

111TH CONGRESS
1ST SESSION

S. 986

To support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

IN THE SENATE OF THE UNITED STATES

MAY 6, 2009

Ms. LANDRIEU (for herself, Mr. BAYH, and Mrs. LINCOLN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

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 “Foster Care Mentoring
5 Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Research shows that caring adults can
2 make a difference in children's lives. Forty-five per-
3 cent of mentored teens are less likely to use drugs.
4 Fifty-nine percent of mentored teens have better
5 academic performance. Seventy-three percent of
6 mentored teens achieve higher goals generally.

7 (2) Children that have mentors have better re-
8 lationships with adults, fewer disciplinary referrals,
9 and more confidence to achieve their goals.

10 (3) In 2006, 510,000 children were in foster
11 care. Of those children, 85,671 were between the
12 ages of 10 and 13, and 164,407 were between the
13 ages of 14 and 18.

14 (4) States should be encouraged to incorporate
15 mentor programs into the delivery of their foster
16 care services.

17 (5) Mentor programs that serve foster children
18 are unique and require additional considerations, in-
19 cluding specialized training and support necessary to
20 provide for consistent, long term relationships for
21 children in care.

22 (6) Mentor programs are cost-effective ap-
23 proaches to decreasing the occurrence of so many so-
24 cial ills such as teen pregnancy, substance abuse, in-
25 carceration, and violence.

1 **SEC. 3. PROGRAMS FOR MENTORING CHILDREN IN FOSTER**
 2 **CARE.**

3 Subpart 2 of part B of title IV of the Social Security
 4 Act (42 U.S.C. 629 et seq.) is amended by adding at the
 5 end the following:

6 **“SEC. 440. PROGRAMS FOR MENTORING CHILDREN IN FOS-**
 7 **TER CARE.**

8 “(a) PURPOSE.—It is the purpose of this section to
 9 authorize the Secretary to make grants to eligible appli-
 10 cants to support the establishment or expansion and oper-
 11 ation of programs using a network of public and private
 12 community entities to provide mentoring for children in
 13 foster care.

14 “(b) DEFINITIONS.—In this section:

15 “(1) CHILDREN IN FOSTER CARE.—The term
 16 ‘children in foster care’ means children who have
 17 been removed from the custody of their biological or
 18 adoptive parents by a State child welfare agency.

19 “(2) MENTORING.—The term ‘mentoring’
 20 means a structured, managed program—

21 “(A) in which children are appropriately
 22 matched with screened and trained adult volun-
 23 teers for one-on-one relationships;

24 “(B) that involves meetings and activities
 25 on a regular basis; and

1 “(C) that is intended to meet, in part, the
 2 child’s need for involvement with a caring and
 3 supportive adult who provides a positive role
 4 model.

5 “(3) POLITICAL SUBDIVISION.—The term ‘polit-
 6 ical subdivision’ means a local jurisdiction below the
 7 level of the State government, including a county,
 8 parish, borough, or city.

9 “(c) GRANT PROGRAM.—

10 “(1) IN GENERAL.—The Secretary shall carry
 11 out a program to award grants to States to support
 12 the establishment or expansion and operation of pro-
 13 grams using networks of public and private commu-
 14 nity entities to provide mentoring for children in fos-
 15 ter care.

16 “(2) GRANTS TO POLITICAL SUBDIVISIONS.—
 17 The Secretary may award a grant under this sub-
 18 section directly to a political subdivision if the sub-
 19 division serves a substantial number of foster care
 20 youth (as determined by the Secretary).

21 “(3) APPLICATION REQUIREMENTS.—To be eli-
 22 gible for a grant under paragraph (1), the chief ex-
 23 ecutive officer of the State or political subdivision
 24 shall submit to the Secretary an application con-
 25 taining the following:

1 “(A) PROGRAM DESIGN.—A description of
2 the proposed program to be carried out using
3 amounts provided under this grant, including—

4 “(i) a list of local public and private
5 organizations and entities that will partici-
6 pate in the mentoring network;

7 “(ii) the name, description, and quali-
8 fications of the entity that will coordinate
9 and oversee the activities of the mentoring
10 network;

11 “(iii) the number of mentor-child
12 matches proposed to be established and
13 maintained annually under the program;

14 “(iv) such information as the Sec-
15 retary may require concerning the methods
16 to be used to recruit, screen, support, and
17 oversee individuals participating as men-
18 tors, (which methods shall include criminal
19 background checks on the individuals), and
20 to evaluate outcomes for participating chil-
21 dren, including information necessary to
22 demonstrate compliance with requirements
23 established by the Secretary for the pro-
24 gram; and

1 “(v) such other information as the
2 Secretary may require.

3 “(B) TRAINING.—An assurance that all
4 mentors covered under the program will receive
5 intensive and ongoing training in the following
6 areas:

7 “(i) Child development, including the
8 importance of bonding.

9 “(ii) Family dynamics, including the
10 effects of domestic violence.

11 “(iii) The foster care system and fos-
12 ter care principles and practices.

13 “(iv) Recognizing and reporting child
14 abuse and neglect.

15 “(v) Confidentiality requirements for
16 working with children in foster care.

17 “(vi) Working in coordination with the
18 public school system.

19 “(vii) Other matters related to work-
20 ing with children in foster care.

21 “(C) SCREENING.—An assurance that all
22 mentors covered under the program are appro-
23 priately screened and have demonstrated a will-
24 ingness to comply with all aspects of the mentor
25 program, including—

1 “(i) a description of the methods to be
 2 used to conduct criminal background
 3 checks on all prospective mentors; and

4 “(ii) a description of the methods to
 5 be used to ensure that the mentors are
 6 willing and able to serve as a mentor on a
 7 long term, consistent basis.

8 “(D) EDUCATIONAL REQUIREMENTS.—An
 9 assurance that all mentors recruited to serve as
 10 academic mentors will—

11 “(i) have a secondary school diploma
 12 or its recognized equivalent; and

13 “(ii) have completed not less than 1
 14 year of study in a program leading to a
 15 baccalaureate, graduate, or postgraduate
 16 degree.

17 “(E) COMMUNITY CONSULTATION; COORDI-
 18 NATION WITH OTHER PROGRAMS.—A dem-
 19 onstration that, in developing and implementing
 20 the program, the State or political subdivision
 21 will, to the extent feasible and appropriate—

22 “(i) consult with—

23 “(I) public and private commu-
 24 nity entities, including religious orga-
 25 nizations, and including, as appro-

1 priate, Indian tribal organizations and
 2 urban Indian organizations; and

3 “(II) family members of children
 4 who may be potential clients of the
 5 program;

6 “(ii) coordinate the program and ac-
 7 tivities under the program with other Fed-
 8 eral, State, and local programs serving
 9 children and youth; and

10 “(iii) consult and coordinate with ap-
 11 propriate Federal, State, and local correc-
 12 tions, workforce development, and sub-
 13 stance abuse and mental health agencies.

14 “(F) EQUAL ACCESS FOR LOCAL SERVICE
 15 PROVIDERS.—An assurance that public and pri-
 16 vate entities and community organizations, in-
 17 cluding religious organizations and Indian orga-
 18 nizations, will be eligible to participate on an
 19 equal basis.

20 “(G) RECORDS, REPORTS, AND AUDITS.—
 21 An agreement that the State or political sub-
 22 division will maintain such records, make such
 23 reports, and cooperate with such reviews or au-
 24 dits as the Secretary may find necessary for

1 purposes of oversight of project activities and
2 expenditures.

3 “(H) EVALUATION.—An agreement that
4 the State or political subdivision will cooperate
5 fully with the Secretary’s ongoing and final
6 evaluation of the program under the plan, by
7 means including providing the Secretary access
8 to the program, the program’s staff, program-
9 related records and documents, and each public
10 or private community entity receiving funding
11 under the plan.

12 “(4) FEDERAL SHARE.—

13 “(A) IN GENERAL.—A grant for a program
14 under this subsection shall be available to pay
15 a percentage share of the costs of the program
16 of not more than 75 percent for each year for
17 which the grant is awarded.

18 “(B) NON-FEDERAL SHARE.—The non-
19 Federal share of the cost of projects under this
20 subsection may be in cash or in kind. In deter-
21 mining the amount of the non-Federal share,
22 the Secretary may attribute fair market value
23 to goods, services, and facilities contributed
24 from non-Federal sources.

1 “(5) CONSIDERATIONS IN AWARDING
2 GRANTS.—In awarding grants under this subsection,
3 the Secretary shall take into consideration—

4 “(A) the overall qualifications and capacity
5 of the State or political subdivision program
6 and its partners to effectively carry out a men-
7 toring program under this subsection;

8 “(B) the level and quality of training pro-
9 vided to mentors under the program;

10 “(C) evidence of coordination of the pro-
11 gram with the social services and education pro-
12 grams of the State or political subdivision;

13 “(D) the ability of the State or political
14 subdivision to provide supervision and support
15 for mentors under the program and the youth
16 served by such mentors;

17 “(E) evidence of consultation with institu-
18 tions of higher learning;

19 “(F) the number of children in foster care
20 served by the State or political subdivision; and

21 “(G) any other factors that the Secretary
22 determines to be significant with respect to the
23 need for or the potential success of carrying out
24 a mentoring program under this subsection.

1 “(6) USE OF FUNDS.—Of the amount awarded
2 to a State or political subdivision under a grant
3 under this subsection, the State or political subdivi-
4 sion shall—

5 “(A) use not less than 50 percent of the
6 total grant amount for the training and ongoing
7 educational support of mentors; and

8 “(B) use not more than 10 percent of the
9 total grant amount for administrative purposes.

10 “(7) MAXIMUM GRANT AMOUNT.—

11 “(A) IN GENERAL.—In awarding grants
12 under this subsection, the Secretary shall con-
13 sider the number of children served by the ju-
14 risdiction and the grant amount relative to the
15 need for services.

16 “(B) LIMIT.—The amount of a grant
17 awarded to a State or political subdivision
18 under this subsection shall not exceed
19 \$600,000.

20 “(8) ANNUAL REPORT.—Not later than 1 year
21 after the date of enactment of the Foster Care Men-
22 toring Act of 2009, and annually thereafter, the Sec-
23 retary shall prepare and submit to Congress a report
24 that includes the following with respect to the year
25 involved:

1 “(A) A description of the number of pro-
2 grams receiving grant awards under this sub-
3 section.

4 “(B) A description of the number of men-
5 tors who serve in the programs described in
6 subparagraph (A).

7 “(C) A description of—

8 “(i) the number of mentored children
9 in foster care who graduate from sec-
10 ondary school;

11 “(ii) the number of such children who
12 enroll in institutions of higher learning;
13 and

14 “(iii) the number of such children who
15 are adopted by their mentors.

16 “(D) Any other information that the Sec-
17 retary determines to be relevant to the evalua-
18 tion of the program under this subsection.

19 “(9) EVALUATION.—Not later than 3 years
20 after the date of enactment of the Foster Care Men-
21 toring Act of 2009, the Secretary shall conduct an
22 evaluation of the effectiveness of programs funded
23 under this section, including a comparison between
24 the rate of drug and alcohol abuse, teenage preg-
25 nancy, delinquency, homelessness, and other out-

1 come measures for mentored youth in foster care
2 and non-mentored youth in foster care.

3 “(10) AUTHORIZATION OF APPROPRIATIONS.—
4 There are authorized to be appropriated to carry out
5 this subsection—

6 “(A) \$15,000,000 for each of fiscal years
7 2010 and 2011; and

8 “(B) such sums as may be necessary for
9 each succeeding fiscal year.

10 “(d) NATIONAL COORDINATION OF STATEWIDE
11 MENTORING PARTNERSHIPS.—

12 “(1) IN GENERAL.—The Secretary may award
13 a competitive grant to an eligible entity to establish
14 a national hotline service or website to provide infor-
15 mation to individuals who are interested in becoming
16 mentors to youth in foster care.

17 “(2) AUTHORIZATION OF APPROPRIATIONS.—
18 There are authorized to be appropriated to carry out
19 this subsection—

20 “(A) \$4,000,000 for each of fiscal years
21 2010 and 2011; and

22 “(B) such sums as may be necessary for
23 each succeeding fiscal year.

24 “(e) LOAN FORGIVENESS.—

25 “(1) DEFINITIONS.—In this subsection:

1 “(A) ELIGIBLE MENTOR.—The term ‘eligi-
2 ble mentor’ means an individual who has served
3 as a mentor in a mentor program established
4 under subsection (c) for at least 200 hours in
5 a single calendar year.

6 “(B) FEDERAL STUDENT LOAN.—The
7 term ‘Federal student loan’ means any loan
8 made, insured, or guaranteed under part B, D,
9 or E of title IV of the Higher Education Act of
10 1965.

11 “(C) SECRETARY.—The term ‘Secretary’
12 means the Secretary of Education.

13 “(2) RELIEF FROM INDEBTEDNESS.—

14 “(A) IN GENERAL.—The Secretary shall
15 carry out a program to provide for the dis-
16 charge or cancellation of the Federal student
17 loan indebtedness of an eligible mentor.

18 “(B) METHOD OF DISCHARGE OR CAN-
19 CELLATION.—The amount of a Federal student
20 loan that will be discharged or canceled under
21 the program under subparagraph (A) shall be
22 discharged or canceled as provided for using the
23 method under section 437(a), 455(a)(1), or
24 464(c)(1)(F) of the Higher Education Act of
25 1965, as applicable.

1 “(C) AMOUNT OF RELIEF.—The amount of
2 relief to be provided under this subsection with
3 respect to a Federal student loan shall—

4 “(i) be equal to \$2,000 for each 200
5 hours of service that the eligible mentor
6 serves in a mentor program established
7 under subsection (c) in a calendar year;
8 and

9 “(ii) not exceed a total of \$20,000 for
10 an eligible mentor.

11 “(3) FACILITATION OF CLAIMS.—The Secretary
12 shall—

13 “(A) establish procedures for the filing of
14 applications for the discharge or cancellation of
15 loans under this subsection by regulations that
16 shall be prescribed and published within 90
17 days after the date of enactment of this section
18 and without regard to the requirements of sec-
19 tion 553 of title 5, United States Code; and

20 “(B) take such actions as may be nec-
21 essary to publicize the availability of the pro-
22 gram established under this subsection for eligi-
23 ble mentors.

24 “(4) FUNDING.—Amounts available for the pur-
25 poses of making payments to lenders in accordance

1 with section 437(a) of the Higher Education Act of
2 1965 for the discharge of indebtedness of deceased
3 or disabled individuals shall be available for making
4 payments to lenders of loans to eligible mentors, as
5 provided for in this subsection.”.

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