

Partnering to Promote Guardianship: The Federal Outlook

Subsidized Guardianship Symposium:
Partnership Strategies to Achieve
Permanency and Equity

How Many Children Are Being Raised by Relatives & What are Their Needs?

- Nationally, about 6 million children live in households headed by grandparents or other relatives
- 2.5 million of these children live without either parent
- About 20% live below the poverty line
- Some caregivers live on fixed incomes
- Only about 30% receive any public financial assistance for the child
- None anticipated they would be raising another child

Is Relative Caregiving Good For Children?

Yes

- Less traumatic to go to known, loved person
- Allows continued contact with birth family and community
- More stable than non-kin foster care
- Reunification may be more stable if reached
- Less supervision may mean less intrusion into children's lives

No

- “Apple doesn’t fall far from tree”
- Allows continued contact with birth family
- Takes longer to reach “permanency”
- Often less supervision from child welfare agency

What Does The Research Tell Us ?

- Research across a variety of domains shows that stability and continuity are good for children
- Relatives generally provide stability and continuity
- Most people who maltreat children were themselves maltreated, *but* most people who were maltreated do *not* go on to maltreat other children
- Children living with relatives are at least as safe as children living with non-relative foster parents
- Thus, relative care is often beneficial, but, like all placement decisions, should be determined on a case-by-case basis

Questions of Equity:

- Treatment of families in the formal child welfare system versus those outside the formal system
- Treatment of families receiving foster care versus families receiving TANF
- Treatment of parents versus grandparents and other relatives
- Treatment of various racial and ethnic groups and Indian tribes

What Supports & Services Do Relative Caregivers Need?

- Financial assistance
- Legal assistance
- Respite care
- Physical and mental health services
- Support groups
- Help with schools

Outside or Inside of Foster Care: Which Better Meets the Needs of Children ?

Outside

- Most do not receive financial assistance
- May lack authority to enroll in school or consent to medical care
- Less “interference” from child welfare agency

Inside

- Most receive some financial assistance
- More likely to receive services for the child
- Child welfare agency has “custody”
- Often perceived as intrusive

TANF versus Foster Care: Which Better Meets the Needs of Children?

TANF

- Provides less financial support, especially child-only grants
- Family grants lead to work requirements & time limits, which may make placements less stable and permanent
- Available to caregivers who intervened before abuse and neglect occurred

Foster Care

- Provides more financial support & services
- Involves much more supervision and intervention
- May not be available to caregivers who intervened before abuse and neglect occurred
- Subject to ASFA time lines – but relative care is exception
- Can become adversarial with birth parents

How TANF and Child Welfare Combine?

- Family can receive TANF family benefit and be outside of child welfare system
- Family can receive TANF child-only benefit and be outside of child welfare system
- Family can receive foster, adoption, or guardianship assistance (IV-E or state funded) and be outside of TANF system
- Family can be involved with child welfare but receive TANF child-only grants; TANF family grants; or TANF funded foster, adoption, or guardianship assistance

How Many Children Living with Relatives Receive TANF?

- Nearly 500,000 children are living in TANF families headed by grandparents or other relatives
 - Grandparents-headed households – 332, 237 children
 - Other relative-headed households – 162,507 children
- 93% of those children receive TANF child-only grants
 - 457,695 children receive child-only grants
 - 37,049 children receive family grants

How Many Children Living with Relatives Receive Foster Care Payments?

- About 520,000 children are in foster care
- Of those, somewhere between 120,000 to 200,000 are living with relatives
- We do not know which of these children are receiving federal or state foster care funds and which are receiving TANF

Subsidized Guardianship May be A Bridge Between the Two Systems To Help Meet Children's Needs:

- Provides stability and permanency for children
- Does not require level of supervision and intervention of foster care
- Does not require disruption of legal relationships
- Often provides financial support greater than child-only grants
- Can be a vehicle for service delivery

Kinship Caregiver Support Act

- Establishes a Kinship Navigator Program
- Establishes a Kinship Guardianship Assistance Program (KinGAP)
- Requires states to notify relatives when a child is placed in foster care
- Permits states to have separate licensing standards for relative and non-relative foster parents

Navigator Program:

- Is designed to link relative caregivers to service for which they or the children in their care are eligible
- Is available to all relative caregivers:
 - Those in the formal foster care system and those outside the formal foster care system
 - Those with legal custody or guardianship and those without

Navigator Program Services:

■ Must:

- Provide toll-free hotlines, resource guides, and other information and referral services to link caregivers with a range of services
- Promote partnerships between public and private not-for-profit agencies

■ May:

- Establish an ombudsman program
- Support training and other activities to help relative caregivers access benefits and services

Navigator Program Funding:

- Competitive grants are available to states, tribal organizations, and large metropolitan areas
- Authorization for the program is \$25 million for 2006, \$50 million for 2007, and \$75 million for 2008
- Grants are available for 1-3 years
- Federal match is 100% for 1st year, 75% for 2nd year, and 50% for third year

Kinship Guardianship Assistance Program (KinGAP):

- Is designed to help promote permanent families for children in foster care
- Is available to children living with relatives in foster care when those relatives become legal guardians for the children

Eligibility Requirements for KinGAP:

- Child must be eligible for Title IV-E foster care payments and have been in foster care for at least 12 months
- Child must be under 18; or, if a fulltime student in secondary or vocational school, under 19; or, if the child has a disability, under 21
- Child must have been living with the relative(s) in foster care and have strong attachment to the relative(s)

Eligibility Requirements for KinGAP:

- Relative must have a strong commitment to caring for the child
- Reunification and adoption must be ruled out as appropriate options
- If the child is 14 or older, the child must be consulted
- A child's minor siblings may also be placed with the relative and receive a subsidy, whether or not those siblings meet the eligibility requirements.

What Other Services are Available to Children Receiving KinGAP payments?

- Similar to adoption assistance program
- Medicaid
- Non-recurring legal and other expenses related to obtaining legal guardianship
- Other services and supports states want to provide

Notice Provision:

- Requires states to provide all adult grandparents and other relatives of a child in foster care notice that:
 - informs relatives that the child has been removed from his or her parent's custody,
 - explains the options the relative has to participate in the child's care and placement, and
 - identifies the options that may be lost by not responding
- Notice must be provided within 60 days of removal

Notice Provision:

- Exceptions are applicable in the case of domestic or family violence
- Notice is required on behalf of all children, not just those receiving federal Title IV-E funds
- The details of the notice are left to the discretion of the state

Licensing Provision:

- Current law requires states who want to provide federal foster care payments to relatives must license them under the same standards as non-relative foster parents
- The bill would allow states to maintain separate licensing standards for relative and non-relative foster parents and still access federal foster care funds
- Both standards would have to ensure the safety of children, including criminal background checks

Guardianship Assistance Promotion & Kinship Support Act:

- Establishes a Kinship Navigator Program
- Establishes a Legal Guardianship Assistance Program
- Requires states to notify relatives when a child is placed in foster care
- Permits states to have separate licensing standards for relative and non-relative foster parents
- Expands access to independent living services

Comparison to Kinship Caregiver Support Act:

- Navigator provision is the same
- Notice provision is the same
- Licensing provision is the same
- Subsidized guardianship provision reaches a broader group of children and caregivers
- Also expands access to independent living services

Legal Guardianship Assistance Program:

- Is available to relatives and non-relatives who become legal guardians of their foster children
- Is available to children who are eligible for federal foster care funds and to children who are not eligible for federal foster care funds because they are living with unlicensed relatives

Expands Access to Independent Living Services:

- Makes services, including education and training voucher, available to youth who leave foster care to live with legal guardians after attaining age 14
- Makes services available to youth who are adopted after attaining age 14 (as opposed to current law provision applicable at age 16)

Leave No Abused and Neglected Child Behind Act:

- Establishes a Kinship Guardianship Assistance Program (KinGAP)
- Permits separate licensing provisions for relative and non-relative foster parents
- Expands funding to help keep children safely out of foster care
- Expands funding to increase services to children in foster care
- Provides funding to enhance the child welfare workforce

Current Political Federal Environment:

- Coming out of big cuts that particularly impact relative caregivers
 - IV-E cuts in administrative and child placement funds
 - IV-E cuts in foster care for relatives (reverse *Rosales*)
 - Cuts to Medicaid, plus citizenship documentation rules
 - Threatened cuts to SSBG
- Democratic leaders are saying they intend to apply “PayGo” rules
- Congress faces large deficits
- Congress faces war in Afghanistan and Iraq
- Finance Committee faces SCHIP reauthorization

But, Maybe if we Fly Low . . .

- We can stay under the radar

Pew Commission estimated costs to their proposal at less than \$100 million per year

May be small enough to find offsets

- And, also stay aloft and reach our destination

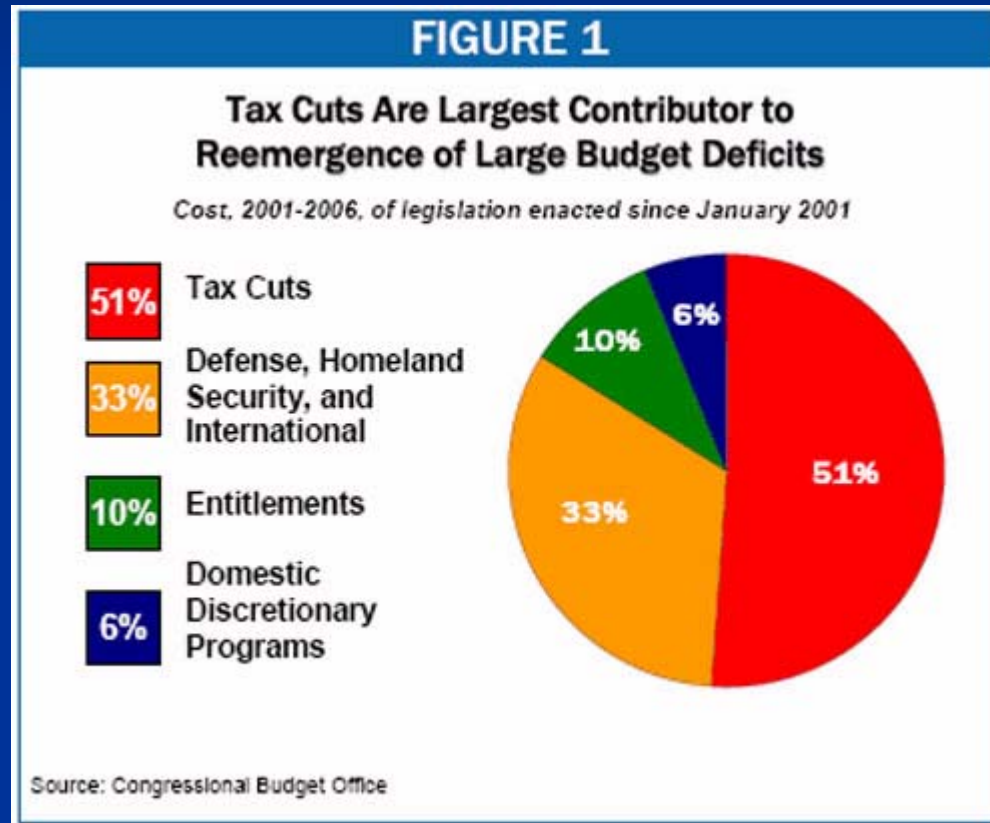
Create/enhance state programs to build momentum

Build partnerships to show broad support

How Can We Build Strong (Low-Flying) Partnerships?

- Look for likely allies—e.g., aging agencies, service providers, and membership organizations such as AARP
- Look for unlikely allies—e.g. schools, pediatricians, TANF agencies, judges
- Recognize common goals and common challenges
- Argue priorities and values in budget setting

For Example, Talk About How We Went From a Surplus to a Huge Deficit:



Together We Can Save Something Precious:

- Children didn't create the deficit.
- Children and their caregivers shouldn't have to pay for it.
- Children can't afford to pay for it.
- We can't afford not to help our children.



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