

109TH CONGRESS  
1ST SESSION

# H. R. 3380

To amend part E of title IV of the Social Security Act to provide Federal support and assistance to children living with guardians and kinship caregivers, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2005

Mr. DAVIS of Illinois (for himself and Ms. JACKSON-LEE of Texas) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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

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## A BILL

To amend part E of title IV of the Social Security Act to provide Federal support and assistance to children living with guardians and kinship caregivers, 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 “Guardianship Assist-  
5       ance Promotion and Kinship Support Act”.

**1 SEC. 2. TABLE OF CONTENTS.**

**2** The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

**TITLE I—GUARDIANSHIP ASSISTANCE PROMOTION**

Sec. 101. Findings.

Sec. 102. Legal guardianship assistance payments for children.

**TITLE II—ADDITIONAL SUPPORTS FOR GUARDIANS AND KINSHIP PROVIDERS**

Sec. 201. Authority to use foster care independence program funds to provide independent living services, education and training vouchers, and room and board for children who exit foster care to guardianship or adoption after attaining age 14.

Sec. 202. Expansion of definition of family support services to include assisting kinship caregivers or guardians in locating and accessing needed services.

Sec. 203. Flexibility to establish separate standards for relative foster family homes.

Sec. 204. Notice to relatives when children enter foster care.

Sec. 205. Expansion of eligibility for foster care independence program.

**TITLE III—NAVIGATOR PROGRAM**

Sec. 301. Purpose.

Sec. 302. Definitions.

Sec. 303. Grants.

Sec. 304. Federal share.

Sec. 305. Applications.

Sec. 306. Use of grant funds.

Sec. 307. Administration of the program.

Sec. 308. Reservation.

Sec. 309. Authorization of appropriations.

**3 TITLE I—GUARDIANSHIP  
4 ASSISTANCE PROMOTION**

**5 SEC. 101. FINDINGS.**

**6** The Congress finds the following:

**7** (1) By enacting the Adoption and Safe Families

**8** Act of 1997 (Public Law 105–89) and the Adoption

**9** Assistance and Child Welfare Act of 1980 (Public

**10** Law 96–272), the Congress recognized the need to

1 align Federal incentives with the desired goal of pro-  
2 viding abused and neglected children safe, perma-  
3 nent homes.

4 (2) According to the nonpartisan Pew Commis-  
5 sion on Children in Foster Care composed of former  
6 Members of Congress of both parties and other child  
7 welfare experts, between 1997 and 2002, adoptions  
8 increased by 64 percent, and each State, the District  
9 of Columbia, and Puerto Rico has earned an award  
10 for increasing adoptions.

11 (3) Adoption represents only one avenue to per-  
12 manency for children in the foster care system, af-  
13 fecting only 9 percent of children in foster care in  
14 2003. Adoption is not a viable option for many chil-  
15 dren in foster care. Children living with relatives are  
16 less likely to use adoption, and courts explicitly rule  
17 out this permanency option for thousands of children  
18 each year.

19 (4) Moreover, due to cultural norms, adoption  
20 is not equally availed by children and families of all  
21 races and ethnicities. African-American children live  
22 in kinship care arrangements more than in other  
23 types of care arrangements and have a lower rate of  
24 adoption than other children, making reunification

1 and legal guardianship important permanency op-  
2 tions for this population.

3 (5) Reunification and legal guardianship are  
4 central avenues by which any child in foster care  
5 may enter stable, caring homes. In 2002, 54 percent  
6 of children in foster care were reunified with their  
7 parents and 4 percent obtained legal guardianship.

8 (6) Unfortunately, studies show that the focus  
9 on adoption has had the unintended consequence of  
10 reducing the likelihood of reunifying children with  
11 their birth families.

12 (7) Moreover, Federal guidelines create a finan-  
13 cial disincentive to legal guardianship because im-  
14 portant Federal support ceases once legal guardian-  
15 ship is established, presenting an overwhelming  
16 hardship for caretakers given the known health and  
17 mental health problems of children who have been in  
18 foster care. Research indicates that 30 to 40 percent  
19 of youth in foster care experience chronic medical  
20 problems.

21 (8) To help meet the needs of foster children  
22 with special needs who are adopted, approximately  
23 \$308 per month in Federal funds is provided to  
24 their adoptive families. The Federal Government  
25 pays approximately \$387 per month to cover all

1 adoption assistance program costs, including month-  
2 ly payments to families, administration, and train-  
3 ing.

10 (10) Since 1997, many States have developed  
11 subsidized legal guardianship programs. Empirical  
12 research demonstrates that this option dramatically  
13 increases the number of children in permanent  
14 homes, with the largest reductions in foster care  
15 caseloads occurring when the Federal Government  
16 provides the funding and when the financial benefits  
17 for foster care match those of legal guardianship.

18 SEC. 102. LEGAL GUARDIANSHIP ASSISTANCE PAYMENTS  
19 FOR CHILDREN.

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

1   **“SEC. 472A. LEGAL GUARDIANSHIP ASSISTANCE PAYMENTS**2                   **FOR CHILDREN.**

3               “(a) IN GENERAL.—Each State with a plan approved  
4 under this part may, at State option, enter into legal  
5 guardianship assistance agreements to provide legal  
6 guardianship assistance payments on behalf of children to  
7 individuals who have assumed legal guardianship (as de-  
8 fined in section 475(7)) of children for whom they have  
9 cared as foster parents and whom they have committed  
10 to care for on a permanent basis.

11               “(b) LEGAL GUARDIANSHIP ASSISTANCE AGREEMENT.—

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

15               “(A) a State shall—

16                       “(i) negotiate and enter into a written  
17                       legal guardianship assistance agreement  
18                       with the prospective legal guardian of a  
19                       child who meets the requirements of sub-  
20                       section (d);

21                       “(ii) provide the prospective legal  
22                       guardian with a copy of the agreement;  
23                       and

24                       “(iii) certify that any child on whose  
25                       behalf legal guardianship assistance pay-  
26                       ments are made under such an agreement

1                   shall be provided medical assistance under  
2                   title XIX in accordance with section  
3                   1902(a)(10)(A)(i)(I); and

4                   “(B) the chief executive officer of the State  
5                   shall certify to the Secretary that the State  
6                   will—

7                   “(i) inform the individuals who pre-  
8                   pare the case plan for a child of the full  
9                   range of permanency options available to  
10                  children, including guardianship, and pro-  
11                  vide or otherwise make accessible to the in-  
12                  dividuals information on the range of phys-  
13                  ical and mental health, financing, housing,  
14                  counseling, employment, education, and  
15                  other support services which guardians and  
16                  children may receive; and

17                  “(ii) inform families considering  
18                  guardianship of all permanency options  
19                  available to the child and of the range of  
20                  physical and mental health, financial,  
21                  housing, counseling, employment, edu-  
22                  cation, and other support services which  
23                  guardians and children may receive.

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

1                   “(A) the amount of, and manner in which,  
2                   each legal guardianship assistance payment, if  
3                   any, will be provided under the agreement;

4                   “(B) the additional services and assistance  
5                   for which the child and legal guardian will be  
6                   eligible under the agreement;

7                   “(C) the procedure by which the legal  
8                   guardian may apply for additional services as  
9                   needed, provided the agency and legal guardian  
10                  agree on the additional services as specified in  
11                  the case plan; and

12                  “(D) subject to paragraph (4), that the  
13                  State will pay the nonrecurring expenses associ-  
14                  ated with obtaining legal guardianship of the  
15                  child.

16                  “(3) INTERSTATE APPLICATION.—The agree-  
17                  ment shall provide—

18                  “(A) that the agreement shall remain in  
19                  effect without regard to the State residency of  
20                  the legal guardian; and

21                  “(B) for the protection (under an inter-  
22                  state compact approved by the Secretary or oth-  
23                  erwise) of the interests of the child in any case  
24                  where the legal guardian and the child move to  
25                  another State while the agreement is in effect.

1                   “(4) NONRECURRING EXPENSES ASSOCIATED  
2                   WITH OBTAINING LEGAL GUARDIANSHIP.—

3                   “(A) IN GENERAL.—For purposes of para-  
4                   graph (2)(D), the term ‘nonrecurring expenses  
5                   associated with obtaining legal guardianship’ in-  
6                   cludes the reasonable and necessary fees, court  
7                   costs, attorneys’ fees, and other expenses that  
8                   are directly related to obtaining legal guardian-  
9                   ship of the child and are not incurred in viola-  
10                   tion of Federal or State law.

11                   “(B) FEDERAL SHARE.—A State’s pay-  
12                   ment of the nonrecurring expenses associated  
13                   with obtaining legal guardianship shall be treat-  
14                   ed as an expenditure made for the proper and  
15                   efficient administration of the State plan under  
16                   section 474(a)(3)(E).

17                   “(c) LEGAL GUARDIANSHIP ASSISTANCE PAY-  
18                   MENT.—

19                   “(1) REQUIREMENTS.—

20                   “(A) IN GENERAL.—The legal guardian-  
21                   ship assistance payment shall be—

22                   “(i) negotiated as part of the legal  
23                   guardianship assistance agreement re-  
24                   quired under subsection (b)(1)(A)(i) be-  
25                   tween the legal guardian and the State or

1                   local agency responsible for administering  
2                   the agreement;

3                   “(ii) based on consideration of the cir-  
4                   cumstances and the needs of the legal  
5                   guardian and the child; and

6                   “(iii) equal to the amount of the fos-  
7                   ter care maintenance payment which would  
8                   have been payable with respect to the child  
9                   if the child had remained in foster care.

10                  “(B) READJUSTMENT.—The legal guard-  
11                  ianship assistance payment may be readjusted  
12                  periodically, with the concurrence of the legal  
13                  guardian, based on relevant changes in the  
14                  needs of the legal guardian and the child.

15                  “(2) LIMITATION.—

16                  “(A) IN GENERAL.—Except as provided in  
17                  subparagraph (B), a legal guardianship assist-  
18                  ance payment may not be made with respect to  
19                  a child who has attained 18 years of age.

20                  “(B) EXCEPTIONS.—A legal guardianship  
21                  assistance payment may be made with respect  
22                  to a child who—

23                   “(i) is a full-time student in a sec-  
24                   ondary school or in the equivalent level of

1                   a vocational or technical training program,  
2                   and has not attained 19 years of age; or  
3                   “(ii) the State determines has a men-  
4                   tal or physical disability that warrants the  
5                   continuation of assistance until the child  
6                   attains 21 years of age.

7        “(d) CHILD’S ELIGIBILITY FOR A LEGAL GUARDIAN-  
8        SHIP ASSISTANCE PAYMENT.—

9                   “(1) IN GENERAL.—A child is eligible for a  
10                  legal guardianship assistance payment under this  
11                  section if the State agency determines the following:

12                  “(A) The child—

13                   “(i) has been under the care of the  
14                  State agency for the 12-month period end-  
15                  ing on the date of the agency determina-  
16                  tion; and

17                   “(ii) while under such care, was eligi-  
18                  ble for foster care maintenance payments  
19                  under section 472 or would have been eligi-  
20                  ble for such payments but for his or her  
21                  placement in the unlicensed home of a rel-  
22                  ative determined by the courts and the  
23                  State agency responsible for child protec-  
24                  tive services to be safe and the best home  
25                  for the child.

1                   “(B) Being returned home or adopted are  
2                   not appropriate permanency options for the  
3                   child.

4                   “(C) The child demonstrates a strong at-  
5                   tachment to the prospective legal guardian and  
6                   the prospective legal guardian has a strong  
7                   commitment to caring permanently for the  
8                   child.

9                   “(D) With respect to a child who has at-  
10                   tained 14 years of age, the child has been con-  
11                   sulted regarding the legal guardianship ar-  
12                   rangement.

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

16                   “(A) the child and any minor sibling of the  
17                   child may be placed in the same legal guardian-  
18                   ship arrangement if the State agency and the  
19                   prospective legal guardian agree on the appro-  
20                   priateness of the arrangement for the siblings;  
21                   and

22                   “(B) legal guardianship assistance pay-  
23                   ments may be paid for the child and each sib-  
24                   ling so placed.”.

25                   (b) CONFORMING AMENDMENTS.—

1 (1) STATE PLAN REQUIREMENT.—Section  
2 471(a)(20)(A) of such Act (42 U.S.C. 671(a)(20)) is  
3 amended in the matter preceding clause (i) by strik-  
4 ing “foster or adoptive parent before the foster or  
5 adoptive parent may be finally approved for place-  
6 ment of a child on whose behalf foster care mainte-  
7 nance payments or adoption assistance payments”  
8 and inserting “foster parent, adoptive parent, or  
9 legal guardian before the foster parent, adoptive par-  
10 ent, or legal guardian may be finally approved for  
11 placement of a child on whose behalf foster care  
12 maintenance payments, adoption assistance pay-  
13 ments, or legal guardianship assistance payments”.

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

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

12 (B) in paragraph (4)(B), by striking the  
13 period at the end and inserting “; plus”; and  
14 (C) by adding at the end the following:

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

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

24                             “(F) In the case of a child with respect to  
25                             whom the permanency plan is placement with a

1                   legal guardian and receipt of legal guardianship  
2                   assistance payments under section 472A, a de-  
3                   scription of—

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

8                   “(ii) the reasons why a permanent  
9                   placement with a fit and willing legal  
10                  guardian through a legal guardianship as-  
11                  sistance arrangement is in the child’s best  
12                  interests;

13                  “(iii) the ways in which the child  
14                  meets the eligibility requirements for a  
15                  legal guardianship assistance payment;

16                  “(iv) the efforts the agency has made  
17                  to discuss adoption by the child’s foster  
18                  parent as a more permanent alternative to  
19                  legal guardianship and, in the case of a  
20                  foster parent who has chosen not to pursue  
21                  adoption, documentation of the reasons  
22                  therefor; and

23                  “(v) the efforts made by the State  
24                  agency to secure the consent of the child’s  
25                  parent or parents to the legal guardianship

1 assistance arrangement, or the reasons  
2 why the efforts were not made.”.

6       “(7)(A) For purposes of this section (other than the  
7 last sentence of paragraph (2)), a child leaving a legal  
8 guardianship shall be considered to be leaving foster care,  
9 and the child shall be considered to have been in foster  
10 care while subject to the legal guardianship.

11       “(B) In the case of a child who is leaving a legal  
12 guardianship, the last sentence of paragraph (2) shall be  
13 applied by treating the guardianship as an adoption, the  
14 end of the guardianship as the dissolution of an adoption,  
15 and any eligibility of the child for legal guardianship as-  
16 sistance payments under section 472A as eligibility for  
17 adoption assistance payments under this part.”.

18 (c) EFFECTIVE DATE.—

1 day, without regard to whether regulations to imple-  
2 ment the amendments have been issued.

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

1   **TITLE II—ADDITIONAL SUP-**  
2   **PORTS FOR GUARDIANS AND**  
3   **KINSHIP PROVIDERS**

4   **SEC. 201. AUTHORITY TO USE FOSTER CARE INDEPEND-**  
5           **ENCE PROGRAM FUNDS TO PROVIDE INDE-**  
6           **PENDENT LIVING SERVICES, EDUCATION AND**  
7           **TRAINING VOUCHERS, AND ROOM AND**  
8           **BOARD FOR CHILDREN WHO EXIT FOSTER**  
9           **CARE TO GUARDIANSHIP OR ADOPTION**  
10           **AFTER ATTAINING AGE 14.**

11           (a) **INDEPENDENT LIVING SERVICES.**—Section  
12 477(a) of the Social Security Act (42 U.S.C. 677(a)) is  
13 amended—

14           (1) by striking “and” at the end of paragraph  
15 (5);

16           (2) by striking the period at the end of para-  
17 graph (6) and inserting “; and”; and

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

19           “(7) to provide the services referred to in this  
20 subsection to children who, after attaining 14 years  
21 of age, have left foster care for legal guardianship  
22 or adoption.”.

23           (b) **EDUCATION AND TRAINING VOUCHERS.**—Section  
24 477(i)(2) of such Act (42 U.S.C. 677(i)(2)) is amended  
25 by striking “from foster care after attaining age 16” and

1 inserting “or entering legal guardianship from foster care  
2 after attaining 14 years of age”.

3 **SEC. 202. EXPANSION OF DEFINITION OF FAMILY SUPPORT**

4 **SERVICES TO INCLUDE ASSISTING KINSHIP  
5 CAREGIVERS OR GUARDIANS IN LOCATING  
6 AND ACCESSING NEEDED SERVICES.**

7 Section 431(a)(2) of the Social Security Act (42  
8 U.S.C. 629a(a)(2)) is amended by inserting “to assist kin-  
9 ship caregivers or guardians in locating and accessing  
10 needed services,” after “marriages.”.

11 **SEC. 203. FLEXIBILITY TO ESTABLISH SEPARATE STAND-  
12 ARDS FOR RELATIVE FOSTER FAMILY  
13 HOMES.**

14 Section 471(a)(10) of the Social Security Act (42  
15 U.S.C. 671(a)(10)) is amended by inserting before the  
16 semicolon the following: “, and that the authority or au-  
17 thorities may—

18 “(A) establish and maintain separate standards  
19 for foster family homes in which a foster parent is  
20 a relative of the foster child, that, at a minimum,  
21 protect the safety of the child and provide for crimi-  
22 nal records checks as described in paragraph (20);  
23 and

24 “(B) apply the standards referred to in sub-  
25 paragraph (A) of this paragraph to any such relative

1       foster care provider to whom funds are paid pursuant  
2       to section 472 or part B in lieu of the standards  
3       that would otherwise apply to a foster family  
4       home.”.

5       **SEC. 204. NOTICE TO RELATIVES WHEN CHILDREN ENTER**  
6                   **FOSTER CARE.**

7       Section 471(a)(19) of the Social Security Act (42  
8       U.S.C. 671(a)(19)) is amended—

9                   (1) by striking “that the State” and inserting  
10          “that—

11                   “(A) the State”;

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

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

14                   “(B) within 60 days of the removal of the  
15          child from the custody of the child’s parent or  
16          parents, the State shall identify and give notice  
17          to all adult grandparents and other adult rel-  
18          atives of the child (including any other adult  
19          relatives suggested by the parents), subject to  
20          exceptions due to family or domestic violence,  
21          that—

22                   “(i) specifies that the child has been  
23          or is being removed from the custody of  
24          the child’s parent or parents; and

1                             “(ii) explains the options the relative  
2                             has under Federal, State, and local law to  
3                             participate in the child’s care and place-  
4                             ment, including any options that may be  
5                             lost by failing to respond to the notice;”.

6     **SEC. 205. EXPANSION OF ELIGIBILITY FOR FOSTER CARE**

7                             **INDEPENDENCE PROGRAM.**

8                             Section 477 of the Social Security Act (42 U.S.C.  
9     677) is amended—

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

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

16                             **TITLE III—NAVIGATOR  
17                             PROGRAM**

18     **SEC. 301. PURPOSE.**

19                             The purposes of this title are—

20                            (1) to establish kinship navigator programs in  
21                             States, large metropolitan areas, and tribal areas to  
22                             assist kinship caregivers in navigating their way  
23                             through programs and services, to help the care-  
24                             givers learn about and obtain assistance to meet the

1       needs of the children they are raising and their own  
2       needs; and

3               (2) to promote effective partnerships among  
4       public and private not-for-profit agencies, including  
5       community-based and faith-based agencies, to help  
6       the agencies described in this paragraph more effec-  
7       tively and efficiently serve kinship care families and  
8       address the fragmentation that creates barriers to  
9       meeting the needs of those families.

10 **SEC. 302. DEFINITIONS.**

11       In this title:

12               (1) **SECRETARY.**—The term “Secretary” means  
13       the Secretary of Health and Human Services.

14               (2) **KINSHIP CARE FAMILY.**—The term “kinship  
15       care family” means a family with a kinship care-  
16       giver.

17               (3) **KINSHIP CAREGIVER.**—The term “kinship  
18       caregiver” means a grandparent or stepgrandparent  
19       of a child, a relative of a child by blood, marriage,  
20       or adoption, or (at the option of a State) any other  
21       person who has strong emotional bonds with a child,  
22       who—

23                       (A) lives with the child;

24                       (B) is the primary caregiver of the child  
25       because the biological or adoptive parent of the

1           child is unable or unwilling to serve as the pri-  
2           mary caregiver of the child; and

3           (C) has a legal relationship to the child or  
4           is raising the child informally.

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

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

13           (6) STATE.—The term “State” means any of  
14           the several States, the District of Columbia, the Vir-  
15           gin Islands of the United States, the Commonwealth  
16           of Puerto Rico, Guam, American Samoa, and the  
17           Commonwealth of the Northern Mariana Islands.

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

20           (8) TRIBAL ORGANIZATION.—The term “tribal  
21           organization”—

22           (A) means a tribal organization, as defined  
23           in section 658P of the Child Care and Develop-  
24           ment Block Grant Act of 1990 (42 U.S.C.  
25           9858n); and

(B) includes a consortium of tribal organizations described in subparagraph (A).

### 3 SEC. 303. GRANTS.

4 (a) IN GENERAL.—The Secretary may make grants  
5 to eligible entities to pay for the Federal share of the cost  
6 of carrying out kinship navigator programs.

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

11 (1) addressing the needs of kinship caregivers  
12 or children; and

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

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

1       (c) ALLOCATION OF GRANTS.—Of the funds made  
2 available for grants under this section for each fiscal year,  
3 the Secretary shall use not less than 50 percent to make  
4 grants to State agencies.

5       (d) DURATION OF THE GRANTS.—In making the  
6 grants, the Secretary shall make grants—

7               (1) in fiscal year 2006, for periods of 3 years;  
8               (2) in fiscal year 2007, for periods of 2 years;  
9               and  
10              (3) in fiscal year 2008, for periods of 1 year.

11 **SEC. 304. FEDERAL SHARE.**

12       (a) IN GENERAL.—The Federal share of the cost of  
13 carrying out a kinship navigator program under a grant  
14 shall be—

15               (1) 100 percent in the first year of the grant  
16 period;  
17               (2) 75 percent in the second year (if any) of the  
18 grant period; and  
19               (3) 50 percent in the third year (if any) of the  
20 grant period.

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

1 **SEC. 305. APPLICATIONS.**

2 (a) IN GENERAL.—To be eligible to receive a grant  
3 under this title, an entity shall submit an application to  
4 the Secretary at such time, in such manner, and con-  
5 taining such information as the Secretary may require, in-  
6 cluding, at a minimum, the information described in sub-  
7 section (b).

8 (b) CONTENTS.—The application shall include the  
9 following:

10 (1) A description of the steps the entity will  
11 take during the first 6 months of the grant period  
12 to—

13 (A) identify gaps in services for kinship  
14 care families in the State, large metropolitan  
15 area, or tribal area to be served and the specific  
16 activities that are needed to bridge the gaps;

17 (B) convene a group of partners to assist  
18 in the operation of the kinship navigator pro-  
19 gram funded through the grant;

20 (C) utilize or develop relevant technology;

21 (D) conduct outreach to kinship caregivers  
22 about the kinship navigator program; and

23 (E) develop a plan for reaching kinship  
24 caregivers, ensuring that the caregivers can ac-  
25 cess the kinship navigator program, and fol-

1 lowing up to ensure that the caregivers actually  
2 receive necessary services and supports.

3 (2) An assurance that the entity will provide at  
4 least the core activities specified in paragraphs (1)  
5 and (2) of section 306(b) for kinship care families  
6 through the kinship navigator program.

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

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

14 (A) kinship caregivers;

15 (B) youth raised or being raised by kinship  
16 caregivers;

17 (C) representatives of kinship care support  
18 organizations;

19 (D) relevant government agencies (includ-  
20 ing agencies with jurisdiction over matters re-  
21 lating to aging, mental health, mental retarda-  
22 tion or developmental disabilities, substance  
23 abuse treatment, health, youth services, human  
24 services, education, income-based financial as-

1 sistance, child welfare, child custody, guardianship, adoption, or child support enforcement);  
2

3 (E)(i) not-for-profit service providers, including community-based and faith-based agencies; and  
4

5 (ii) educational institutions; and

6 (F) other State or local agencies or systems that promote service coordination or provide information and referral services, including  
7 the entities that provide the 2–1–1 or 3–1–1 information systems where applicable.  
8

9 (5) A description of—  
10

11 (A) how the entity will coordinate its activities with other State or local agencies or systems that promote service coordination or provide information and referral services for children, families, or older individuals, including the entities that provide the 2–1–1 or 3–1–1 information systems where applicable, so as to avoid duplication of services and the fragmentation of services that prevents kinship care families from getting the help the families need; and  
12

13 (B) how the entity will encourage regional cooperation among agencies, particularly agencies serving border communities that may cross  
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1 jurisdictional lines, to ensure that kinship care  
2 families will get help.

3 (6) An assurance that the entity will report at  
4 least annually to the Secretary, in a manner pre-  
5 scribed by the Secretary, to ensure comparability of  
6 data across States, on—

7 (A) activities established with the funds  
8 made available through grants made under this  
9 title;

10 (B) the numbers and ages of the children  
11 and caregivers assisted through the grants;

12 (C) the types of the assistance provided;

13 (D) the outcomes achieved with the assist-  
14 ance; and

15 (E) the barriers identified to meeting the  
16 needs of kinship care families and plans for ad-  
17 dressing the barriers.

18 (7) An assurance that the entity, not later than  
19 3 months after the end of the final year of the grant  
20 period, will submit a final report to the Administra-  
21 tion for Children and Families that describes—

22 (A) the numbers and ages of the children  
23 and caregivers assisted through the grants;

24 (B) the types of assistance provided;

1 (C) the outcomes achieved with the assist-  
2 ance;

3 (D) the barriers to meeting the needs of  
4 kinship care families that were addressed  
5 through the grants;

6 (E) the plans of the entity to continue the  
7 kinship navigator program after the grant pe-  
8 riod has ended;

9 (F) lessons learned during the grant pe-  
10 riod; and

11 (G) recommendations about the consider-  
12 ations that should be taken into account as the  
13 program carried out under this title is expanded  
14 throughout the Nation.

15 (c) PREFERENCE.—In awarding grants under this  
16 title, the Secretary shall give preference to agencies or or-  
17 ganizations that can demonstrate that the agencies and  
18 organizations will offer the full array of activities de-  
19 scribed in section 306(b).

## 20 SEC. 306. USE OF GRANT FUNDS.

21 (a) IN GENERAL.—An entity that receives a grant  
22 under this title may use the funds made available through  
23 the grant directly, or through grants or contracts with  
24 other public or private not-for-profit agencies, including  
25 community-based or faith-based agencies, that have expe-

1 rience in connecting kinship caregivers with appropriate  
2 services and assistance.

3 (b) USE OF FUNDS.—An entity that receives a grant  
4 under this title may use the funds made available through  
5 the grant for activities that help to connect kinship care-  
6 givers with the services and assistance required to meet  
7 the needs of the children the caregivers are raising and  
8 their own needs, such as—

9 (1) establishing and maintaining information  
10 and referral systems that—

11 (A) assist, through toll free access that in-  
12 cludes access to a live operator, kinship care-  
13 givers, kinship care service providers, kinship  
14 care support group facilitators, and others to  
15 learn about and link to—

16 (i) local kinship care service providers,  
17 support groups, respite care programs, and  
18 special services for incarcerated parents;

19 (ii) eligibility and enrollment informa-  
20 tion for Federal, State, and local benefits,  
21 such as—

22 (I) education (including pre-  
23 school, elementary, secondary, post-  
24 secondary, and special education);

(II) family support services, early intervention services, mental health services, substance abuse prevention and treatment services, services to address domestic violence problems, services to address HIV or AIDS, legal services, child support, housing assistance, and child care;

(III) the disability insurance benefits program established under title II of the Social Security Act (42 U.S.C. 401 et seq.);

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

(V) the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

(VI) the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

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

(VIII) the program of Federal payments for foster care and adoption assistance established under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.), including the program of kinship guardianship assistance payments for children established under section 472A of that Act; and

(IX) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(iii) relevant training to assist kinship caregivers in obtaining benefits and services and performing their caregiving activities; and

(iv) relevant legal assistance and help in obtaining access to legal services, including access to legal aid service providers and statewide elder law hotlines;

(B) provide outreach to kinship care families, in collaboration with schools, pediatric care

1           clinics, kinship care organizations, senior citizen  
2           centers, agencies with jurisdiction over child  
3           welfare or human services, and others to link  
4           the families to the kinship navigator program  
5           and to services and assistance; and

6                   (C) establish, distribute, and regularly up-  
7           date kinship care resource guides, websites, or  
8           other relevant outreach materials;

9                   (2) promoting partnerships between public and  
10           private not-for-profit agencies, including community-  
11           based and faith-based agencies—

12                   (A) to help the agencies described in this  
13           paragraph more effectively and efficiently meet  
14           the needs of kinship care families; and

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

24                   (3) establishing and supporting a kinship care  
25           ombudsman who has the authority to actively inter-

1       vene with State agency staff or service providers  
2       with which the State agency contracts to help en-  
3       sure, through various appropriate means including  
4       working with individual families in an ongoing man-  
5       ner, that kinship caregivers get the services they  
6       need and for which they are eligible; and

7                   (4) supporting other activities that are designed  
8       to assist kinship caregivers in obtaining benefits,  
9       services, and activities designed to improve their  
10      caregiving.

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

15      **SEC. 307. ADMINISTRATION OF THE PROGRAM.**

16               (a) CONSULTATION.—In administering the program  
17      carried out under this title, the Secretary shall periodically  
18      consult with the Assistant Secretary for Aging of the De-  
19      partment of Health and Human Services.

20               (b) REGULATIONS AND GUIDANCE.—Not later than  
21      90 days after the date of enactment of this Act, the Sec-  
22      retary shall issue regulations or guidance that announces  
23      the availability of funds under this title and specifies the  
24      procedures for applying for the funds.

1 **SEC. 308. RESERVATION.**

2       The Secretary may reserve not more than 1 percent  
3 of the funds made available under this title for a fiscal  
4 year to provide technical assistance to the recipients of  
5 grants under this title related to the purposes of the  
6 grants.

7 **SEC. 309. AUTHORIZATION OF APPROPRIATIONS.**

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

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