

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.

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

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.

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TITLE III—NAVIGATOR PROGRAM

Sec. 301. Purpose.

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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.

4 (9) Remaining in foster care when stable, per-
5 manent families are available places unnecessary
6 burdens on States, caseworkers, and families, requir-
7 ing regular court appearances, quarterly case re-
8 views, monthly caseworker visits, and government in-
9 volvement in routine family activities and decisions.

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 AGREE-
 12 MENT.—

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”.

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

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

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.”.

3 (4) ADOPTION ASSISTANCE.—Section 473(a) of
4 such Act (42 U.S.C. 673(a)) is amended by adding
5 at the end the following:

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.—

19 (1) IN GENERAL.—The amendments made by
20 this section take effect on the 1st day of the 1st cal-
21 endar quarter that begins after the date of the en-
22 actment of this Act, and shall apply to payments
23 under part E of title IV of the Social Security Act
24 for calendar quarters beginning on or after such

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 pursu-
2 ant 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-
10ropolitan 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

1 (B) includes a consortium of tribal organi-
2 zations 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

13 (2) connecting the children or caregivers with
14 appropriate services and assistance, such as services
15 and assistance provided by—

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 assistance, child welfare, child custody, guardian-
2 ship, adoption, or child support enforcement);

3 (E)(i) not-for-profit service providers, in-
4 cluding community-based and faith-based agen-
5 cies; and

6 (ii) educational institutions; and

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

12 (5) A description of—

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

23 (B) how the entity will encourage regional
24 cooperation among agencies, particularly agen-
25 cies serving border communities that may cross

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);

1 (II) family support services, early
2 intervention services, mental health
3 services, substance abuse prevention
4 and treatment services, services to ad-
5 dress domestic violence problems,
6 services to address HIV or AIDS,
7 legal services, child support, housing
8 assistance, and child care;

9 (III) the disability insurance ben-
10 efits program established under title
11 II of the Social Security Act (42
12 U.S.C. 401 et seq.);

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

18 (V) the supplemental security in-
19 come program established under title
20 XVI of the Social Security Act (42
21 U.S.C. 1381 et seq.);

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

1 (VII) the State children's health
2 insurance program established under
3 title XXI of the Social Security Act
4 (42 U.S.C. 1397aa et seq.);

5 (VIII) the program of Federal
6 payments for foster care and adoption
7 assistance established under part E of
8 title IV of the Social Security Act (42
9 U.S.C. 670 et seq.), including the pro-
10 gram of kinship guardianship assist-
11 ance payments for children established
12 under section 472A of that Act; and

13 (IX) the food stamp program es-
14 tablished under the Food Stamp Act
15 of 1977 (7 U.S.C. 2011 et seq.);

16 (iii) relevant training to assist kinship
17 caregivers in obtaining benefits and serv-
18 ices and performing their caregiving activi-
19 ties; and

20 (iv) relevant legal assistance and help
21 in obtaining access to legal services, includ-
22 ing access to legal aid service providers
23 and statewide elder law hotlines;

24 (B) provide outreach to kinship care fami-
25 lies, 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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