

The Promoting Adoption and Legal Guardianship for Children in Foster Care Act
Differences Between the Discussion Draft and the Bill as Introduced
September 2013

On August 7, the Ways and Means Committee released draft legislation to extend and improve the Adoption Incentives program based on testimony received at a Human Resources Subcommittee hearing earlier this year. Public comments on that draft informed several changes reflected in this bipartisan legislation. The following changes are reflected in the bill as introduced:

Provision	Discussion Draft	Bill as Introduced
Adoptions of older children	Awards States \$4,000 per additional “older child” (age 9 or older) adopted above the State’s baseline level.	Awards States \$4,000 per additional “pre-adolescent child” (age 9-13) and \$8,000 per additional “older child” (age 14+) adopted above the State’s baseline level.
Family Connection grants	Does not reauthorize Family Connection Grants.	Reauthorizes Family Connection Grants for three years (maintaining current funding at \$15 million per year).
Adoption Incentive award calculations	Implements the new award categories and structure starting in FY 2014.	Phases in the new award categories and structure over three years: -FY 2014: States receive awards based on current law calculations. -FY 2015: Awards are calculated using the current law categories and structure as well as the new categories and structure, and States would receive the average of the two amounts. -FY 2016: States receive awards based on the new categories and structure.
Successor guardians	No provision.	Adds a technical change clarifying the treatment of successor guardians under the Guardianship Assistance Program, ensuring children can continue to be cared for by another legal guardian if a relative guardian dies or is otherwise unable to care for the child.
Calculating adoption assistance “de-link” savings (State savings resulting from the phase-out of income eligibility for adoption assistance payments)	Requires States to calculate State savings resulting from the adoption assistance “de-link” as well as report how such savings are spent.	Requires States, when calculating State adoption assistance “de-link” savings, to use either a methodology developed by HHS or one approved by HHS, as well as report how such savings are spent separately from any other child welfare spending.

Provision	Discussion Draft	Bill as Introduced
Reinvesting adoption assistance “de-link” savings (State savings from the phase-out of income eligibility for adoption assistance payments)	Retains current law language requiring States to spend State “de-link” savings on child welfare services.	Adds language to explicitly forbid States from using State “de-link” savings to supplant State spending on child welfare services.
Reinvesting Adoption Incentives funds in child welfare programs	Retains current-law language requiring States to spend incentive funds on child welfare services.	Adds language to explicitly forbid States from using incentive funds to supplant State spending on child welfare services.
Spending of Adoption Incentives awards	Continues current law allowing States to spend incentive funds over a 24-month period.	Allows States to spend incentives funds over a 36-month period.
Bill title	Titled the “Promoting Adoption and Permanency for Children in Foster Care Act.”	Titled the “Promoting Adoption and Legal Guardianship for Children in Foster Care Act.”
Requirements for States to receive awards for placing children with legal guardians	No provision.	To receive an award for placing a child with a legal guardian, the State must report to HHS that legal guardianship is appropriate for the child. Specifically, the State agency must determine that the following conditions are met (or they must report the alternative procedures used to determine that legal guardianship is appropriate): <ul style="list-style-type: none"> - The child cannot return home and adoption is not appropriate; - The child has a strong attachment to the prospective guardian, and the prospective guardian has a strong commitment to caring permanently for the child; and - If the child is 14 or older, the child has been consulted regarding the guardianship arrangement.
Unemployment Insurance overpayments	No provision.	Requires States to offset Federal income tax refunds to recover Unemployment Insurance overpayments that are the fault of the claimant.