

109TH CONGRESS
1ST SESSION

S. 985

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

IN THE SENATE OF THE UNITED STATES

MAY 10, 2005

Mrs. CLINTON (for herself, Ms. SNOWE, Mr. JOHNSON, and Mr. COCHRAN) introduced the following bill; which was read twice and referred to the Committee on Finance

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 **TITLE I—KINSHIP NAVIGATOR**
7 **PROGRAM**

8 **SEC. 101. FINDINGS.**

9 Congress finds the following:

1 (1) The 2000 decennial census states that—

2 (A) more than 4,500,000 children in the
3 United States are living in grandparent-headed
4 households, a 30 percent increase from 1990 to
5 2000; and

6 (B) an additional 1,500,000 children in the
7 United States are living in households headed
8 by other relatives.

9 (2) In the 2000 decennial census, over
10 2,400,000 grandparents reported that they were pri-
11 marily responsible for meeting the basic needs of
12 their grandchildren, and parents were not present in
13 about $\frac{1}{3}$ of the families involved.

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

17 (4) Kinship caregivers (as defined in section
18 103) often face a variety of unnecessary barriers, in-
19 cluding difficulties enrolling children in school, au-
20 thORIZING medical treatment, maintaining public
21 housing leases, obtaining affordable legal services,
22 obtaining custody of children or otherwise achieving
23 permanency for children in their care, and accessing
24 a variety of Federal benefits and services.

1 (5) Kinship caregivers can help to keep children
2 from entering the foster care system, and provide
3 safe and permanent homes, but need services and
4 supports to do so. They need better access to health
5 insurance, respite care, child care, special education,
6 housing, and other benefits.

7 (6) Surveys and research on the needs of kin-
8 ship caregivers report that one of their greatest chal-
9 lenges in raising children is getting accurate infor-
10 mation about—

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

21 (B) the legal authority, responsibilities,
22 and rights of kinship caregivers.

23 (7) Funding for kinship navigator programs
24 can—

1 (A) help kinship care families better use
2 existing programs and services; and

3 (B) increase the capacity of public and pri-
4 vate not-for-profit agencies, including commu-
5 nity-based and faith-based agencies, and includ-
6 ing agencies carrying out related Federal pro-
7 grams, such as the National Family Caregiver
8 Support Program under part E of title III of
9 the Older Americans Act of 1965 (42 U.S.C.
10 3030s et seq.), to better serve the needs of kin-
11 ship care families.

12 **SEC. 102. PURPOSE.**

13 The purposes of this Act are—

14 (1) to establish kinship navigator programs in
15 States, large metropolitan areas, and tribal areas to
16 assist kinship caregivers in navigating their way
17 through programs and services, to help the care-
18 givers learn about and obtain assistance to meet the
19 needs of the children they are raising and their own
20 needs; and

21 (2) to promote effective partnerships among
22 public and private not-for-profit agencies, including
23 community-based and faith-based agencies, to help
24 the agencies described in this paragraph more effec-
25 tively and efficiently serve kinship care families and

1 address the fragmentation that creates barriers to
2 meeting the needs of those families.

3 **SEC. 103. DEFINITIONS.**

4 In this title:

5 (1) ASSISTANT SECRETARY.—The term “Assist-
6 ant Secretary” means the Assistant Secretary for
7 Children and Families of the Department of Health
8 and Human Services.

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

12 (3) KINSHIP CAREGIVER.—The term “kinship
13 caregiver” means a grandparent or stepgrandparent
14 of a child, or a relative of a child by blood, marriage,
15 or adoption, who—

16 (A) lives with the child;

17 (B) is the primary caregiver of the child
18 because the biological or adoptive parent of the
19 child is unable or unwilling to serve as the pri-
20 mary caregiver of the child; and

21 (C) has a legal relationship to the child or
22 is raising the child informally.

23 (4) LARGE METROPOLITAN AREA.—The term
24 “large metropolitan area” means a metropolitan sta-

1 tistical area, as defined by the Bureau of the Cen-
2 sus, with a population of not less than 1,000,000.

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

7 (6) STATE.—The term “State” means any of
8 the several States, the District of Columbia, the Vir-
9 gin Islands of the United States, the Commonwealth
10 of Puerto Rico, Guam, American Samoa, and the
11 Commonwealth of the Northern Mariana Islands.

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

14 (8) TRIBAL ORGANIZATION.—The term “tribal
15 organization”—

16 (A) means a tribal organization, as defined
17 in section 658P of the Child Care and Develop-
18 ment Block Grant Act of 1990 (42 U.S.C.
19 9858n); and

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

22 **SEC. 104. GRANTS.**

23 (a) IN GENERAL.—The Assistant Secretary may
24 make grants to eligible entities to pay for the Federal

1 share of the cost of carrying out kinship navigator pro-
2 grams.

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

7 (1) addressing the needs of kinship caregivers
8 or children; and

9 (2) connecting the children or caregivers with
10 appropriate services and assistance, such as services
11 and assistance provided by—

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

15 (B) an agency with jurisdiction over child
16 welfare, income-based financial assistance,
17 human services, or health matters, or a public
18 entity that links family resource and support
19 programs, for the State, large metropolitan
20 area, or Indian tribe involved.

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

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

3 (1) in fiscal year 2006, for periods of 3 years;

4 (2) in fiscal year 2007, for periods of 2 years;

5 and

6 (3) in fiscal year 2008, for periods of 1 year.

7 **SEC. 105. FEDERAL SHARE.**

8 (a) IN GENERAL.—The Federal share of the cost of
9 carrying out a kinship navigator program under a grant
10 shall be—

11 (1) 100 percent in the first year of the grant
12 period;

13 (2) 75 percent in the second year (if any) of the
14 grant period; and

15 (3) 50 percent in the third year (if any) of the
16 grant period.

17 (b) NON-FEDERAL SHARE.—The non-Federal share
18 of the cost may be provided in cash. Not more than 50
19 percent of the non-Federal share of the cost may be pro-
20 vided in kind, fairly evaluated, including plant, equipment,
21 or services.

22 **SEC. 106. APPLICATIONS.**

23 (a) IN GENERAL.—To be eligible to receive a grant
24 under this title, an entity shall submit an application to
25 the Assistant Secretary at such time, in such manner, and

1 containing such information as the Assistant Secretary
2 may require, including, at a minimum, the information de-
3 scribed in subsection (b).

4 (b) CONTENTS.—The application shall include the
5 following:

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

9 (A) identify gaps in services for kinship
10 care families in the State, large metropolitan
11 area, or tribal area to be served and the specific
12 activities that are needed to bridge the gaps;

13 (B) convene a group of partners to assist
14 in the operation of the kinship navigator pro-
15 gram funded through the grant;

16 (C) utilize or develop relevant technology;

17 (D) conduct outreach to kinship caregivers
18 about the kinship navigator program; and

19 (E) develop a plan for reaching kinship
20 caregivers, ensuring that the caregivers can ac-
21 cess the kinship navigator program, and fol-
22 lowing up to ensure that the caregivers actually
23 receive necessary services and supports.

24 (2) An assurance that the entity will provide at
25 least the core activities specified in paragraphs (1)

1 and (2) of section 107(b) for kinship care families
2 through the kinship navigator program.

3 (3) A description of the activities the entity ex-
4 pects to offer over the grant period and the entity's
5 initial projection of the number of children and kin-
6 ship caregivers likely to be served.

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

10 (A) kinship caregivers;

11 (B) youth raised or being raised by kinship
12 caregivers;

13 (C) representatives of kinship care support
14 organizations;

15 (D) relevant government agencies (includ-
16 ing agencies with jurisdiction over matters re-
17 lating to aging, mental health, mental retarda-
18 tion or developmental disabilities, substance
19 abuse treatment, health, youth services, human
20 services, education, income-based financial as-
21 sistance, child welfare, child custody, guardian-
22 ship, adoption, or child support enforcement);

23 (E)(i) not-for-profit service providers, in-
24 cluding community-based and faith-based agen-
25 cies; and

1 (ii) educational institutions; and

2 (F) other State or local agencies or sys-
3 tems that promote service coordination or pro-
4 vide information and referral services, including
5 the entities that provide the 2-1-1 or 3-1-1 in-
6 formation systems where applicable.

7 (5) A description of—

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

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

23 (6) An assurance that the entity will report at
24 least annually to the Assistant Secretary, in a man-

1 ner prescribed by the Assistant Secretary, to ensure
2 comparability of data across States, on—

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

6 (B) the numbers and ages of the children
7 and caregivers assisted through the grants;

8 (C) the types of the assistance provided;

9 (D) the outcomes achieved with the assist-
10 ance; and

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

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

18 (A) the numbers and ages of the children
19 and caregivers assisted through the grants;

20 (B) the types of assistance provided;

21 (C) the outcomes achieved with the assist-
22 ance;

23 (D) the barriers to meeting the needs of
24 kinship care families that were addressed
25 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 for
14 Children and Families shall periodically consult with the
15 Assistant Secretary for Aging of the Department of
16 Health and Human Services.

17 (b) REGULATIONS AND GUIDANCE.—Not later than
18 90 days after the date of enactment of this Act, the Assist-
19 ant Secretary for Children and Families shall issue regula-
20 tions or guidance that announces the availability of funds
21 under this title and specifies the procedures for applying
22 for the funds.

23 **SEC. 109. RESERVATION.**

24 The Assistant Secretary may reserve not more than
25 1 percent of the funds made available under this title for

1 a fiscal year to provide technical assistance to the recipi-
 2 ents of grants under this title related to the purposes of
 3 the grants.

4 **SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

5 There is authorized to be appropriated to carry out
 6 this title \$25,000,000 for fiscal year 2006, \$50,000,000
 7 for fiscal year 2007, and \$75,000,000 for fiscal year 2008.

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

11 **SEC. 201. KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS**
 12 **FOR CHILDREN.**

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

16 **“SEC. 472A. KINSHIP GUARDIANSHIP ASSISTANCE PAY-**
 17 **MENTS FOR CHILDREN.**

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

1 “(b) KINSHIP GUARDIANSHIP ASSISTANCE AGREE-
2 MENT.—

3 “(1) IN GENERAL.—In order to receive pay-
4 ments under section 474(a)(5), a State shall—

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

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

11 “(C) certify that any child on whose behalf
12 kinship guardianship assistance payments are
13 made under such an agreement shall be pro-
14 vided medical assistance under title XIX in ac-
15 cordance with section 1902(a)(10)(A)(i)(I).

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

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

21 “(B) the additional services and assistance
22 that the child and relative guardian will be eli-
23 gible for under the agreement;

24 “(C) the procedure by which the relative
25 guardian may apply for additional services as

1 needed, provided the agency and relative guard-
2 ian agree on the additional services as specified
3 in the case plan; and

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

8 “(3) INTERSTATE APPLICATION.—The agree-
9 ment shall provide—

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

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

19 “(4) NONRECURRING EXPENSES ASSOCIATED
20 WITH OBTAINING LEGAL GUARDIANSHIP.—

21 “(A) IN GENERAL.—For purposes of para-
22 graph (2)(D), the term ‘nonrecurring expenses
23 associated with obtaining legal guardianship’ in-
24 cludes the reasonable and necessary fees, court
25 costs, attorneys’ fees, and other expenses that

1 are directly related to obtaining legal guardian-
 2 ship of the child and which are not incurred in
 3 violation of Federal or State law.

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

10 “(c) KINSHIP GUARDIANSHIP ASSISTANCE PAY-
 11 MENT.—

12 “(1) REQUIREMENTS.—

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

15 “(i) negotiated as part of the kinship
 16 guardianship assistance agreement re-
 17 quired under subsection (b)(1)(A) between
 18 the relative guardian and the State or local
 19 agency responsible for administering such
 20 agreement;

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

24 “(iii) equal to the amount of the fos-
 25 ter care maintenance payment for which

1 the child would have been eligible if the
2 child had remained in foster care.

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

9 “(2) LIMITATION.—

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

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

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

22 “(ii) with respect to a child who the
23 State determines has a mental or physical
24 disability that warrants the continuation of

1 assistance until the child attains 21 years
2 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 has been—

9 “(i) removed from his or her home
10 pursuant to a voluntary placement agree-
11 ment or as a result of a judicial determina-
12 tion to the effect that continuation in the
13 home would be contrary to the welfare of
14 the child;

15 “(ii) under the care of the State agen-
16 cy for the 12-month period ending on the
17 date of the agency determination; and

18 “(iii) eligible for foster care mainte-
19 nance payments under section 472.

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

23 “(C) The child demonstrates a strong at-
24 tachment to the prospective relative guardian

1 and the relative guardian has a strong commit-
2 ment to caring permanently for the child.

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

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

10 “(A) the child and any minor sibling of the
11 child may be placed in the same kinship guard-
12 ianship arrangement if the State agency and
13 the relative agree on the appropriateness of the
14 arrangement for the siblings; and

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

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

22 “(7) The adoptive parents of a child who has been
23 determined by the State, pursuant to subsection (c), to
24 be a child with special needs and on whose behalf kinship
25 guardianship assistance payments have been made under

1 section 472A shall be eligible for adoption assistance as
2 if no kinship guardianship agreement or payments had
3 been made. The State shall make payments of non-
4 recurring adoption expenses under this section to the
5 adoptive parents of such a child. The State may make
6 adoption assistance payments under this section even if
7 the child fails to meet the requirements of subparagraphs
8 (A) and (B) of paragraph (2), if the child would meet the
9 requirements of such subparagraphs if the child were
10 treated as if the child were in the same financial and other
11 circumstances the child was in at the time the kinship
12 guardianship assistance agreement was made.

13 (c) CONFORMING AMENDMENTS.—

14 (1) STATE PLAN REQUIREMENT.—Section
15 471(a)(20)(A) of such Act (42 U.S.C. 671(a)(20)) is
16 amended, in the matter preceding clause (i), by
17 striking “foster or adoptive parent before the foster
18 or adoptive parent may be finally approved for place-
19 ment of a child on whose behalf foster care mainte-
20 nance payments or adoption assistance payments”
21 and inserting “foster parent, adoptive parent, or rel-
22 ative guardian before the foster parent, adoptive
23 parent, or relative guardian may be finally approved
24 for placement of a child on whose behalf foster care
25 maintenance payments, adoption assistance pay-

1 ments, or kinship guardianship assistance pay-
2 ments”.

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

5 (A) in paragraph (3)(B), by striking “fos-
6 ter or adoptive parents and the members of the
7 staff of State-licensed or State-approved child
8 care institutions providing care to foster and
9 adopted children receiving assistance under this
10 part, in ways that increase the ability of such
11 current or prospective parents, staff members,
12 and institutions to provide support and assist-
13 ance to foster and adopted children,” and in-
14 serting “foster parents, adoptive parents, or rel-
15 ative guardians and the members of the staff of
16 State-licensed or State-approved child care in-
17 stitutions providing care to foster children,
18 adoptive children, or children living with a rel-
19 ative guardian receiving assistance under this
20 part, in ways that increase the ability of such
21 current or prospective parents, relative guard-
22 ians, staff members, and institutions to provide
23 support and assistance to foster children, adop-
24 tive children, or children living with a relative
25 guardian,”;

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

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

4 “(5) an amount equal to the Federal medical
5 assistance percentage (as defined in section 1905(b))
6 of the total amount expended during such quarter as
7 kinship guardianship assistance payments under sec-
8 tion 472A pursuant to kinship guardianship assist-
9 ance agreements.”.

10 (3) DEFINITIONS.—Section 475(1) of such Act
11 (42 U.S.C. 675(1)) is amended by adding at the end
12 the following:

13 “(F) In the case of a child with respect to
14 whom the permanency plan is placement with a
15 relative and receipt of kinship guardianship as-
16 sistance payments under section 472A, a de-
17 scription of—

18 “(i) the steps that the agency has
19 taken to determine that it is not appro-
20 priate for the child to be returned home or
21 adopted;

22 “(ii) the reasons why a permanent
23 placement with a fit and willing relative
24 through a kinship guardianship assistance
25 arrangement is in the child’s best interests;

1 “(iii) the ways in which the child
2 meets the eligibility requirements for a kin-
3 ship guardianship assistance payment;

4 “(iv) the efforts the agency has made
5 to discuss adoption by the child’s relative
6 foster parent as a more permanent alter-
7 native to legal guardianship and, in the
8 case of a relative foster parent who has
9 chosen not to pursue adoption, documenta-
10 tion of the reasons therefor; and

11 “(v) the efforts made by the State
12 agency to secure the consent of the child’s
13 parent or parents to the kinship guardian-
14 ship assistance arrangement, or the rea-
15 sons why the efforts were not made.”.

16 (d) EFFECTIVE DATE.—The amendments made by
17 this section take effect on October 1, 2005.

18 **SEC. 202. KINSHIP GUARDIANSHIP DEMONSTRATION**
19 **PROJECTS.**

20 (a) AUTHORITY TO CONDUCT PROJECTS.—The Sec-
21 retary shall enter into agreements with eligible entities to
22 conduct demonstration projects for the purpose of pro-
23 viding kinship guardianship assistance payments on behalf
24 of children to grandparents and other relatives who have
25 assumed legal guardianship (as defined in section 475(7)

1 of the Social Security Act (42 U.S.C. 675(7)) of the chil-
2 dren for whom they have cared as foster parents and for
3 whom they have committed to care for on a permanent
4 basis in large metropolitan areas located in States that
5 have not elected the option to provide kinship guardian-
6 ship assistance payments for children under section 472A
7 of the Social Security Act (as added by section 201).

8 (b) TERMS AND CONDITIONS.—The terms and condi-
9 tions applicable to demonstration projects conducted
10 under this section shall be consistent, to the extent the
11 Secretary determines appropriate, with the terms and con-
12 ditions applicable to the State option to provide kinship
13 guardianship assistance payments for children under sec-
14 tion 472A of the Social Security Act.

15 (c) REPORT.—Not later than October 1, 2007, and
16 annually thereafter, the Secretary shall submit a report
17 to Congress on the demonstration projects conducted
18 under this section.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated such sums as may be
21 necessary to conduct demonstration projects under this
22 section for fiscal years beginning with fiscal year 2006.

23 (e) DEFINITIONS.—In this section:

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

1 (A) a metropolitan agency, as defined in
2 section 103(5); and

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

6 (2) LARGE METROPOLITAN AREA.—The term
7 “large metropolitan area” has the meaning given
8 that term in section 103(4).

9 (3) SECRETARY.—The term “Secretary” means
10 the Secretary of Health and Human Services.

11 **TITLE III—NOTICE OF CHILDREN**
12 **ENTERING FOSTER CARE**

13 **SEC. 301. NOTICE TO RELATIVES WHEN CHILDREN ENTER**
14 **FOSTER CARE.**

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

17 (1) by striking “that the State” and inserting
18 “that—

19 “(A) the State”;

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

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

22 “(B) within 60 days of the removal of the
23 child from the custody of the child’s parent or
24 parents, the State shall identify and give notice
25 to all adult grandparents and other adult rel-

1 atives of the child (including any other adult
 2 relatives suggested by the parents), subject to
 3 exceptions due to family or domestic violence,
 4 that—

5 “(i) specifies that the child has been
 6 or is being removed from the custody of
 7 the child’s parent or parents; and

8 “(ii) explains the options the relative
 9 has under Federal, State, and local law to
 10 participate in the child’s care and place-
 11 ment, including any options that may be
 12 lost by failing to respond to the notice;”.

13 (b) EFFECTIVE DATE.—The amendments made by
 14 this section take effect on October 1, 2005.

15 **SEC. 302. FLEXIBILITY TO ESTABLISH SEPARATE STAND-**
 16 **ARDS FOR RELATIVE FOSTER FAMILY**
 17 **HOMES.**

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

20 (1) by striking “which shall be responsible” and
 21 inserting “which—

22 “(A) shall be responsible”;

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

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

25 “(B) may—

1 “(i) establish and maintain separate
2 standards for foster family homes in which
3 a foster parent is a relative of the foster
4 child that, at a minimum, protect the safe-
5 ty of the child and provide for criminal
6 records checks, as described in paragraph
7 (20); and

8 “(ii) apply the standards referred to
9 in clause (i) to any such relative foster
10 care provider to whom funds are paid pur-
11 suant to section 472 or part B in lieu of
12 the standards that would otherwise apply
13 to a foster family home;”.

14 (b) **EFFECTIVE DATE.**—The amendments made by
15 this section take effect on October 1, 2005.

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