



National Association of Public
Child Welfare Administrators

an affiliate of the American Public Human Services Association

Legislative Summary

Look-back Elimination Act of 2009 (H.R. 3329)

On July 24, 2009, Rep. John Lewis (D-Ga.), a member of the House Ways and Means Subcommittee on Income Security and Family Support, introduced the Look-back Elimination Act of 2009 (H.R. 3329). The legislation's overarching goal is to eliminate the Aid to Families with Dependent Children income eligibility requirement on Title IV-E foster care maintenance payments. There is no Senate equivalent to the House version.

Congress took the first step in 2008 to delink Title IV-E Adoption Assistance¹ gradually over the next decade. H.R. 3329 moves yet another step forward by eliminate these standards for children in foster care.

Previous De-Link Legislation Introduced in the 110th Congress

- H.R. 5466, Rep. Jim McDermott (D-Wash.), The Investment In Kids Instruction, Development, and Support Act (Invest in KIDS Act)
- H.R. 4207/S. 2900, Rep. Shelley Berkley (D-Calif.) and Sen. Sherrod Brown (D-Ohio), The Partnership for Children and Families Act
- H.R. 3409, Rep. Ruben Hinojosa (D-Texas), The Place to Call Home Act

De-linking Foster Care Assistance from AFDC Rules

H.R. 3329 would amend Title IV-E of the Social Security Act. As the Pew Charitable Trust Commission indicates in 2007, of the \$7.2 billion federal funds dedicated to child welfare programs, about 90 percent of those dollars supported children in foster care (allocating \$4.5 billion in foster care maintenance payments and \$2 billion in adoption assistance).² The bill would eliminate the 1996 AFDC income eligibility requirements and “replace them with income eligibility standards that are based on modern and balanced criteria that treat all children equally.”

H.R. 3329 would give the HHS secretary the option to collaborate with child welfare advocates and members of Congress in developing the ACF guidance for de-linking.

Limitations

In 2008, Congress also established a new Guardianship Assistance Program, which has the similar AFDC eligibility standards as well as a requirement to live with a relative for at least six months prior to being eligible for the program. Here again, states must document the income of the parent. The limited resources to prevent children from coming into care in the first place pose a challenge for many states, particularly in an uncertain economic climate.

NAPCWA's Position

- Congress should include guardianship assistance in the de-link language.
- All children adopted from foster care must be eligible for Title IV-E support now, instead of over the next ten years.

Contact Information

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¹ The Fostering Connections to Success and Increasing Adoptions Act (P.L. 110-351)

² O'Neill Murray, K. The Child Welfare Financing Structure. 2008.