

110TH CONGRESS  
2D SESSION

# H. R. 5645

To exclude assistance payments under certain post-foster care guardianship assistance programs from consideration as income for purposes of the United States Housing Act of 1937.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2008

Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Ms. ROYBAL-ALLARD, Mr. STARK, Mr. HONDA, Ms. LINDA T. SÁNCHEZ of California, Mr. COSTA, Ms. ZOE LOFGREN of California, Mr. SIRES, Mr. AL GREEN of Texas, Mr. McDERMOTT, and Ms. CLARKE) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To exclude assistance payments under certain post-foster care guardianship assistance programs from consideration as income for purposes of the United States Housing Act of 1937.

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 “Housing Protection  
5 and Foster Care Prevention Act of 2008”.

1 **SEC. 2. TREATMENT OF PAYMENTS FROM QUALIFIED POST-**  
2 **FOSTER CARE GUARDIANSHIP ASSISTANCE**  
3 **PROGRAMS.**

4 (a) **EXCLUSION FROM INCOME.**—Paragraph (4) of  
5 section 3(b) of the United States Housing Act of 1937  
6 (42 U.S.C. 1437a(b)(4)) is amended by inserting after  
7 “not actually received by the family” the following: “, any  
8 payments received from a qualified post-foster care guard-  
9 ianship assistance program (as such term is defined in  
10 paragraph (14)),”.

11 (b) **QUALIFIED POST-FOSTER CARE GUARDIANSHIP**  
12 **PROGRAM.**—Section 3(b) of the United States Housing  
13 Act of 1937 (42 U.S.C. 1437a(b)) is amended by adding  
14 at the end the following new paragraph:

15 “(14) **QUALIFIED POST-FOSTER CARE GUARDIAN-**  
16 **SHIP ASSISTANCE PROGRAM.**—The term ‘qualified post-  
17 foster care guardianship assistance program’ means a pro-  
18 gram that meets the following requirements:

19 “(A) **ASSISTANCE PAYMENTS.**—The program  
20 shall provide for assistance payments in lieu of fos-  
21 ter care payments to a caregiver described in sub-  
22 paragraph (C) on behalf of a child described in sub-  
23 paragraph (B).

24 “(B) **ELIGIBLE CHILDREN.**—A child described  
25 in this subparagraph is a child who—

26 “(i) is less than 18 years of age;

1           “(ii) is under the legal guardianship of a  
2 caregiver described in subparagraph (C);

3           “(iii) was cared for under foster care by  
4 such caregiver under a State or locally adminis-  
5 tered foster care system for not less than 12  
6 months before the caregiver obtained legal  
7 guardianship of the child;

8           “(iv) will not be reunified with his or her  
9 birth parents, pursuant to a determination by  
10 the foster care system and a termination of de-  
11 pendency by a court; and

12           “(v) is no longer under the supervision of  
13 such foster care system.

14           “(C) ELIGIBLE CAREGIVERS.—A caregiver de-  
15 scribed in this subparagraph is a caregiver who—

16           “(i) has not adopted the child;

17           “(ii) is a relative of the child; and

18           “(iii) has been identified by the foster care  
19 system, pursuant to a formal assessment, as the  
20 most appropriate permanent placement for the  
21 child.”.

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