

Child Welfare Legislation in Congress - 2008

<i>Bill Name</i>	<i>Bill Number</i>	<i>Primary Sponsor(s)</i>	<i>Purpose / Summary</i>	<i>VFA Position</i> *
A CASA for Every Child Act	HR 3283	Rep. Dennis Cardoza (D-CA)	Amends Title IV-E of the Social Security Act to require states to provide foster children with court-appointed special advocates who meet national standards.	
Adoption Equality Act	S 1462 / HR 4091	Sen. John D. Rockefeller, IV (D-WV) / Rep. Jim Cooper (D-TN)	Amends Title IV-E of the Social Security Act to revise requirements for children with special needs in the adoption assistance program. Requires that the child be in the care of a public or licensed private child placement agency or Indian tribal organization pursuant to a voluntary placement agreement, relinquishment, or involuntary removal of the child from the home, where the state has determined that continuation in the home would be contrary to the child's safety or welfare. Specifies related requirements. Prohibits adoption assistance to parents with respect to a child who is not a U.S. citizen or resident, and who was adopted outside of the United States or brought into the United States for the purposes of being adopted.	support
Adoption Improvement Act	S 2395	Sen. Hillary Clinton (D-NY) and Sen. John D. Rockefeller (D-WV)	To establish an adoption process improvement pilot program designed to effect long-range improvements in the adoption process by increasing prospective adoptive parent access to adoption information and strengthening such agencies' responsiveness to prospective adoptive parents.	
Adoption Information Act	HR 104	Rep. Jo Ann Davis (R-VA)	To require assurances that certain family planning service projects and programs will provide pamphlets containing the contact information of adoption centers.	

Adoption Tax Relief Guarantee Act	S 561 / HR 471	Sen. Jim Bunning (R-KY) / Rep. Joe Wilson (R-SC)	Exempts provisions expanding the adoption tax credit and adoption assistance programs enacted by the Economic Growth and Tax Relief Reconciliation Act of 2001 from the general terminating (sunset) provisions of that Act.	
Advocates Dedicated to Older Child Parental Tax Credit (ADOPT) Act of 2007	HR 4313	Rep. Melissa L. Bean (D-IL)	Amends the Internal Revenue Code to allow an additional \$2,000 tax credit for costs associated with the adoption of a child who has reached nine years of age before the adoption decree becomes final. Allows the credit each year until such child attains the age of 19.	
All Healthy Children Act	HR 1688	Rep. Robert Scott (D-VA)	To simplify and consolidate children's health coverage under Medicaid and SCHIP into a single program that guarantees children in all 50 States and the District of Columbia all medically necessary services.	
Baby Abandonment Prevention Act of 2007	HR 259	Rep. Shelia Jackson-Lee (D-TX)	To provide for the establishment of a task force within the Bureau of Justice Statistics to gather information about, study, and report to the Congress regarding, incidents of abandonment of infant children.	
Child Welfare Workforce Improvement Act	S 2944	Sen. Hillary Clinton (D-NY)	Amends the Child Abuse Prevention and Treatment Act to direct the Secretary of Health and Human Services to enter into an agreement with the National Academy of Sciences to study and report to the Secretary and Congress on child welfare staff. Amends Title IV-E of the Social Security Act to direct the Secretary to treat as necessary for proper and efficient state administration all state expenditures for training the child welfare workforce. Allows funds from private nonprofit educational institutions to be considered as the state's share in claiming federal reimbursement for such expenditures, without regard to certain requirements.	
Dave Thomas Adoption Act	HR 3785	Rep. Peter King (R-NY)	To amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from individual retirement plans for adoption expenses, up to \$10,000.	

Disability Savings Act	S 2741	Sen. Christopher Dodd (D-CT) and Sen. Robert Casey (D-PA)	To encourage individuals with disabilities and their families to save personal funds for their unique disability-related needs in Disability Savings Accounts.
Expressing support for a National Foster Parents Day [passed in the House]	H Res 179	Rep. Nancy E. Boyda (D-KS)	Expressing support for a National Foster Parents Day.
Expressing the sense of the House of Representatives that Congress should increase public awareness of child abuse and neglect and should continue to work with the States to reduce the incidence of child abuse and neglect through such programs as the Child Welfare Services and Promoting Safe and Stable Families programs. [passed in the House]	H Res 299	Rep. Jim McDermott (D-WA)	Expressing the sense of the House of Representatives that Congress should increase public awareness of child abuse and neglect and should continue to work with the States to reduce the incidence of child abuse and neglect through such programs as the Child Welfare Services and Promoting Safe and Stable Families programs.
Focusing Investments and Resources for a Safe Transition Act	S 2341	Sen. Hillary Clinton (D-NY)	To provide Individual Development Accounts to support foster youths who are transitioning from the foster care system.
Foster and Adoptive Parent Recruitment Programs Act of 2007	HR 4198	Rep. Nick Lampson (D-TX)	Amends Title IV-E of the Social Security Act to direct the Secretary of Health and Human Services to make competitive grants to support establishment and expansion of programs that use networks of public, private, and faith-based organizations to recruit and train foster and adoptive parents and provide support services to foster and adoptive children and their families. Makes eligible for such grants state or local governments, local public agencies, community-based or nonprofit organizations, or private entities, including charitable or faith-based organizations.

			Directs the Secretary to provide for a National Clearinghouse for Adoption Promotion and Foster Parent Recruitment Programs through a contract with a nationally recognized, nonprofit adoption promotion and foster parent recruitment organization.	
Foster Care Continuing Opportunities Act	S 1512	Sen. Barbara Boxer (D-CA)	Amends Title IV-E of the Social Security Act to give states the option for youth to elect to remain in foster care after attaining age 18 until attaining age 19, 20, or 21.	support
Foster Care Mentoring Act of 2007	S 379	Sen. Mary Landrieu (D-LA)	<p>Amends Title IV-B of the Social Security Act to direct the Secretary of Health and Human Services to award grants to states to support the establishment or expansion and operation of programs using networks of public and private community entities to provide mentoring for children in foster care. Authorizes a grant award directly to a political subdivision if the subdivision serves a substantial number of foster care youth.</p> <p>Prescribes program implementation guidelines, including: (1) application requirements; (2) training; (3) screening; (4) educational requirements; (5) federal and nonfederal share of funds for the program; (6) considerations in awarding grants; and (7) use of funds.</p> <p>Sets forth a maximum grant amount to be awarded to a state or political subdivision.</p> <p>Authorizes the Secretary to award a competitive grant to an eligible entity to establish a National Hotline Service or website to provide information to individuals interested in becoming mentors to youth in foster care.</p> <p>Instructs the Secretary of Education to implement a program to provide for the discharge or cancellation of the federal student loan indebtedness of an eligible mentor.</p>	support

<p>Foster Children Self-Support Act</p>	<p>HR 1104</p>	<p>Rep. Pete Stark (D-CA)</p>	<p>Amends Titles II (Old Age, Survivors and Disability Insurance) and XVI (Supplemental Security Income) of the Social Security Act to ban the use of Social Security or SSI benefits, paid to representative payees on behalf of foster children, to reimburse foster care maintenance payments by states.</p> <p>Amends Title IV-E to require the state plan for foster care and adoption assistance to provide for screening of foster children for eligibility for Social Security and SSI benefits and assistance.</p> <p>Requires written notice to the attorney or guardian ad litem appointed to represent a foster child of the Commissioner of Social Security's initial determination to certify payment of such benefits to a representative payee.</p> <p>Requires a state plan to require the appropriate state agency to develop a plan for each foster care child receiving Social Security or SSI benefits which is designed to best meet the individual's current and future needs and enable the child to achieve self-support after leaving foster care.</p> <p>Requires a representative payee to manage the benefits paid on behalf of such a foster child in accordance with the plan developed for the child.</p> <p>Excludes from the calculation of an individual's resources under the SSI program any assets managed on the individual's behalf in accordance with such plan.</p> <p>Disregards support and maintenance furnished in cash or in kind in determining the income of foster children under the SSI program.</p>	
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Fostering Adoption to Further Student Achievement Act [became Public Law 110-84]	S 1488	Sen. Norm Coleman (R-MN) / Sen. Mary Landrieu (D-LA)	To amend the definition of independent student for purposes of the need analysis in the Higher Education Act of 1965 to include older adopted students.	support
Helping Families Adopt Orphans Act	HR 628	Rep. Heather Wilson (R-NM)	<p>Directs the Secretary of Homeland Security to ensure that any “covered individual” (an individual whose Application for Advanced Processing of Orphan Petition was approved on or after July 1, 2005) may file a Petition to Classify Orphan as an Immediate Relative for at least two years after the approval of the individual's application.</p> <p>Prohibits the Secretary from requiring: (1) a covered individual who files a timely petition to pay any fees or complete any requirements already paid or completed in conjunction with the application or contingent on the amount of time that elapses between the application's approval and the petition's filing; and (2) any person who was a covered individual on this Act's enactment date from paying any fee for the timely filing of a petition unless that fee was required at the time the application was approved.</p>	
Housing Protection and Foster Care Prevention Act of 2008	HR 5645	Rep. Maxine Waters (D-CA)	To exclude assistance payments under certain post-foster care guardianship assistance programs from consideration as income for purposes of the United States Housing Act of 1937.	
Improved Adoption Incentives and Relative Guardianship Support Act of 2008	S 3038	Sen. Chuck Grassley (R-IA)	Amends Title IV-E of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.	support
Intercountry Adoption Reform (ICARE) Act	HR 120	Rep. Jo Ann Davis (R-VA)	Establishes an Office of Intercountry Adoptions within the Department of State to be headed by the Ambassador at Large for Intercountry Adoptions. Transfers to the Office all functions with respect to intercountry adoptions currently performed by the Department of Homeland Security (DHS).	

			<p>Amends the Immigration and Nationality Act to revise: (1) conditions for automatic citizenship for children born outside the United States, including for adopted children; and (2) requirements concerning the history of parents' physical presence in the United States or its possessions. Defines the term "full and final adoption." Prescribes procedural requirements for the adoption of foreign-born children by U.S. citizens.</p> <p>Establishes a nonimmigrant W-visa for an adoptable child coming into the United States for adoption by a U.S. citizen and spouse or by an unmarried U.S. Citizen at least 25 years of age who has been approved by the Office of International Adoption of the Department of State. Sets forth the period of authorized admission for such a nonimmigrant.</p> <p>Exempts adopted children of 18 years of age or younger (currently, 10 years of age or younger) from immunization requirements.</p> <p>Redefines the term "adoptable child."</p> <p>Requires U.S. Citizen adoptive parents to obtain approval of an adoption petition prior to issuance of a visa or a full and final adoption decree. Subjects such petitions to the terms applicable to orphan petitions. Directs the Secretary of State to issue regulations: (1) establishing an expedited reapproval process for families whose prior approvals to adopt have expired; and (2) governing the appeal of petition denials.</p> <p>Prescribes procedural requirements for the issuance of a visa and a full and final adoption decree for foreign-born children, including requirements for the Ambassador to: (1) determine whether a child is an adoptable child; and (2) work with the</p>	
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Invest in Kids Act	HR 5466	Rep. Jim McDermott (D-WA)	To improve outcomes for vulnerable children by investing in families, improving accountability in the child welfare system, and finding safe, stable, and permanent homes for foster children.	
Keeping Families Together Act of 2007	HR 687 / S 382	Rep. Jim Ramstad (R-MN) / Sen. Susan M. Collins (R-ME)	<p>Amends the Public Health Service Act to allow the Secretary of Health and Human Services, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, to award competitive matching grants to states to establish systems of care to treat and provide services to all children who are in the custody of the state or at-risk of entering into the custody of the state for the purpose of receiving mental health services.</p> <p>Requires states to use grant funds for certain activities, including to: (1) expand public health insurance programs to cover community-based mental health and family support services for such children and their families that will be sustainable after the grant has expired; (2) provide outreach and public education concerning available programs and activities; and (3) provide training and professional development for personnel who work with such children.</p> <p>Requires the Administrator to establish a task force to examine: (1) problems of mental health in the child welfare and juvenile justice systems; (2) issues with respect to access by children and</p>	

			youth to mental health services; and (3) the role of federal agencies in promoting access by children and youth to mental health services.	
Kinship Caregiver Support Act of 2007	S 661 / HR 2188	Sen. Hillary Rodham Clinton (D-NY) / Rep. Danny K. Davis (D-IL) and Rep. Timothy Johnson (R-IL)	<p>Authorizes the Assistant Secretary for Children and Families of the Department of Health and Human Services to make grants for kinship navigator programs to state agencies, metropolitan agencies, or tribal organizations with experience in addressing needs of kinship caregivers or children and connecting them with services and assistance.</p> <p>Amends Title IV-E of the Social Security Act to authorize all states to opt to enter agreements to provide kinship guardianship assistance payments on behalf of children to grandparents and other relatives who have assumed legal guardianship of children for whom they have cared as foster parents and have committed to care for on a permanent basis. Allows states to use part E funds to make such payments under specified conditions.</p> <p>Provides that adoptive parents of children with special needs remain eligible for adoption assistance, even if they receive kinship guardianship assistance.</p> <p>Authorizes the use of foster care independence program funds to provide independent living services and education and training vouchers for children who exit foster care to kinship guardianship or adoption after age 16.</p> <p>Authorizes kinship guardianship demonstration projects.</p> <p>Requires states to: (1) notify all adult grandparents and other adult relatives (with exceptions due to family or domestic violence) when a child is removed from custody of a parent or</p>	support

			<p>parents; and (2) explain the options the relative has to participate in the child's care and placement.</p> <p>Allows state agencies to establish separate standards for foster family homes in which a foster parent is a relative of the foster child.</p> <p><i>[Note: The Senate and House versions of the bill differ slightly.]</i></p>	
Medicaid Foster Care Coverage Act of 2007	HR 1376	Rep. Dennis Cardoza (D-CA)	Amends Title XIX (Medicaid) of the Social Security Act to establish independent foster care adolescents as a mandatory category of individuals for coverage under state Medicaid programs.	support
Partnership for Children and Families Act	HR 4207	Rep. Shelley Berkley (D-NV)	To provide States with the incentives, flexibility and resources to develop child welfare services that focus on improving circumstances for children, whether in foster care or in their own homes.	
Place to Call Home Act	HR 3409	Rep. Ruben Hinojosa (D-TX)	To create the conditions, structures, and supports needed to ensure permanency for the Nation's unaccompanied youth, and for other purposes. <i>[Note: this is a large bill covering child welfare, homelessness, runaway youth, juvenile justice, and other issues affecting at-risk youth. The bill includes provisions to eliminate the income eligibility criteria for Title IV-E, allow Title IV-E reimbursement for subsidized guardianship, and expand the Chafee independent living services and education vouchers for youth as young as 14.]</i>	
Pregnant Women Support Act	S 2407 / HR 3192	Sen. Robert Casey (D-PA) / Rep. Lincoln Davis (D-TN)	To provide for programs that reduce the need for abortion, help women bear healthy children, and support new parents. <i>[Note: this bill is largely focused on programs and services for pregnant women, but it also contains a provision expanding the adoption tax credit to \$15,000 per adoption and making the adoption tax credit refundable.]</i>	

<p>Recognizing National Foster Care Month as an opportunity for Congress to improve the foster care system throughout the United States. [passed in the House]</p>	<p>H Res 263</p>	<p>Rep. Dennis Cardoza (D-CA)</p>	<p>Recognizing National Foster Care Month as an opportunity for Congress to improve the foster care system throughout the United States.</p>	
<p>Reconnecting Youth to Prevent Homelessness Act</p>	<p>S 2560 / HR 4208</p>	<p>Sen. John F. Kerry (D-MA) / Rep. Shelley Berkley (D-NV)</p>	<p>Amends Title IV-E to require state plans to provide that the state shall have in effect such laws and procedures as are necessary to ensure that: (1) a child may not be placed in foster care under state responsibility solely because the family with which the child is living is homeless or living in substandard housing; and (2) the state will work with the family and state housing authorities to secure permanent housing for any family that includes a minor child and is homeless or at risk of becoming homeless.</p> <p>Requires the Comptroller General to report to appropriate congressional committees on state policies and practices regarding: (1) access to federally funded child welfare services by children who have attained age 13; and (2) consideration of runaway and homeless situations as risk assessment factors for determining the appropriateness of placement in the child welfare system.</p> <p>Requires state plans to describe state policies and procedures regarding runaway or missing foster children. Provides for extension of child welfare services to emancipated youth between ages 18 and 21.</p>	

Religious Freedom for Providers of Adoption, Foster Care, and Child Welfare Services Act	HR 289	Rep. Phil English (R-PA)	Amends the Social Security Act to prohibit federal payments for foster care and adoption assistance to a state or local government that discriminates against any entity that provides adoption or foster care services to only those couples who are united in marriage (defined as a legal union between one man and one woman as husband and wife) and to only those individuals whose conduct is in accordance with such entity's religious principles and practices.	oppose
Repeal Adoption Tax Credit Sunset Provision	HR 273	Rep. Dave Camp (R-MI)	Exempts provisions expanding the adoption tax credit and adoption assistance programs enacted by the Economic Growth and Tax Relief Reconciliation Act of 2001 from the general terminating (sunset) provisions of that Act.	
Safe Babies Act of 2007	S 627 / HR 1082	Sen. Tom Harkin (D-IA) / Rep. Rosa L. DeLauro (D-CT)	<p>Amends the Juvenile Justice and Delinquency Prevention Act of 1974 to require the Administrator of the Office of Juvenile Justice and Delinquency Prevention to award a grant to a national early childhood development organization to establish a National Court Teams Resource Center to: (1) promote the well-being of maltreated infants and toddlers and their families; (2) help prevent the recurrence of abuse and neglect of children; (3) promote timely reunification of families or other successful permanency outcomes for maltreated infants and toddlers in foster care; and (4) select, and provide assistance to, local Court Teams created to achieve those goals.</p> <p>Sets forth organization selection criteria and application requirements, including assurance that at least one qualified judge will serve as Judicial Leader of each Court Team receiving assistance.</p> <p>Requires the Center to: (1) develop materials to guide judges in the decision-making process regarding, and to train Court Teams in the appropriate care for, maltreated infants and toddlers; (2) develop a database to track the progress of and to evaluate such</p>	

			Teams; and (3) provide information to communities and courts seeking to adopt the Court Teams approach. Requires Center assistance to each Team to include: (1) direction, coordination, oversight, training, and technical assistance; and (2) providing a Local Community Coordinator to serve as a resource of child development expertise.	
School Choice for Foster Kids Act	HR 4311	Rep. Michele Bachmann (R-MN)	To authorize states to use funds provided for the Chafee Foster Care Independence Program to provide vouchers to cover tuition costs at private schools, and transportation costs to and from public schools, of foster children of all ages.	
To amend Title IV-E to increase payments to States for expenditures for short term training of staff of certain child welfare agencies.	HR 2314	Rep. Jerry Weller (R-IL)	Amends Title IV-E (Foster Care and Adoption Assistance) of the Social Security Act to increase payments to states for expenditures for short-term training of staff of certain child welfare agencies.	support
Tribal Foster Care and Adoption Act of 2007	S 1956 / HR 4688	Senator Max Baucus (D-MT) / Rep. Earl Pomeroy (D-ND)	Amends Title IV-E of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.	support
White House Conference on Children and Youth in 2010 Act	HR 5461/ S 2771	Rep. Chaka Fattah (D-PA) / Sen. Mary Landrieu (D-LA)	To require the President to call a White House Conference on Children and Youth in 2010.	support

* Voice for Adoption takes a position on some of the bills in Congress. For the bills where no position is listed, VFA has not yet taken a position, but may do so in the future.

Note: Full text and the status of all legislation that has been introduced in Congress can be found online at www.congress.gov