

110TH CONGRESS
1ST SESSION

H. R. 2188

To establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2007

Mr. DAVIS of Illinois (for himself and Mr. JOHNSON of Illinois) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Kinship Caregiver Sup-
5 port Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—KINSHIP NAVIGATOR PROGRAM

- Sec. 101. Findings.
- Sec. 102. Purpose.
- Sec. 103. Definitions.
- Sec. 104. Grants.
- Sec. 105. Federal share.
- Sec. 106. Applications.
- Sec. 107. Use of grant funds.
- Sec. 108. Administration of the program.
- Sec. 109. Reservation.
- Sec. 110. Authorization of appropriations.

TITLE II—SUBSIDIZED GUARDIANSHIP OPTION FOR TITLE IV-E

- Sec. 201. Findings.
- Sec. 202. Kinship guardianship assistance payments for children.
- Sec. 203. Kinship guardianship demonstration projects.

TITLE III—NOTICE OF CHILDREN ENTERING FOSTER CARE

- Sec. 301. Notice to relatives when children enter foster care.
- Sec. 302. Flexibility to establish separate standards for relative foster family homes.
- Sec. 303. Expansion of definition of family support services to include assisting kinship caregivers in locating and accessing needed services.
- Sec. 304. Requirement that states inform case workers and families considering guardianship of all permanency options and service eligibility.

1 **TITLE I—KINSHIP NAVIGATOR**
 2 **PROGRAM**

3 **SEC. 101. FINDINGS.**

4 Congress finds the following:

5 (1) The 2000 decennial census states that—

6 (A) more than 4,500,000 children in the
 7 United States are living in grandparent-headed
 8 households, a 30 percent increase from 1990 to
 9 2000; and

10 (B) an additional 1,500,000 children in the
 11 United States are living in households headed
 12 by other relatives.

1 (2) In the 2000 decennial census, over
2 2,400,000 grandparents reported that they were pri-
3 marily responsible for meeting the basic needs of
4 their grandchildren, and parents were not present in
5 about $\frac{1}{3}$ of the families involved.

6 (3) According to the 2000 decennial census, al-
7 most $\frac{1}{5}$ of grandparents responsible for their grand-
8 children live in poverty.

9 (4) Kinship caregivers (as defined in section
10 103) often face a variety of unnecessary barriers, in-
11 cluding difficulties enrolling children in school, au-
12 thorizing medical treatment, maintaining public
13 housing leases, obtaining affordable legal services,
14 obtaining custody of children or otherwise achieving
15 permanency for children in their care, and accessing
16 a variety of Federal benefits and services.

17 (5) Kinship caregivers can help to keep children
18 from entering the foster care system, and provide
19 safe and permanent homes, but need services and
20 supports to do so. They need better access to health
21 insurance, respite care, child care, special education,
22 housing, and other benefits.

23 (6) Surveys and research on the needs of kin-
24 ship caregivers report that one of their greatest chal-

1 lenges in raising children is getting accurate infor-
2 mation about—

3 (A) the benefits and services that are avail-
4 able to their families, such as health and mental
5 health care, assistance provided under the pro-
6 gram of block grants to States for temporary
7 assistance for needy families established under
8 part A of title IV of the Social Security Act (42
9 U.S.C. 601 et seq.), kinship or foster care, kin-
10 ship assistance and adoption assistance, child
11 care and early education, special education, and
12 other services for children with disabilities; and

13 (B) the legal authority, responsibilities,
14 and rights of kinship caregivers.

15 (7) Funding for kinship navigator programs
16 can—

17 (A) help kinship care families better use
18 existing programs and services; and

19 (B) increase the capacity of public and pri-
20 vate not-for-profit agencies, including commu-
21 nity-based and faith-based agencies, and includ-
22 ing agencies carrying out related Federal pro-
23 grams, such as the National Family Caregiver
24 Support Program under part E of title III of
25 the Older Americans Act of 1965 (42 U.S.C.

1 3030s et seq.), to better serve the needs of kin-
2 ship care families.

3 **SEC. 102. PURPOSE.**

4 The purposes of this title are—

5 (1) to establish kinship navigator programs in
6 States, large metropolitan areas, and tribal areas to
7 assist kinship caregivers in navigating their way
8 through programs and services, to help the care-
9 givers learn about and obtain assistance to meet the
10 needs of the children they are raising and their own
11 needs; and

12 (2) to promote effective partnerships among
13 public and private not-for-profit agencies, including
14 community-based and faith-based agencies, to help
15 the agencies described in this paragraph more effec-
16 tively and efficiently serve kinship care families and
17 address the fragmentation that creates barriers to
18 meeting the needs of those families.

19 **SEC. 103. DEFINITIONS.**

20 In this title:

21 (1) ASSISTANT SECRETARY.—The term “Assist-
22 ant Secretary” means the Assistant Secretary for
23 Children and Families of the Department of Health
24 and Human Services.

1 (2) KINSHIP CARE FAMILY.—The term “kinship
2 care family” means a family with a kinship care-
3 giver.

4 (3) KINSHIP CAREGIVER.—The term “kinship
5 caregiver” means a grandparent or stepgrandparent
6 of a child, a relative of a child by blood, marriage,
7 or adoption, who—

8 (A) lives with the child;

9 (B) is the primary caregiver of the child
10 because the biological or adoptive parent of the
11 child is unable or unwilling to serve as the pri-
12 mary caregiver of the child; and

13 (C) has a legal relationship to the child or
14 is raising the child informally.

15 (4) LARGE METROPOLITAN AREA.—The term
16 “large metropolitan area” means a metropolitan sta-
17 tistical area, as defined by the Bureau of the Cen-
18 sus, with a population of not less than 1,000,000.

19 (5) METROPOLITAN AGENCY.—The term “met-
20 ropolitan agency” means an agency serving a large
21 metropolitan area, or a county or political subdivi-
22 sion of a large metropolitan area.

23 (6) STATE.—The term “State” means any of
24 the several States, the District of Columbia, the Vir-
25 gin Islands of the United States, the Commonwealth

1 of Puerto Rico, Guam, American Samoa, and the
2 Commonwealth of the Northern Mariana Islands.

3 (7) TRIBAL AREA.—The term “tribal area”
4 means the area served by a tribal organization.

5 (8) TRIBAL ORGANIZATION.—The term “tribal
6 organization”—

7 (A) means a tribal organization, as defined
8 in section 658P of the Child Care and Develop-
9 ment Block Grant Act of 1990 (42 U.S.C.
10 9858n); and

11 (B) includes a consortium of tribal organi-
12 zations described in subparagraph (A).

13 **SEC. 104. GRANTS.**

14 (a) IN GENERAL.—The Assistant Secretary may
15 make grants to eligible entities to pay for the Federal
16 share of the cost of carrying out kinship navigator pro-
17 grams.

18 (b) ELIGIBLE ENTITIES.—To be eligible to receive a
19 grant under this section, an entity shall be a State agency,
20 metropolitan agency, or tribal organization, with experi-
21 ence in—

22 (1) addressing the needs of kinship caregivers
23 or children; and

1 (2) connecting the children or caregivers with
2 appropriate services and assistance, such as services
3 and assistance provided by—

4 (A) an area agency on aging under the
5 Older Americans Act of 1965 (42 U.S.C. 3001
6 et seq.); or

7 (B) an agency with jurisdiction over child
8 welfare, income-based financial assistance,
9 human services, or health matters, or a public
10 entity that links family resource and support
11 programs, for the State, large metropolitan
12 area, or Indian tribe involved.

13 (c) ALLOCATION OF GRANTS.—Of the funds made
14 available for grants under this section for each fiscal year,
15 the Assistant Secretary shall use not less than 50 percent
16 to make grants to State agencies.

17 (d) DURATION OF THE GRANTS.—In making the
18 grants, the Assistant Secretary shall make grants—

19 (1) in fiscal year 2008, for periods of 3 years;

20 (2) in fiscal year 2009, for periods of 2 years;

21 and

22 (3) in fiscal year 2010, for periods of 1 year.

1 **SEC. 105. FEDERAL SHARE.**

2 (a) IN GENERAL.—The Federal share of the cost of
3 carrying out a kinship navigator program under a grant
4 shall be—

5 (1) 100 percent in the first year of the grant
6 period;

7 (2) 75 percent in the second year (if any) of the
8 grant period; and

9 (3) 50 percent in the third year (if any) of the
10 grant period.

11 (b) NON-FEDERAL SHARE.—The non-Federal share
12 of the cost may be provided in cash. Not more than 50
13 percent of the non-Federal share of the cost may be pro-
14 vided in kind, fairly evaluated, including plant, equipment,
15 or services.

16 **SEC. 106. APPLICATIONS.**

17 (a) IN GENERAL.—To be eligible to receive a grant
18 under this title, an entity shall submit an application to
19 the Assistant Secretary at such time, in such manner, and
20 containing such information as the Assistant Secretary
21 may require, including, at a minimum, the information de-
22 scribed in subsection (b).

23 (b) CONTENTS.—The application shall include the
24 following:

1 (1) A description of the steps the entity will
2 take during the first 6 months of the grant period
3 to—

4 (A) identify gaps in services for kinship
5 care families in the State, large metropolitan
6 area, or tribal area to be served and the specific
7 activities that are needed to bridge the gaps;

8 (B) convene a group of partners to assist
9 in the operation of the kinship navigator pro-
10 gram funded through the grant;

11 (C) utilize or develop relevant technology;

12 (D) conduct outreach to kinship caregivers
13 about the kinship navigator program; and

14 (E) develop a plan for reaching kinship
15 caregivers, ensuring that the caregivers can ac-
16 cess the kinship navigator program, and fol-
17 lowing up to ensure that the caregivers actually
18 receive necessary services and supports.

19 (2) An assurance that the entity will provide at
20 least the core activities specified in paragraphs (1)
21 and (2) of section 107(b) for kinship care families
22 through the kinship navigator program.

23 (3) A description of the activities the entity ex-
24 pects to offer over the grant period and the entity's

1 initial projection of the number of children and kin-
2 ship caregivers likely to be served.

3 (4) A description of how the entity will involve
4 in the planning and operation of the kinship navi-
5 gator program, on an ongoing basis—

6 (A) kinship caregivers;

7 (B) youth raised or being raised by kinship
8 caregivers;

9 (C) representatives of kinship care support
10 organizations;

11 (D) relevant government agencies (includ-
12 ing agencies with jurisdiction over matters re-
13 lating to aging, mental health, mental retarda-
14 tion or developmental disabilities, substance
15 abuse treatment, criminal justice, health, youth
16 services, human services, education, income-
17 based financial assistance, child welfare, child
18 custody, guardianship, adoption, or child sup-
19 port enforcement);

20 (E)(i) not-for-profit service providers, in-
21 cluding community-based and faith-based agen-
22 cies; and

23 (ii) educational institutions; and

24 (F) other State or local agencies or sys-
25 tems that promote service coordination or pro-

1 vide information and referral services, including
2 the entities that provide the 2–1–1 or 3–1–1 in-
3 formation systems where applicable.

4 (5) A description of—

5 (A) how the entity will coordinate its ac-
6 tivities with other State or local agencies or sys-
7 tems that promote service coordination or pro-
8 vide information and referral services for chil-
9 dren, families, or older individuals, including
10 the entities that provide the 2–1–1 or 3–1–1 in-
11 formation systems where applicable, so as to
12 avoid duplication of services and the fragmenta-
13 tion of services that prevents kinship care fami-
14 lies from getting the help the families need; and

15 (B) how the entity will encourage regional
16 cooperation among agencies, particularly agen-
17 cies serving border communities that may cross
18 jurisdictional lines, to ensure that kinship care
19 families will get help.

20 (6) An assurance that the entity will report at
21 least annually to the Assistant Secretary, in a man-
22 ner prescribed by the Assistant Secretary, to ensure
23 comparability of data across States, on—

1 (A) activities established with the funds
2 made available through grants made under this
3 title;

4 (B) the numbers and ages of the children
5 and caregivers assisted through the grants;

6 (C) the types of the assistance provided;

7 (D) the outcomes achieved with the assist-
8 ance; and

9 (E) the barriers identified to meeting the
10 needs of kinship care families and plans for ad-
11 dressing the barriers.

12 (7) An assurance that the entity, not later than
13 3 months after the end of the final year of the grant
14 period, will submit a final report to the Administra-
15 tion for Children and Families that describes—

16 (A) the numbers and ages of the children
17 and caregivers assisted through the grants;

18 (B) the types of assistance provided;

19 (C) the outcomes achieved with the assist-
20 ance;

21 (D) the barriers to meeting the needs of
22 kinship care families that were addressed
23 through the grants;

1 (E) the plans of the entity to continue the
2 kinship navigator program after the grant pe-
3 riod has ended;

4 (F) lessons learned during the grant pe-
5 riod; and

6 (G) recommendations about the consider-
7 ations that should be taken into account as the
8 program carried out under this title is expanded
9 throughout the Nation.

10 (c) PREFERENCE.—In awarding grants under this
11 title, the Assistant Secretary shall give preference to agen-
12 cies or organizations that can demonstrate that the agen-
13 cies and organizations will offer the full array of activities
14 described in section 107(b).

15 **SEC. 107. USE OF GRANT FUNDS.**

16 (a) IN GENERAL.—An entity that receives a grant
17 under this title may use the funds made available through
18 the grant directly, or through grants or contracts with
19 other public or private not-for-profit agencies, including
20 community-based or faith-based agencies, that have expe-
21 rience in connecting kinship caregivers with appropriate
22 services and assistance.

23 (b) USE OF FUNDS.—An entity that receives a grant
24 under this title may use the funds made available through
25 the grant for activities that help to connect kinship care-

1 givers with the services and assistance required to meet
2 the needs of the children the caregivers are raising and
3 their own needs, such as—

4 (1) establishing and maintaining information
5 and referral systems that—

6 (A) assist, through toll free access that in-
7 cludes access to a live operator, kinship care-
8 givers, kinship care service providers, kinship
9 care support group facilitators, and others to
10 learn about and link to—

11 (i) local kinship care service providers,
12 support groups, respite care programs, and
13 special services for incarcerated parents;

14 (ii) eligibility and enrollment informa-
15 tion for Federal, State, and local benefits,
16 such as—

17 (I) education (including pre-
18 school, elementary, secondary, post-
19 secondary, and special education);

20 (II) family support services, early
21 intervention services, mental health
22 services, substance abuse prevention
23 and treatment services, services to ad-
24 dress domestic violence problems,
25 services to address HIV or AIDS,

1 legal services, child support, housing
2 assistance, and child care;

3 (III) the disability insurance ben-
4 efits program established under title
5 II of the Social Security Act (42
6 U.S.C. 401 et seq.);

7 (IV) the program of block grants
8 to States for temporary assistance for
9 needy families established under part
10 A of title IV of the Social Security
11 Act (42 U.S.C. 601 et seq.);

12 (V) the supplemental security in-
13 come program established under title
14 XVI of the Social Security Act (42
15 U.S.C. 1381 et seq.);

16 (VI) the medicaid program estab-
17 lished under title XIX of the Social
18 Security Act (42 U.S.C. 1396 et seq.);

19 (VII) the State children's health
20 insurance program established under
21 title XXI of the Social Security Act
22 (42 U.S.C. 1397aa et seq.);

23 (VIII) the program of Federal
24 payments for foster care and adoption
25 assistance established under part E of

1 title IV of the Social Security Act (42
2 U.S.C. 670 et seq.), including the pro-
3 gram of kinship guardianship assist-
4 ance payments for children established
5 under section 472A of that Act; and
6 (IX) the food stamp program es-
7 tablished under the Food Stamp Act
8 of 1977 (7 U.S.C. 2011 et seq.);
9 (iii) relevant training to assist kinship
10 caregivers in obtaining benefits and serv-
11 ices and performing their caregiving activi-
12 ties; and
13 (iv) relevant legal assistance and help
14 in obtaining access to legal services, includ-
15 ing access to legal aid service providers
16 and statewide elder law hotlines;
17 (B) provide outreach to kinship care fami-
18 lies, in collaboration with schools, pediatric care
19 clinics, kinship care organizations, senior citizen
20 centers, agencies with jurisdiction over child
21 welfare or human services, and others to link
22 the families to the kinship navigator program
23 and to services and assistance; and

1 (C) establish, distribute, and regularly up-
2 date kinship care resource guides, websites, or
3 other relevant outreach materials;

4 (2) promoting partnerships between public and
5 private not-for-profit agencies, including community-
6 based and faith-based agencies—

7 (A) to help the agencies described in this
8 paragraph more effectively and efficiently meet
9 the needs of kinship care families; and

10 (B) to familiarize the agencies about the
11 special needs of kinship care families, policies
12 that affect their eligibility for a range of edu-
13 cation, health, mental health, social, child care,
14 and child welfare services, income-based finan-
15 cial assistance, legal assistance, and other serv-
16 ices and benefits, and the means for making
17 policies more supportive of kinship care fami-
18 lies;

19 (3) establishing and supporting a kinship care
20 ombudsman who has the authority to actively inter-
21 vene with State agency staff or service providers
22 with which the State agency contracts to help en-
23 sure, through various appropriate means including
24 working with individual families in an ongoing man-

1 ner, that kinship caregivers get the services they
2 need and for which they are eligible; and

3 (4) supporting other activities that are designed
4 to assist kinship caregivers in obtaining benefits,
5 services, and activities designed to improve their
6 caregiving.

7 (c) LIMITATION.—Except as provided in subsection
8 (b)(4), the entity may not use any of the funds made avail-
9 able through the grant for direct services to children in
10 kinship care families or to kinship caregivers.

11 **SEC. 108. ADMINISTRATION OF THE PROGRAM.**

12 (a) CONSULTATION.—In administering the program
13 carried out under this title, the Assistant Secretary shall
14 periodically consult with the Assistant Secretary for Aging
15 of the Department of Health and Human Services.

16 (b) REGULATIONS AND GUIDANCE.—Not later than
17 90 days after the date of enactment of this Act, the Assist-
18 ant Secretary shall issue regulations or guidance that an-
19 nounces the availability of funds under this title and speci-
20 fies the procedures for applying for the funds.

21 **SEC. 109. RESERVATION.**

22 The Assistant Secretary may reserve not more than
23 1 percent of the funds made available under this title for
24 a fiscal year to provide technical assistance to the recipi-

1 ents of grants under this title related to the purposes of
2 the grants.

3 **SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

4 There is authorized to be appropriated to carry out
5 this title \$25,000,000 for fiscal year 2008, \$50,000,000
6 for fiscal year 2009, and \$75,000,000 for fiscal year 2010.

7 **TITLE II—SUBSIDIZED GUARD-**
8 **IANSHIP OPTION FOR TITLE**
9 **IV—E**

10 **SEC. 201. FINDINGS.**

11 The Congress finds the following:

12 (1) By enacting the Adoption and Safe Families
13 Act of 1997 (Public Law 105–89) and the Adoption
14 Assistance and Child Welfare Act of 1980 (Public
15 Law 96–272), the Congress recognized the need to
16 align Federal incentives with the desired goal of pro-
17 viding abused and neglected children safe, perma-
18 nent homes.

19 (2) According to the nonpartisan Pew Commis-
20 sion on Children in Foster Care composed of former
21 Members of Congress of both parties and other child
22 welfare experts, between 1997 and 2002, adoptions
23 increased by 64 percent, and each State, the District
24 of Columbia, and Puerto Rico has earned an award
25 for increasing adoptions.

1 (3) Adoption represents only one avenue to per-
2 manency for children in the foster care system, af-
3 fecting only 9 percent of children in foster care in
4 2003. Adoption is not a viable option for many chil-
5 dren in foster care. Children living with relatives are
6 less likely to use adoption, and courts explicitly rule
7 out this permanency option for thousands of children
8 each year.

9 (4) Moreover, due to cultural norms, adoption
10 is not equally availed by children and families of all
11 races and ethnicities. African-American children live
12 in kinship care arrangements more than in other
13 types of care arrangements and have a lower rate of
14 adoption than other children, making reunification
15 and kinship guardianship important permanency op-
16 tions for this population.

17 (5) Reunification and kinship guardianship are
18 central avenues by which any child in foster care
19 may enter stable, caring homes. In 2002, 54 percent
20 of children in foster care were reunified with their
21 parents and 4 percent obtained kinship guardian-
22 ship.

23 (6) Unfortunately, studies show that the focus
24 on adoption has had the unintended consequence of

1 reducing the likelihood of reunifying children with
2 their birth families.

3 (7) Moreover, Federal guidelines create a finan-
4 cial disincentive to kinship guardianship because im-
5 portant Federal support ceases once kinship guard-
6 ianship is established, presenting an overwhelming
7 hardship for caretakers given the known health and
8 mental health problems of children who have been in
9 foster care. Research indicates that 30 to 40 percent
10 of youth in foster care experience chronic medical
11 problems.

12 (8) To help meet the needs of foster children
13 with special needs who are adopted, approximately
14 \$308 per month in Federal funds is provided to
15 their adoptive families. The Federal Government
16 pays approximately \$387 per month to cover all
17 adoption assistance program costs, including month-
18 ly payments to families, administration, and train-
19 ing.

20 (9) Remaining in foster care when stable, per-
21 manent families are available places unnecessary
22 burdens on States, caseworkers, and families, requir-
23 ing regular court appearances, quarterly case re-
24 views, monthly caseworker visits, and government in-
25 volvement in routine family activities and decisions.

1 (10) Since 1997, many States have developed
2 subsidized kinship guardianship programs. Empirical
3 research demonstrates that this option dramatically
4 increases the number of children in permanent
5 homes, with the largest reductions in foster care
6 caseloads occurring when the Federal Government
7 provides the funding and when the financial benefits
8 for foster care match those of kinship guardianship.

9 **SEC. 202. KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS**
10 **FOR CHILDREN.**

11 (a) IN GENERAL.—Part E of title IV of the Social
12 Security Act (42 U.S.C. 670–679b) is amended by insert-
13 ing after section 472 the following:

14 **“SEC. 472A. KINSHIP GUARDIANSHIP ASSISTANCE PAY-**
15 **MENTS FOR CHILDREN.**

16 “(a) IN GENERAL.—Each State with a plan approved
17 under this part may, at State option, enter into kinship
18 guardianship assistance agreements to provide kinship
19 guardianship assistance payments on behalf of children to
20 grandparents and other relatives who have assumed legal
21 guardianship (as defined in section 475(7)) of children for
22 whom they have cared as foster parents and whom they
23 have committed to care for on a permanent basis.

24 “(b) KINSHIP GUARDIANSHIP ASSISTANCE AGREE-
25 MENT.—

1 “(1) IN GENERAL.—In order to receive pay-
2 ments under section 474(a)(5)—

3 “(A) a State shall—

4 “(i) negotiate and enter into a written
5 kinship guardianship assistance agreement
6 with the prospective relative guardian of a
7 child who meets the requirements of sub-
8 section (d);

9 “(ii) provide the prospective relative
10 guardian with a copy of the agreement;
11 and

12 “(iii) certify that any child on whose
13 behalf kinship guardianship assistance pay-
14 ments are made under such an agreement
15 shall be provided medical assistance under
16 title XIX in accordance with section
17 1902(a)(10)(A)(i)(I).

18 “(2) MINIMUM REQUIREMENTS.—The agree-
19 ment shall specify, at a minimum—

20 “(A) the amount of, and manner in which,
21 each kinship guardianship assistance payment,
22 if any, will be provided under the agreement;

23 “(B) the additional services and assistance
24 for which the child and relative guardian will be
25 eligible under the agreement;

1 “(C) the procedure by which the relative
2 guardian may apply for additional services as
3 needed, provided the agency and relative guard-
4 ian agree on the additional services as specified
5 in the case plan; and

6 “(D) subject to paragraph (4), that the
7 State will pay the nonrecurring expenses associ-
8 ated with obtaining legal guardianship of the
9 child.

10 “(3) INTERSTATE APPLICATION.—The agree-
11 ment shall provide—

12 “(A) that the agreement shall remain in
13 effect without regard to the State residency of
14 the relative guardian; and

15 “(B) for the protection (under an inter-
16 state compact approved by the Secretary or oth-
17 erwise) of the interests of the child in any case
18 where the relative guardian and the child move
19 to another State while the agreement is in ef-
20 fect.

21 “(4) NONRECURRING EXPENSES ASSOCIATED
22 WITH OBTAINING LEGAL GUARDIANSHIP.—

23 “(A) IN GENERAL.—For purposes of para-
24 graph (2)(D), the term ‘nonrecurring expenses
25 associated with obtaining kinship guardianship’

1 includes the reasonable and necessary fees,
2 court costs, attorneys' fees, and other expenses
3 that are directly related to obtaining legal
4 guardianship of the child and are not incurred
5 in violation of Federal or State law.

6 “(B) FEDERAL SHARE.—A State's pay-
7 ment of the nonrecurring expenses associated
8 with obtaining legal guardianship shall be treat-
9 ed as an expenditure made for the proper and
10 efficient administration of the State plan under
11 section 474(a)(3)(E).

12 “(c) KINSHIP GUARDIANSHIP ASSISTANCE PAY-
13 MENT.—

14 “(1) REQUIREMENTS.—

15 “(A) IN GENERAL.—The kinship guardian-
16 ship assistance payment shall be—

17 “(i) negotiated as part of the kinship
18 guardianship assistance agreement re-
19 quired under subsection (b)(1)(A)(i) be-
20 tween the relative guardian and the State
21 or local agency responsible for admin-
22 istering the agreement;

23 “(ii) based on consideration of the cir-
24 cumstances and the needs of the relative
25 guardian and the child; and

1 “(iii) equal to the amount of the fos-
2 ter care maintenance payment which would
3 have been payable with respect to the child
4 if the child had remained in foster care.

5 “(B) READJUSTMENT.—The kinship
6 guardianship assistance payment may be read-
7 justed periodically, with the concurrence of the
8 relative guardian, based on relevant changes in
9 the needs of the child.

10 “(2) LIMITATION.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), no kinship guardianship as-
13 sistance payment may be made to a relative
14 guardian for any child who has attained 18
15 years of age.

16 “(B) EXCEPTIONS.—A kinship guardian-
17 ship assistance payment may be made to a rel-
18 ative guardian with respect to a child who—

19 “(i) is a full-time student in a sec-
20 ondary school or in the equivalent level of
21 a vocational or technical training program,
22 and has not attained 19 years of age; or

23 “(ii) the State determines has a men-
24 tal or physical disability that warrants the

1 continuation of assistance until the child
2 attains 21 years of age.

3 “(d) CHILD’S ELIGIBILITY FOR A KINSHIP GUARD-
4 IANSHIP ASSISTANCE PAYMENT.—

5 “(1) IN GENERAL.—A child is eligible for a kin-
6 ship guardianship assistance payment under this
7 section if the State agency determines the following:

8 “(A) The child—

9 “(i) has been under the care of the
10 State agency for the 12-month period end-
11 ing on the date of the agency determina-
12 tion; and

13 “(ii) while under such care, was eligi-
14 ble for foster care maintenance payments
15 under section 472 or would have been eligi-
16 ble for such payments but for his or her
17 placement in the home of a relative deter-
18 mined by the courts and the State agency
19 responsible for child protective services to
20 meet all applicable State safety standards
21 (other than licensure).

22 “(B) Being returned home or adopted are
23 not appropriate permanency options for the
24 child.

1 “(C) The child demonstrates a strong at-
2 tachment to the prospective relative guardian
3 and the prospective relative guardian has a
4 strong commitment to caring permanently for
5 the child.

6 “(D) With respect to a child who has at-
7 tained 14 years of age, the child has been con-
8 sulted regarding the kinship guardianship ar-
9 rangement.

10 “(2) TREATMENT OF SIBLINGS.—With respect
11 to a child described in paragraph (1) whose sibling
12 or siblings are not so described—

13 “(A) the child and any minor sibling of the
14 child may be placed in the same kinship guard-
15 ianship arrangement if the State agency and
16 the prospective relative agree on the appro-
17 priateness of the arrangement for the siblings;
18 and

19 “(B) kinship guardianship assistance pay-
20 ments may be paid for the child and each sib-
21 ling so placed.”.

22 (b) MAINTAINING ELIGIBILITY FOR ADOPTION AS-
23 SISTANCE PROGRAM.—Section 473(a) of such Act (42
24 U.S.C. 673(a)) is amended by adding at the end the fol-
25 lowing:

1 “(7) The adoptive parents of a child who has been
2 determined by the State, pursuant to subsection (c), to
3 be a child with special needs and on whose behalf kinship
4 guardianship assistance payments have been made under
5 section 472A shall be eligible for adoption assistance as
6 if no kinship guardianship agreement or payments had
7 been made. The State shall make payments of non-
8 recurring adoption expenses under this section to the
9 adoptive parents of such a child. The State may make
10 adoption assistance payments under this section even if
11 the child fails to meet the requirements of subparagraphs
12 (A) and (B) of paragraph (2), if the child would meet the
13 requirements of such subparagraphs if the child were
14 treated as if the child were in the same financial and other
15 circumstances the child was in at the time the kinship
16 guardianship assistance agreement was made.”.

17 (c) EXPANSION OF ELIGIBILITY FOR FOSTER CARE
18 INDEPENDENCE PROGRAM.—Section 477 of such Act (42
19 U.S.C. 677) is amended—

20 (1) in subsection (a)(1), by striking “18” and
21 inserting “14”; and

22 (2) in subsection (i)(2), by striking “youths
23 adopted from foster care after attaining age 16” and
24 inserting “youths in or exiting from foster care after
25 attaining 14 years of age”.

1 (d) AUTHORITY TO USE FOSTER CARE INDEPEND-
2 ENCE PROGRAM FUNDS TO PROVIDE INDEPENDENT LIV-
3 ING SERVICES AND EDUCATION AND TRAINING VOUCH-
4 ERS FOR CHILDREN WHO EXIT FOSTER CARE TO GUARD-
5 IANSHIP OR ADOPTION AFTER AGE 14.—

6 (1) INDEPENDENT LIVING SERVICES.—Section
7 477(a) of such Act (42 U.S.C. 677(a)) is amended—

8 (A) by striking “and” at the end of para-
9 graph (5);

10 (B) by striking the period at the end of
11 paragraph (6) and inserting “; and”; and

12 (C) by adding at the end the following:

13 “(7) to provide the services referred to in this
14 subsection to children who, after attaining 14 years
15 of age, have left foster care for kinship guardianship
16 or adoption.”.

17 (2) EDUCATION AND TRAINING VOUCHERS.—
18 Section 477(i)(2) of such Act (42 U.S.C. 677(i)(2))
19 is amended by striking “from foster care after at-
20 taining age 16” and inserting “or entering kinship
21 guardianship from foster care after attaining 14
22 years of age”.

23 (e) CONFORMING AMENDMENTS.—

24 (1) STATE PLAN REQUIREMENT.—Section
25 471(a)(20)(A) of such Act (42 U.S.C. 671(a)(20)) is

1 amended in the matter preceding clause (i) by strik-
2 ing “foster or adoptive parent before the foster or
3 adoptive parent may be finally approved for place-
4 ment of a child on whose behalf foster care mainte-
5 nance payments or adoption assistance payments”
6 and inserting “foster parent, adoptive parent, or rel-
7 ative guardian before the foster parent, adoptive
8 parent, or relative guardian may be finally approved
9 for placement of a child on whose behalf foster care
10 maintenance payments, adoption assistance pay-
11 ments, or kinship guardianship assistance pay-
12 ments”.

13 (2) PAYMENTS TO STATES.—Section 474(a) of
14 such Act (42 U.S.C. 674(a)) is amended—

15 (A) in paragraph (3)(B), by striking “fos-
16 ter or adoptive parents and the members of the
17 staff of State-licensed or State-approved child
18 care institutions providing care to foster and
19 adopted children receiving assistance under this
20 part, in ways that increase the ability of such
21 current or prospective parents, staff members,
22 and institutions to provide support and assist-
23 ance to foster and adopted children,” and in-
24 serting “foster parents, adoptive parents, or rel-
25 ative guardians and the members of the staff of

1 State-licensed or State-approved child care in-
2 stitutions providing care to foster children,
3 adoptive children, or children living with a rel-
4 ative guardian, who are receiving assistance
5 under this part, in ways that increase the abil-
6 ity of such current or prospective parents, rel-
7 ative guardians, staff members, and institutions
8 to provide support and assistance to foster chil-
9 dren, adoptive children, or children living with
10 a relative guardian,”;

11 (B) in paragraph (4)(B), by striking the
12 period at the end and inserting “; plus”; and

13 (C) by adding at the end the following:

14 “(5) an amount equal to the Federal medical
15 assistance percentage (as defined in section 1905(b))
16 of the total amount expended during such quarter as
17 kinship guardianship assistance payments under sec-
18 tion 472A pursuant to kinship guardianship assist-
19 ance agreements.”.

20 (3) DEFINITIONS.—Section 475(1) of such Act
21 (42 U.S.C. 675(1)) is amended by adding at the end
22 the following:

23 “(F) In the case of a child with respect to
24 whom the permanency plan is placement with a
25 relative and receipt of kinship guardianship as-

1 sistance payments under section 472A, a de-
2 scription of—

3 “(i) the steps that the agency has
4 taken to determine that it is not appro-
5 priate for the child to be returned home or
6 adopted;

7 “(ii) the reasons why a permanent
8 placement with a fit and willing relative
9 through a kinship guardianship assistance
10 arrangement is in the child’s best interests;

11 “(iii) the ways in which the child
12 meets the eligibility requirements for a kin-
13 ship guardianship assistance payment;

14 “(iv) the efforts the agency has made
15 to discuss adoption by the child’s relative
16 foster parent as a more permanent alter-
17 native to legal guardianship and, in the
18 case of a relative foster parent who has
19 chosen not to pursue adoption, documenta-
20 tion of the reasons therefor; and

21 “(v) the efforts made by the State
22 agency to secure the consent of the child’s
23 parent or parents to the kinship guardian-
24 ship assistance arrangement, or the rea-
25 sons why the efforts were not made.”.

1 (f) EFFECTIVE DATE.—

2 (1) IN GENERAL.—The amendments made by
3 this section take effect on the 1st day of the 1st cal-
4 endar quarter that begins after the date of the en-
5 actment of this Act, and shall apply to payments
6 under part E of title IV of the Social Security Act
7 for calendar quarters beginning on or after such
8 day, without regard to whether regulations to imple-
9 ment the amendments have been issued.

10 (2) DELAY PERMITTED IF STATE LEGISLATION
11 REQUIRED.—In the case of a State plan under part
12 E of title IV of the Social Security Act which the
13 Secretary determines requires State legislation in
14 order for the plan to meet the additional require-
15 ments imposed by the amendments made by this
16 Act, the effective date of the amendments imposing
17 the additional requirements shall be the 1st day of
18 the 1st calendar quarter beginning after the close of
19 the 1st regular session of the State legislature that
20 begins after the date of the enactment of this Act.
21 For purposes of the preceding sentence, in the case
22 of a State that has a 2-year legislative session, each
23 year of the session shall be considered to be a sepa-
24 rate regular session of the State legislature.

1 **SEC. 203. KINSHIP GUARDIANSHIP DEMONSTRATION**
2 **PROJECTS.**

3 (a) **AUTHORITY TO CONDUCT PROJECTS.**—The Sec-
4 retary shall enter into agreements with eligible entities to
5 conduct demonstration projects for the purpose of pro-
6 viding kinship guardianship assistance payments on behalf
7 of children to grandparents and other relatives who have
8 assumed legal guardianship (as defined in section 475(7)
9 of the Social Security Act (42 U.S.C. 675(7)) of the chil-
10 dren for whom they have cared as foster parents and for
11 whom they have committed to care for on a permanent
12 basis in States that have not elected the option to provide
13 kinship guardianship assistance payments for children
14 under section 472A of the Social Security Act (as added
15 by section 201 of this Act).

16 (b) **TERMS AND CONDITIONS.**—The terms and condi-
17 tions applicable to demonstration projects conducted
18 under this section shall be consistent with the terms and
19 conditions applicable to the State option to provide kinship
20 guardianship assistance payments for children under sec-
21 tion 472A of the Social Security Act.

22 (c) **REPORT.**—Not later than October 1, 2009, and
23 annually thereafter, the Secretary shall submit a report
24 to Congress on the demonstration projects conducted
25 under this section.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated such sums as may be
 3 necessary to conduct demonstration projects under this
 4 section for fiscal years beginning with fiscal year 2008.

5 (e) DEFINITIONS.—In this section:

6 (1) ELIGIBLE ENTITY.—The term “eligible enti-
 7 ty” means—

8 (A) an agency of a State or of a political
 9 subdivision of a State, a tribal organization (as
 10 defined in section 103(8)), or a consortium of
 11 any number of such agencies or organizations;
 12 and

13 (B) any other entity that the Secretary de-
 14 termines is qualified to conduct a demonstra-
 15 tion project under this section.

16 (2) SECRETARY.—The term “Secretary” means
 17 the Secretary of Health and Human Services.

18 **TITLE III—NOTICE OF CHILDREN**
 19 **ENTERING FOSTER CARE**

20 **SEC. 301. NOTICE TO RELATIVES WHEN CHILDREN ENTER**
 21 **FOSTER CARE.**

22 (a) IN GENERAL.—Section 471(a)(19) of the Social
 23 Security Act (42 U.S.C. 671(a)(19)) is amended—

24 (1) by striking “that the State” and inserting
 25 “that—

1 “(A) the State”;

2 (2) by adding “and” after the semicolon; and

3 (3) by adding at the end the following:

4 “(B) within 60 days of the removal of the
5 child from the custody of the child’s parent or
6 parents, the State shall identify and give notice
7 to all adult grandparents and other adult rel-
8 atives of the child (including any other adult
9 relatives suggested by the parents), subject to
10 exceptions due to family or domestic violence,
11 that—

12 “(i) specifies that the child has been
13 or is being removed from the custody of
14 the child’s parent or parents; and

15 “(ii) explains the options the relative
16 has under Federal, State, and local law to
17 participate in the child’s care and place-
18 ment, including any options that may be
19 lost by failing to respond to the notice;”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 this section take effect on October 1, 2007.

1 **SEC. 302. FLEXIBILITY TO ESTABLISH SEPARATE STAND-**
2 **ARDS FOR RELATIVE FOSTER FAMILY**
3 **HOMES.**

4 (a) **IN GENERAL.**—Section 471(a)(10) of the Social
5 Security Act (42 U.S.C. 671(a)(10)) is amended—

6 (1) by striking “which shall be responsible” and
7 inserting “which—

8 “(A) shall be responsible”;

9 (2) by inserting “and” after the semicolon; and

10 (3) by adding at the end the following:

11 “(B) may—

12 “(i) establish and maintain separate
13 standards for foster family homes in which
14 a foster parent is a relative of the foster
15 child that, at a minimum, protect the safe-
16 ty of the child and provide for criminal
17 records checks, as described in paragraph
18 (20); and

19 “(ii) apply the standards referred to
20 in clause (i) to any such relative foster
21 care provider to whom funds are paid pur-
22 suant to section 472 or part B in lieu of
23 the standards that would otherwise apply
24 to a foster family home;”.

25 (b) **EFFECTIVE DATE.**—The amendments made by
26 this section take effect on October 1, 2007.

1 **SEC. 303. EXPANSION OF DEFINITION OF FAMILY SUPPORT**
2 **SERVICES TO INCLUDE ASSISTING KINSHIP**
3 **CAREGIVERS IN LOCATING AND ACCESSING**
4 **NEEDED SERVICES.**

5 (a) IN GENERAL.—Section 431(a)(2) of the Social
6 Security Act (42 U.S.C. 629a(a)(2)) is amended by insert-
7 ing “to assist kinship caregivers or guardians in locating
8 and accessing needed services,” after “marriages,”.

9 (b) EFFECTIVE DATE.—Section 202(f) of this Act
10 shall apply to the amendment made by this section.

11 **SEC. 304. REQUIREMENT THAT STATES INFORM CASE**
12 **WORKERS AND FAMILIES CONSIDERING**
13 **GUARDIANSHIP OF ALL PERMANENCY OP-**
14 **TIONS AND SERVICE ELIGIBILITY.**

15 (a) IN GENERAL.—Section 472A(b)(1) of the Social
16 Security Act, as added by section 202(a) of this Act, is
17 amended—

18 (1) by adding “and” at the end of subpara-
19 graph (A); and

20 (2) by adding after and below the end the fol-
21 lowing:

22 “(B) the chief executive officer of the State
23 shall certify to the Secretary that the State
24 will—

25 “(i) inform the individuals who pre-
26 pare the case plan for a child of the full

1 range of permanency options available to
2 children, including guardianship, and pro-
3 vide or otherwise make accessible to the in-
4 dividuals information on the range of phys-
5 ical and mental health, financing, housing,
6 counseling, employment, education, and
7 other support services which guardians and
8 children may receive; and

9 “(ii) inform families considering
10 guardianship of all permanency options
11 available to the child and of the range of
12 physical and mental health, financial,
13 housing, counseling, employment, edu-
14 cation, and other support services which
15 guardians and children may receive.”.

16 (b) EFFECTIVE DATE.—Section 202(f) of this Act
17 shall apply to the amendments made by this section.

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