of visits.
- CB encourages an agency to:
 - ❑ Develop standard decision-making protocols for workers.
 - ❑ Conduct periodic reassessments of situations in which siblings are unable to be placed together or have frequent visitation.



Notifying Relatives

- Title IV-E agency must exercise due diligence (as defined by the agency) to identify and notify all adult relatives of a child's removal from his/her home within 30 days of removal, subject to exceptions due to family/domestic violence.

- **The title IV-E agency has discretion to determine:**
 - What constitutes "due diligence."
 - Appropriate exceptions to notifying relatives.
 - The scope of 'all adult relatives.'
 - The method or form of notice.

- **CB encourages agencies to:**
 - Align the definition of relatives used for GAP (if applicable) with the definition of relatives used for notification of a child's removal from home (to the extent practicable).
 - Provide notice in multiple ways.

Waiving Non-Safety Licensing Standards for Relatives



- The title IV-E agency has the discretion to:
 - Waive, on a case by case basis, a non-safety licensing standard for a relative foster family home (e.g., number of bedrooms, square footage).
 - Determine what constitutes a non-safety licensing standard.
 - Consider variances to meet licensing/approval standards.
- CB expects agencies to
 - Clearly document the reason for waivers in licensing/approval record.
 - Indicate the specific applicability of the licensing/approval to the relative child.
- CB encourages agencies to:
 - Use a variety of means to ensure, when appropriate, relatives are able to meet licensing/approval standards and provide safe care to a child.
 - Consider use of title IV-E administrative funds to assist relatives to meet licensing/approval standards without using waivers.

Title IV-E Adoption Assistance



Adoption Assistance Before *Fostering Connections...*

- One of the ways that a child with special needs could be eligible for adoption assistance is by being eligible for Aid to Families with Dependent Children (AFDC) at initial removal. If such a child was not eligible for AFDC, and could not access the program through one of the other pathways, the child could not receive title IV-E adoption assistance.
- *Fostering Connections* gradually phases in new adoption assistance eligibility criteria so that by FY 2018, the AFDC pathway will have been eliminated. Until FY 2018, there will be two separate sets of eligibility criteria, one of which includes the AFDC link.

General Requirements That Apply To All Children

- Special Needs Determination
- Criminal background check requirements
- Adoption assistance agreement requirements
- Categorical eligibility for Medicaid
- Non-recurring expenses
- Termination
- Fair hearings
- PRWORA: Qualified Alien/Citizenship status



Child who is not an “applicable child”: The Basics

- Question: What is considered a child who is not an “applicable child”?
- Answer: In general, this child is one whose eligibility pathway for title IV-E adoption assistance still may be linked to eligibility for the former AFDC program if the child cannot access the program through one of the other three pathways.

- Question: Are there new rules that apply these children?
- Answer: No. The “old” adoption assistance statute, regulations and policy apply.

Applicable child: The Basics

Question: What is an applicable child?

Answer: In general, a child whose title IV-E eligibility is not linked to the former AFDC program and for whom the new program rules apply.

Question: How does a child become applicable?

Answer: A child that is the subject of an adoption assistance agreement can become applicable by any one of three ways:

- the child's age in the FFY that the Adoption Assistance agreement is entered; OR
- the amount of time a child has been in foster care (60 consecutive months); OR
- by being 1) the sibling of a child who is an applicable child; 2) being placed in the same adoptive placement as the applicable child; and 3) by meeting certain conditions at the time of initiation of adoption proceedings.

Applicable Child: By FFY and Age

| | | FEDERAL FISCAL YEAR October 1 – September 30 | | | | | | | | |
|---|-----|---|----------------------------------|------|------------------------|------|------------------------------------|------|------|------|
| | | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
| HIGHEST AGE ATTAINED BY THE CHILD DURING FISCAL YEAR | 18+ | | | | | | | | | |
| | 17 | | | | | | | | | |
| | 16 | | | | | | | | | |
| | 15 | | | | | | Applicable Child | | | |
| | 14 | | | | | | Revised Eligibility Criteria Apply | | | |
| | 13 | | | | | | (sec 473(a)(2)(A)(ii)) | | | |
| | 12 | | | | | | | | | |
| | 11 | | | | | | | | | |
| | 10 | | | | | | | | | |
| | 9 | | | | | | | | | |
| | 8 | | | | | | | | | |
| | 7 | | Not an applicable child – | | | | | | | |
| | 6 | | Preexisting Eligibility Criteria | | | | | | | |
| | 5 | | Apply | | | | | | | |
| | 4 | | | | (sec. 473(a)(2)(A)(i)) | | | | | |
| | 3 | | | | | | | | | |
| | 2 | | | | | | | | | |
| | 1 | | | | | | | | | |
| | 0 | | | | | | | | | |

Applicable Child: Time in Care and Siblings

- A child is an applicable child if:



- The child has been in title IV-E foster care under the placement and care responsibility of the title IV-E agency for **60 consecutive months** AND the child otherwise is eligible for adoption assistance.
- The child is the sibling of an applicable child AND is to be placed in the same adoption placement as the child's applicable sibling AND the child otherwise is eligible for adoption assistance.



Four Applicable Child Eligibility Pathways: Initiation of Adoption Proceedings and SSI

1. Child meets specific criteria at the initiation of adoption proceedings:
 - in the care of a public or private child welfare agency or Indian Tribal organization via a contrary to the welfare judicial determination; a voluntary placement agreement OR a voluntary relinquishment
2. Child meets all medical or disability requirements for Supplemental Security Income (SSI) at the initiation of adoption



Four Applicable Child Eligibility Pathways, cont.: Minor Parent and Prior Adoption

3. Child is the child of a minor parent and the applicable child: is living with the minor parent in a foster family home or a child care institution AND the minor parent was removed from home via a CTW judicial determination or a voluntary placement agreement or a voluntary relinquishment
4. Child was eligible in a prior adoption



Applicable Child:

International Adoptions

- Even if the child has special needs, title IV-E adoption assistance is not available to a child who:
 - is not a citizen or resident of the United States
- AND
- who was either adopted outside the U.S. or brought to the U.S. for the purpose of adoption.
- Note that PRWORA restrictions still apply to title IV-E adoption assistance payments for both an applicable child and a child who is not an applicable child.

Negotiating Tribal Agreements in Good Faith



Negotiating in Good Faith with Indian Tribes

- A title IV-E agency is required to **negotiate in good faith** with any Indian Tribe in the State that requests to develop an agreement with the State title IV-E agency to administer a title IV-E program on behalf of Indian children.
- CB encourages
 - States and Indian Tribes to work together to enter into or revise an existing title IV-E agreement or contract as needed to ensure that Indian children have the same access to the title IV-E program as any other child.
- CB expects
 - At a minimum that all parties have an opportunity to contribute to the development of a title IV-E agreement.
- States and Tribes have discretion to
 - Create arrangements that work best for the parties to a title IV-E agreement or contract.

Title IV-E Administrative and Training Costs



Short-Term Training

- A title IV-E agency may claim for the short-term training of certain categories of trainees including the following new categories:
 - Relative guardians (if the title IV-E agency has opted to offer IV-E GAP).
 - Members of licensed or approved child welfare agencies providing services to children receiving assistance under title IV-E.
 - Members of the staff of abuse and neglect courts.
 - Agency attorneys and attorneys representing children or parents.
 - Guardians ad litem or other court-appointed special advocates representing children.
- The FFP rate for these additional categories is phased in until reaching 75 percent in FY2013.

Funding and Administrative Costs for Implementation

- Examples of possible administrative costs related to implementing Fostering Connections include:
 - Administrative and training costs related to implementing the option to extend title IV-E payments to youth age 18 or older.
 - The cost of transporting a sibling removed from his/her home to a sibling visit, if not jointly placed.
 - Costs associated with improving existing agency protocols for identifying and notifying relatives of children entering foster care.

Resources

- **ACYF-CB-PI-10-11:**

http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/2010/pi1011.htm

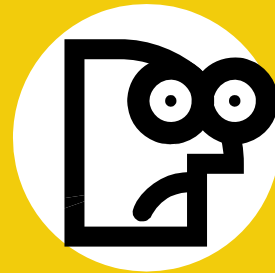
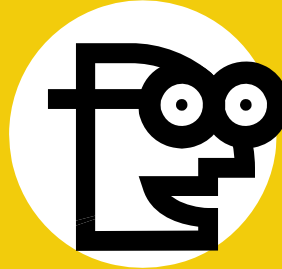
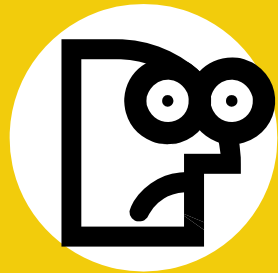
- **Single Resource on Fostering Connections Implementation:**

http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/2010/pi1011b.htm

- **Updated Compilation of Titles IV-B and IV-E of the SSA:**

http://www.acf.hhs.gov/programs/cb/laws_policies/cblaws/safe2010draft.htm





It's QUESTION TIME !!