

**Side-by-Side: Comparison of Kinship, Adoption, and Other Provisions in the
Kinship Caregiver Support Act, Invest in K.I.D.S. Act, Fostering Connections to Success Act, and
Improved Adoption Incentives and Relative Guardianship Support Act of 2008**



	Kinship Caregiver Support Act (S. 661/H.R. 2188)	Invest in K.I.D.S. Act (H.R. 5466)	Fostering Connections to Success Act (H.R. 6307)	Improved Adoption Incentives and Relative Guardianship Support Act of 2008 (S. 3038)
Kinship Navigator Program	Creates 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. 0% state match in first year; 25% in second year; 50% in third year of the grants.	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. Allows for 20 total grants each year. 0% state match in first year; 25% in second year; 50% in third year of the grants.	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. Allows for 20 new grantees each year. 25% state match in first and second years; 50% match in third year of the grants.	Does not create program but allows states to use adoption/guardianship incentive payments for “relative navigator and support services.”
• Eligibility for grants	To be eligible to receive a grant under this section, an entity shall be a State agency, metropolitan agency, or tribal organization (that has experience in certain areas).	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.”	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.”	Not applicable
Subsidized Guardianship	Gives states the option to use Title IV-E funds for kinship guardianship assistance payments.	Gives states the option to use Title IV-E funds for kinship guardianship assistance payments.	Gives states the option to use Title IV-E funds for kinship guardianship assistance payments.	Gives states the option to use Title IV-E funds for relative guardianship assistance payments.
• Length of time child must be in foster care	12 months	12 months	12 months	The month prior to granting guardianship
• Child required to be with relatives in foster care?	Child must be placed with relative in IV-E foster care prior to exiting to guardianship with subsidy.	Child must be placed with relative in IV-E foster care prior to exiting to guardianship with subsidy.	Child must reside with relative for at least six months and be eligible for IV-E payments while in the relative’s home.	There is no requirement that the child live with the relative in foster care prior to exiting with subsidy, but the relative must be approved as a foster family home.
• Rule out adoption and return home	State agency must rule out adoption and return home.	State agency must rule out adoption and return home.	State agency must rule out adoption and return home.	State agency must rule out adoption and return home.

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<ul style="list-style-type: none"> • Placement with Siblings (Sibling Exception) 	<p>Siblings <i>may</i> 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.</p> <p>Allows the relative to receive payments for each of the siblings.</p>	<p>Siblings <i>may</i> 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.</p> <p>Allows the relative to receive payments for each of the siblings.</p> <p>NOTE: For <i>all</i> 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 <i>may</i> 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.</p> <p>Allows the relative to receive payments for each of the siblings.</p> <p>NOTE: For <i>all</i> 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><i>Requires</i> that siblings be placed in the same relative guardianship arrangement unless it is inappropriate to do so.</p> <p>Allows the relative to receive payments for each of the siblings.</p>
<ul style="list-style-type: none"> • Covered expenses 	<p>Subsidized guardianship payment</p> <p>Nonrecurring expenses will be covered to include “reasonable and necessary fees, court costs, attorneys’ fees, and other expenses that are directly related to obtaining legal guardianship of the child.”</p>	<p>Subsidized guardianship payment</p> <p>Requires the state to pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child, while allowing the state to be reimbursed for the applicable percentage by the federal government.</p>	<p>Subsidized guardianship payment</p> <p>Nonrecurring expenses associated with obtaining guardianship limited to \$2000</p>	<p>Subsidized guardianship payment</p> <p>Nonrecurring expenses associated with obtaining guardianship limited to \$2000</p>

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<ul style="list-style-type: none"> • Payments 	<p>Must be based on the circumstances and needs of the relative guardian and of the child.</p> <p>Must be equal to the foster care maintenance payment.</p> <p>May continue until age 19 if child is enrolled in secondary school (or equivalent level vocational school) or until age 21 if the child has a mental or physical disability.</p>	<p>Must be based on the consideration of the needs of the relative guardian and 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 until age 21 if the child elects to remain in the care of the guardian until age 21.</p>	<p>There is not a specific requirement to initially base payments on the circumstances or needs of the relative or the child, but the payment level may be readjusted based on the circumstances of the relative or needs of the child provided that the payment level does not exceed the payment that would have been received had the child still been in foster care at that time.</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 an equivalency program; 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>Must be based on the circumstances of the relative and the needs of the child.</p> <p>May not be less than the adoption assistance payment and not more than the foster care maintenance payment.</p> <p>Payments may only be made until the child reaches age 18.</p>
<ul style="list-style-type: none"> • Demonstration projects 	Includes option of a subsidized guardianship demonstration in a city or other part of the state if the state doesn't opt to use Title IV-E for guardianship payments.	Does not include a demonstration option.	Does not include a demonstration option.	Does not include a demonstration option.
<ul style="list-style-type: none"> • Moving out of state 	<p>If the relative and child move out of state, the agreement will remain in effect.</p> <p>Requires the agreement to provide for the protection of the interests of the child if the child moves out of state under a relevant interstate compact or otherwise.</p>	<p>If the relative and child move out of state, the agreement will remain in effect.</p> <p>Requires the agreement to provide for the protection of the interests of the child if the child moves out of state, but does not specifically mention the use of an interstate compact.</p>	<p>If the relative and child move out of state, the agreement will remain in effect.</p> <p>Does not specifically require the agreement to provide for the protection of the interests of the child if they should move out of state.</p>	<p>If the relative and child move out of state, the agreement will remain in effect.</p> <p>Does not specifically require the agreement to provide for the protection of the interests of the child if they should move out of state.</p>

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• Criminal background checks	Requires background checks of relative guardians, including all the requirements in Title IV-E that already apply to prospective foster and adoptive parents.	Requires background checks of relative guardians.	Requires background checks of relative guardians.	Requires background checks of relative guardians, including all the requirements in Title IV-E that already apply to prospective foster and adoptive parents.
Notice to Relatives	<p>Requires states to identify and give 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>The notice must specify that the child has been or is being removed from the custody of the child’s parent/s and explains the options the relative has under Federal, State, and local law to participate in the child’s care and placement, including any options that may be lost by failing to respond to the notice.</p> <p>Does not require notice to relatives receiving Temporary Assistance for Needy Families (TANF).</p>	Does not include notification requirement.	<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.</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).</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 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 1-5%.</p>
Separate Licensing Standards	<p>Allows separate licensing standards for relative and non-relative foster homes, provided that both protect the safety of the child and provide for background checks.</p> <p>Requires that the criminal records checks must be the same as those required for foster and adoptive parents.</p>	<p>Allows separate licensing standards for relative and non-relative foster homes, provided that both protect the safety of the child and provide for background checks.</p> <p>Does not specify the nature of the required criminal records checks other than that they should include fingerprint-based checks of the national crime information databases.</p>	Does not address separate licensing standards for relative and non-relative foster homes.	Does not address separate licensing standards for relative and non-relative foster homes.

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Eligibility for Chaffee/Education and Training Vouchers/ Independent Living	H.R. 2188 extends eligibility for independent living services and education and training vouchers (ETV) to include youth exiting foster care to guardianship attaining age 14 and lowers age from 16 to 14 for youth exiting to adoption. S. 661 extends ETV to include youth exiting foster care to guardianship but keeps the age requirement at 16.	Does not address access to independent living or ETV for youth exiting foster care to guardianship.	Does not address access to independent living or ETV for youth exiting foster care to guardianship.	Extends eligibility for independent living services and ETV to youth exiting foster care to guardianship at the age of 16.
De-linking Adoption Assistance Eligibility from AFDC income Requirements	Does not de-link adoption assistance eligibility.	De-links eligibility for adoption assistance payments from the income requirements of AFDC.	Does not de-link adoption assistance eligibility.	De-links eligibility for adoption assistance payments from the income requirements of AFDC and requires that any savings resulting must be reinvested in IV-B or IV-E services.
Eligibility for Adoption Assistance Payments Post-guardianship	Maintains eligibility for adoption assistance if guardian decides to adopt later and specifically allows the child to maintain eligibility even if the child no longer meets the AFDC income requirement as long as the child would have met that requirement when the guardianship assistance agreement was originally entered into.	Eliminates AFDC income eligibility requirements for adoption assistance but does not specifically address guardianship.	Maintains eligibility for adoption assistance if guardian decides to adopt later and allows the child to maintain eligibility as if the guardianship agreement had never been entered into.	Maintains eligibility for adoption assistance if guardian decides to adopt later but requires that the child still meet AFDC income requirements.
Extension of Adoption Incentives Program	Does not amend Adoption Incentives Program.	Extends Adoption Incentives Program for five years through FY 2013.	Extends Adoption Incentives Program for five years through FY 2013.	Extends Adoption Incentives Program for five years through FY 2013.
• Baseline year for incentive payment	Not applicable	2007	2007	2007

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• Incentive payment amount	Not applicable	\$4,000 per special needs non-older child adoption \$8,000 per older child adoption No option for increases based on rate of adoptions.	\$4,000 per special needs non-older child adoption \$8,000 per older child adoption No option for increases based on rate of adoptions.	\$3,000 per special needs non-older child adoption \$8,000 per older child adoption Could receive additional payment if the state's adoption <i>rate</i> exceeds the highest ever previously recorded rate for a year beginning in 1998. The award would be \$1,000 times the increase in the number of adoptions that would have occurred had the caseload remained the same.
• Timeframe for use of incentive payments	Not applicable	Continues the current timeframe for use of the incentive payments through the end of the succeeding year.	States have 24 months beginning with the month in which the payments are made to spend the adoption incentive funds.	States have 24 months beginning with the month in which the payments are made to spend the adoption incentive funds.
• Guardianship incentive payments	Not applicable	Provides guardianship incentive payments for states that increase the number of guardianship placements above the number of guardianship placements in the baseline year of 2007. The incentive payment would be equal to \$4,000 for each guardianship placement above the baseline.	Does not provide for guardianship incentive payments.	Provides guardianship incentive payments to states only if the appropriations for adoption incentive payments are not spent and funds are available. 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.
Adoption Tax Credit	Does not include a requirement to notify individuals about the adoption tax credit.	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.	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.	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.

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Extending Foster Care Eligibility to Age 21	Does not extend eligibility for foster care beyond age 18.	Allows states, at their option, to continue providing payments for youth in foster care until age 19, 20, or 21.	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 an equivalency program; 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 guardianship payments to youth ages 19, 20, or 21 if 16 or older when adoption assistance or guardianship agreement took effect.	Does not extend eligibility for foster care beyond age 18.
Expanding Eligibility for Title IV-E Training Dollars	Does not amend Title IV-E Training Program.	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, members of the staff of abuse and neglect courts, agency attorneys, attorneys representing children, parents, or guardians ad litem, or other court-appointed special advocates representing children in proceedings of such courts; and persons employed by State, local, or private nonprofit child-serving agencies that are working with the State or local child welfare agency to keep children safe and provide permanent families for children.	Allows states to be reimbursed for training provided to all populations currently covered as well as relative guardians and private child welfare agencies approved by the State.	Does not amend Title IV-E Training Program.
Access to IV-E Funds for Indian Tribes	Does not amend Title IV-E to give direct access to Indian tribes.	Allows Indian tribes direct access to IV-E funds.	Allows Indian tribes direct access to IV-E funds.	Does not amend IV-E to give direct access to Indian tribes.

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Promoting Educational Stability	Does not address educational stability for children in foster care.	<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 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 case plan must document efforts to coordinate with the school to ensure immediate enrollment in a new 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 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 case plan must document efforts to 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 is a full-time elementary or secondary school student or has completed secondary school.</p>	Does not address educational stability for children in foster care.

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Addressing Children’s Health Needs	Does not address 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.	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.
Increasing Federal Match Rate for D.C.	Does not increase federal Title IV-E match rate for the District of Columbia.	Increases federal Title IV-E match rate from 50% to 70% for the District of Columbia.	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.

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.

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