

United States Senate
WASHINGTON, DC 20510

May 30, 2008

Dear Colleague:

Last week, I was proud to introduce legislation to improve the Adoption Incentive Program and promote permanency for children in foster care by supporting a guardianship option for these children. I am writing to urge you to cosponsor S. 3038, the "Improved Adoption Incentives and Relative Guardian Support Act of 2008"

May is National Foster Care Month, which recognizes the importance of supporting thousands of loving families throughout our country who adopt children living in foster care and provide them with the safe, permanent homes that all children deserve. Today, we can look back and take pride in the progress we have made in the ten years since Congress enacted the adoption incentive program as part of the Adoption and Safe Families Act of 1997. In the past ten years, adoptions facilitated by child welfare agencies, have risen from 31,000 in 1997 to 51,000 in 2006. However, there is more that can and should be done to support adoption and other permanency options for children. Approximately 129,000 children in foster care are waiting for a permanent, safe and loving home.

The "Improved Adoption Incentives and Relative Guardian Support Act of 2008" makes two major improvements over current law. This bill updates the Adoption Incentives Program to states. Under current law, many states are not able to qualify for the adoption incentive. This bill also allows relatives of children in foster care for whom adoption or reunification with birth parents is not possible to receive federal assistance. Today federal assistance to families is limited to foster care maintenance payments and adoption assistance.

Improved Assistance to States

The Adoption Incentive Program was first enacted as part of the Adoption and Safe Families Act of 1997. The incentive program was designed to promote and increase the number of adoptions of children in foster care in situations where reunification with the family is not possible. However, under current law, for a state to qualify for an incentive payment a state must increase the number of adoptions from foster care in excess of the year in which they had their highest placement of children from foster care into adoptive homes. By limiting the incentive payments to only those states that exceed their best-ever year, the program actually rewards a minority of states creating a scenario whereby a state could have a high rate of adoptions from foster care and yet never qualify for funding under the program.

For the Adoption Incentive Program to continue to play a role in finding permanent homes for these children, it needs to be improved. Under current law the number of states eligible to claim the bonuses in recent years has declined, with only 19 states receiving \$7 million in incentives in 2006. What's worse, approximately \$36 million of authorized funds were not awarded in 2006. Addressing this and other areas in need of improvement within the current program will ensure that more children in need of homes will find them. In addition, many of those awaiting adoption are children with special needs.

The "Improved Adoption Incentives and Relative Guardian Support Act of 2008" promotes adoptions by reauthorizing and improving the Adoption Incentives Program. Specifically, the bill would create a new award mechanism for the adoption incentive by establishing an updated, uniform base year of FY 2007 for the Adoption Incentive Program, increasing the incentive amount for the adoption from foster care of children with special needs to provide additional encouragement for states to permanently place children with special needs in adoptive homes, and by making federal adoption assistance available to all children in foster care who have special needs.

Improved Assistance to Families

In the case of some children, adoption is not in the child's best interests because it requires the legal termination of a biological parent's rights. For these children, being connected to a caring, responsible adult through legal guardianship is a more appropriate way to provide permanency. The current program, however, does not provide any federal assistance for children who are cared for through a legal guardianship. To address this need, this bill would provide additional options for relative caregivers of children in foster care for whom adoption or reunification with birth parents is not possible. This bill builds on the success of federal waivers and state experience in establishing permanent homes for foster children by allowing for federal assistance to be directed to legal relative guardians, generally grandparents or aunts and uncles. This option for a legal relative guardianship means that a grandparent, for example, has the authority to make legal decisions on behalf of a minor child without a formal adoption of the child. According to analysis by the Pew's Kids Are Waiting campaign of the 2005 data from the Department of Health and Human Services, 15,000 children could leave foster care for good if the law provided federal assistance to their relative guardian.

Support for "The Improved Adoption Incentives and Relative Guardian Support Act of 2008"

Many national adoption and foster care organizations have written in support of this important legislation, including: National Council for Adoption, the Dave Thomas Foundation, North American Council on Adoptable Children, Pew Charitable Trusts Kids Are Waiting Campaign, Children's Defense Fund, National Foster Care Coalition, Voice for Adoption, Child Welfare League of America, Adopt America Network, North

American Resource Center for Child Welfare, First Focus, the National Center for Adoption Law and Policy, the Center for Public Policy Priorities and First Focus.

Additionally several state entities have written in support of the bill, including: Iowa Foster and Adoptive Parents Association, the County Welfare Directors Association of California, New York State Office of Children and Family Services, Voices for Ohio's Children, State of Tennessee Department of Children's Services and State of West Virginia Department of Health and Human Resources.

If you would like additional information or would like to cosponsor S. 3038, your staff may contact Becky Shipp at 202-224-4515.

Sincerely,


Charles E. Grassley
United States Senator