



"Preventive" Subsidized Guardianship Programs: An Emerging Option for Permanent Kinship Care

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TABLE OF CONTENTS

I. Introduction.....	1
II. Goals and Potential Outcomes for “Preventive” Subsidized Guardianship.....	1
Goal #1: Avoiding the Human and Financial Costs of Foster Care.....	2
Goal #2: Helping Relative Guardians Meet the Basic Needs of Children in Their Care	3
Goal #3: Potential for Reducing Disproportionate Representation of Minority Children in Foster Care	4
Goal #4: Achieving Permanency for Older Youth	4
III. Program Characteristics.....	5
A. Financial Assistance.....	5
B. Additional Services and Benefits	7
C. Eligibility Requirements	8
IV. Issues, Challenges and Implementation Strategies	9
Weighing the Benefits and Risks.....	10
A. Administration: Child Welfare or Economic Assistance?.....	10
B. Determining Whether the Placement and Subsidy are Appropriate	12
C. Making Needed Assistance Available and Accessible.....	13
D. Legal Guardianship and Permanency Issues	15
E. Sustainability	16
F. Advocacy.....	17
G. Data: Limitations and Emerging Capacity	18
V. Conclusion: Next Steps.....	20

I. INTRODUCTION

Increasingly, subsidized guardianship is being used as a way to help children exit foster care. At the same time, agencies and advocates are looking for ways to prevent children from entering foster care in the first place. Subsidized guardianship programs that promote permanent homes for children with relatives, before they enter foster care, are an emerging option that can avoid the emotional trauma and disruption of foster care. Additionally, preventing unnecessary placement in foster care decreases strain on already overwhelmed and under-financed child welfare systems.

This paper examines groundbreaking programs in six states (Kansas, Kentucky, Louisiana, New Jersey, Nevada, Ohio) and the District of Columbia that provide assistance to children who are living with permanent guardians and who may otherwise be at risk of placement in foster care. Because most states are funding these subsidies with federal Temporary Assistance for Needy Families funds (TANF), the programs cross the lines between state child welfare and economic assistance systems. This paper describes the goals and potential outcomes for "preventive" subsidized guardianship, as well as program characteristics that are beginning to emerge. It concludes with a summary of the issues and challenges raised as agencies, advocates, and policymakers continue to explore the best strategies for supporting children living with relative caregivers.

II. GOALS AND POTENTIAL OUTCOMES FOR "PREVENTIVE" SUBSIDIZED GUARDIANSHIP

Emerging subsidized guardianship programs aimed at preventing the need for out-of-home care share many of the goals of other child welfare policies to improve child welfare outcomes. These policies include preventing unnecessary placement in foster care, providing safe and permanent homes where vulnerable children can thrive, and preserving family and cultural connections. "Preventive" guardianship programs strengthen the continuum of supports available to children whose parents cannot care for them. They also represent efforts to explore the use of federal TANF funds and state appropriations to bridge gaps created by limitations on the use of federal child welfare funds for children living with relatives. These restrictions include, for example, requirements that relatives providing foster care meet the same licensing requirements as other foster care providers.

Study of these relatively new programs reveals great potential for:

- ❖ avoiding out of home placement of children who are abandoned or neglected, but can live safely with relatives or other caregivers;
- ❖ assisting caregivers who are overwhelmingly female, low-income, and working or on fixed incomes;
- ❖ reducing the disproportionate number of children of color entering foster care; and
- ❖ achieving permanency for older youth by maintaining critical family connections.

Goal #1: Avoiding the Human and Financial Costs of Foster Care

A primary goal of "front-end" subsidized guardianship programs is to prevent the need for foster care placement and to avoid the human and financial costs associated with the child welfare system. Placing children with relatives who can safely and permanently care for them avoids costly child protection investigations, court hearings, foster care licensing, caseworker visits, administrative expenses and other costs. According to Louisiana State Senator Sharon Weston Broome, that state's Kinship Care Subsidy Program was originally intended only for children in foster care. Extending monthly payments to other low-income children with kinship caregivers willing to obtain permanent legal custody has allowed many children to safely bypass foster care.

Placement with relatives is usually considered the best alternative when out-of-home care is necessary. Numerous studies report better outcomes for children in relative foster care compared to those living with unrelated foster parents -- fewer placement changes, more contact with parents and siblings, and improved safety. After appropriate safety checks, kinship care is the safest and most stable form of substitute care for children removed from parental custody.¹

At the same time, however, children in foster care experience instability and disruption, even when they are in the care of relatives. In one longitudinal study, nearly 30 percent of children in relative foster care experienced placement instability (defined as three or more moves after the first year in care), compared to 52 percent of children in non-relative foster care.² Children in relative care outside the child welfare system experience much

greater chances for stability.³ In addition, cost analyses of child welfare services reveal the financial advantages of avoiding foster care; studies link kinship care and subsidized guardianship to financial savings.⁴

Financial options to help relatives permanently care for children are limited. Adoption assistance accounts for a growing portion of federal Title IV-E child welfare expenditures, but many relative caregivers are not eager to become involved with the child welfare system or to subject their already-fragile families to termination of parental rights. Although Title IV-E funding does not extend to permanent legal guardians, states have provided guardianship subsidies to move children from foster care to permanence. With discontinuation of federal Title IV-E waivers that have allowed many states to support subsidized guardianship, states must rely on state-only funds or federal TANF resources.

Goal #2: Helping Relative Guardians Meet the Basic Needs of Children in Their Care

A second goal of "preventive guardianship" programs is to help relative caregivers effectively care for children in their custody. More than 20 percent of relative-headed households in the U.S. live in poverty.⁵ Grandparents and other caregivers may be retired and living on fixed, limited incomes. Others within this group are working at low paying jobs. The initial and ongoing expenses of raising a child are beyond the means of many who are otherwise willing and able to accept the responsibility.

Despite policies and regulations that prioritize placement with relatives, there are few options for family members to obtain assistance with the financial responsibilities of raising a child. States use TANF to provide basic financial support for child-only cases, defined as cases where no parent is present or included in the "assistance unit." State policymakers and agencies have some flexibility in determining how they will use federal TANF funds, and children living with relative caregivers account for about half the TANF child-only population.⁶ At the same time, however, there are specific restrictions and many demands for these resources.

The champions of preventive guardianship programs report that the programs' subsidy levels, which are slightly higher than TANF child-only payments, provide an incentive for relatives to obtain permanent legal guardianship. In addition to monthly payments, some of these emerging programs offer legal assistance for obtaining permanent guardianship, financial aid to cover a portion of the "start-up" costs associated with providing a permanent home, and other targeted assistance.

Goal #3: Potential for Reducing Disproportionate Representation of Minority Children in Foster Care

"Preventive" guardianship programs hold promise for addressing the problem of overrepresentation of minority children in foster care. Children of color enter foster care at higher rates, even when they and their families have the same characteristics as comparable Caucasian children and families. And they remain in foster care for longer periods; the median stay for African-American children is 17 months compared to nine months for white children.⁷ By helping relative guardians care for children of color before they enter foster care, agencies strengthen the ability of extended families to care for vulnerable children in more culturally appropriate ways. In turn, cultural identity and sense of family belonging enhance child development and long term well-being.⁸

To reduce the disproportionate placement of minority children in foster care requires a range of strategies that address problem areas and strengths at specific child welfare decision points within each state. Child welfare experts, administrators and staff recommend incentives and supports for kinship caregivers, a broader role for extended families in placement decisions, and subsidized guardianship for relative care.⁹ In a 2003 study of promising strategies for reducing disproportionate minority representation in foster care, one child welfare agency supervisor remarked:

"A lot of the family members that we have been involved with, who might actually be a good resource for children, are not financially able to do it. Or they agree to take it on and find out later that they really can't do it financially. If we increased financial support and assistance to these families, I think we'd have less disruption in the placements that we put them in."¹⁰

Goal #4: Achieving Permanency for Older Youth

Almost one-third of the estimated 296,000 children who entered foster care in FY 2003 were between the ages of 13 and 18. Once older children are placed in foster care, permanency and positive life outcomes are especially difficult to achieve. Research suggests that adolescents who leave foster care at age 18 are more likely than other young adults to experience educational deficits, mental health problems, economic insecurity, early child-bearing, victimization, and involvement with the criminal justice system.¹¹ In response, subsidized guardianship is increasingly promoted as a way to provide permanent homes for older youth in foster care. It may offer an equally viable option for stemming the flow of youth into foster care.

Relative guardianship can help older children preserve bonds with their parents and other family members, while also forming lifelong connections with a family support system. Several studies have found that youth in foster care who have contact with their parents fare better than others, even if those parents are not able to provide daily care. Other research indicates that, upon leaving foster care, many youth return to the homes from which they were removed or seek out relatives.¹² A strong connection with a family member or other significant adult through childhood and beyond helps solidify an adolescent's identity and provides an important step toward independence and healthy adult functioning.¹³

III. PROGRAM CHARACTERISTICS

The seven programs this report examines represent a narrow segment of kinship care options. They include only programs providing financial assistance to kinship caregivers who have or seek permanent legal guardianship. The children served by these programs are not required to enter foster care to be eligible. The appendix describes major program characteristics.

A. *Financial Assistance*

With the exception of the Ohio program, the selected kinship guardian programs provide a monthly subsidy for expenses related to the care of each qualified child.

Some programs augment the monthly subsidy amount, and children and/or caregivers may qualify for other benefits or services available from the state.

Monthly Subsidy Amount. The subsidies provide modest financial assistance and incentives for relatives to assume permanent guardianship. The subsidy amount is greater than the level available through other basic financial assistance programs for low-income children or households, including the TANF child-only payments and state aid. However, with the exception of the District of Columbia program, the subsidy amount is lower than payments to licensed foster care providers or adoption assistance for Title IV-E eligible children adopted from foster care.

The monthly subsidy amount ranges greatly among the surveyed programs. Kansas' newly authorized program will provide \$200 per month per qualified child up to a maximum of \$600 per month per child. In New Jersey, the monthly payment is \$250 for each eligible child, and Louisiana's subsidy has recently increased to \$280 per month per eligible child. Kentucky's payment is \$300 per month per child.

At the other end of the payment scale, Nevada' Kinship Program payments are \$534 per month for each child under 13 years of age and \$616 for each child age 13 or older. However, the payments are reduced by the amount of the child's income, such as child support payments. The District of Columbia's Grandparent Caregiver Pilot Program payment is required by local legislation to at least equal the guardianship subsidy for children in the child welfare system. The payments range from \$586 to \$895 per month per eligible child, depending on the child's age and the amount of TANF assistance the child receives.

Other Financial Assistance Offered by the Programs. The Ohio Kinship Permanency Incentive Program does not provide a monthly subsidy payment. Instead, it provides incentive payments up to \$3,500 over three years. Caregivers may receive \$1,000 for the first six months followed by payments of \$500 every six months up to three years. Eligibility is for a six month period, and caregivers must reapply every six months. Participating children also may be eligible for monthly TANF child-only assistance. (In the first three months of the Incentive Program, about half of participants were receiving TANF child-only payments.)

The Kentucky, Nevada and New Jersey programs offer financial assistance for special expenses or legal costs, in addition to monthly subsidies.

- ❖ The Kentucky Kinship Care Program provides up to \$350 in startup funding for approved, one-time expenses, such as furniture, rental deposit for larger housing, and other assessed needs identified in an initial home evaluation. After startup, caregivers may request any remaining funds up to the \$350 limit for legal costs to obtain permanent legal custody. To enroll in the subsidy program, caregivers must be willing to accept temporary legal custody and agree to petition the court for permanent custody if the child is unable to return to his/her parents.
- ❖ The Nevada Kinship Program reimburses caregivers up to \$600 for legal services to obtain legal guardianship or directly refers participants to free legal services.
- ❖ Kinship Wraparound funds are available to participants in the New Jersey Kinship Legal Guardianship Subsidy program and other qualified kinship caregivers. Up to \$1,000 per household per calendar year is available for essential items or services for the child or household. Up to \$400 of that amount may be used for legal expenses to obtain kinship legal guardianship, and up to \$1,000 may be used to adopt the child.

B. Additional Services and Benefits

The financial subsidy is the primary benefit of these guardianship programs, but a few programs offer additional services such as medical care and child care. All programs provide information and referral to existing state and community resources.

Medical Assistance for the Child. Medicaid is a state-federal program. Each state designs its Medicaid program, coverage, and eligibility within numerous federal options, restrictions, and regulations. Most of the states with preventive subsidized guardianship programs (District of Columbia, Kansas, Kentucky, Louisiana, and New Jersey) ensure that participating children are eligible for Medicaid by defining subsidy eligibility to comply with the state's Medicaid plan. For example, eligibility for the District of Columbia's Grandparent Caregiver Pilot Program is set at 200 percent of poverty for the child's household income – a ceiling that allows children to retain their eligibility for Medicaid.

Child Care Assistance. Eligibility for child care assistance is based on the guardian's household income and other requirements of the state child care assistance program. For example, in New Jersey, subsidies for day care or preschool costs are based in part on the caregiver's age. Caregivers older than 60 years of age may have earned income 500 percent higher than the federal poverty level and are not required to be employed. All participants in Ohio's Kinship Permanency Incentive Program are eligible for the state's Early Learning Initiative, described as pre-kindergarten past Head Start.

Other Services. All the programs distribute information and referral to other services provided by public agencies or community organizations. Like child care assistance, eligibility for many services is based on household income and is determined by state economic assistance program staff. In most states, the subsidy does not affect eligibility for other forms of assistance. However, the District of Columbia program manager reports that some participating guardians lose their eligibility for food stamps and may experience a reduction in housing assistance. In the first few months of the program, this has not been a deterrent for program applicants.

Other examples of states that provide additional assistance include:

- ❖ The Nevada Kinship Program determines eligibility on a case-by-case basis for respite care up to 5 days per year, transportation, and case management.
- ❖ New Jersey provides kinship wraparound funds, as well as statewide Kinship Navigator services available to all recipients of the kinship legal

guardianship subsidy. Through a toll-free phone number, caregivers can obtain information about support groups, medical assistance, childcare and other assistance.

- ❖ Recent Kansas legislation creating the Grandparents as Caregivers Program authorizes the Department of Social and Rehabilitation Services to provide continuing child and grandparent counseling and medical assistance for participating children. In addition, the Department may extend existing support services to caregivers and children who are eligible, including respite care, child care, clothing allowances, parenting skills training, childhood immunizations and other health screening and transportation assistance.

C. Eligibility Requirements

Overall program design and specific eligibility criteria defined in legislation or administrative regulations target financial assistance to a specific set of children and caregivers.

Involvement with the Child Welfare System. Kentucky and Ohio restrict assistance to children with child protection cases. Kentucky's Kinship Care Program is limited to children who have been the subject of a substantiated abuse, neglect or (if both parents are deceased) dependency report. Ohio's Kinship Permanency Incentive Program is limited to children who have been adjudicated by a court as abused, neglected, dependent or unruly.¹⁴ The juvenile court must find that permanent placement in the legal custody of the caregiver is in the child's best interest. In both the Kentucky and Ohio programs, the child may be removed from the home and placed in foster care before a relative can be located, even though the aim is to avoid foster care.

For the remaining programs surveyed, involvement in the child welfare system is neither required nor typical of participating children. Although families may be referred by child welfare agencies, with the exception of the Kentucky and Ohio programs, the children have not been adjudicated as abused, neglected or dependent. Although few of the programs track the referral source, most children enter the programs because their caregivers apply to the income maintenance agency for financial assistance. They may be referred by a community agency, an informal support group, a state website, or another caregiver.

Kinship Relationship. The programs limit assistance to relative guardians, and some narrowly define the degree of kinship. The programs in Kentucky, Louisiana, Nevada and Ohio use the degree of relationship specified by their states' TANF child-only regulations, which generally include grandparents,

siblings, stepparents, stepsiblings, uncles, aunts, first cousins, nephews and nieces, persons of preceding generations and spouses of any of these relatives.¹⁵ The District of Columbia program limits its subsidy to grandparents, great grandparents, great aunts and great uncles. New Jersey's monthly subsidy and Ohio's incentives are extended to unrelated guardians with a long-standing friendship or bond with the child or family. Kansas' legislation prioritizes grandparents, but extends assistance to other close relatives if no grandparent is able or willing to assume legal custody.

Other evidence of an established relationship is the child's place of residence. Programs in the District of Columbia, New Jersey, and Nevada require that the child live with the caregiver for six to 12 months prior to receiving the subsidy.

Age of Child. In most programs, the subsidy is available until the child reaches age 18 – a TANF-related limitation. In New Jersey, it is extended to children up to age 19 if they are expected to graduate. Kansas' recently authorized, state-funded program will be available up to age 21 for youth attending school or accredited job training.

Age of Caregiver. Several programs target grandparents or older relatives raising grandchildren. In Nevada, qualifying legal guardians must be at least 62 years of age, but the Department accepts applications three months in advance to allow time for processing. Kansas' legislation limits support to caregivers age 50 years and older.

Income Requirements. All programs have income eligibility requirements for participating children or caregivers. Required income levels of caregiver households vary from 130 percent of the federal poverty level in Kansas' newly enacted program to 200 percent of poverty in Ohio's incentive program. The District of Columbia program limits the subsidy to caregivers with household income up to 200 percent of poverty and to children who meet TANF income eligibility requirements.

IV. ISSUES, CHALLENGES AND IMPLEMENTATION STRATEGIES

Developing preventive guardianship programs requires careful consideration of numerous issues, some of which are only beginning to emerge. A unique set of design considerations and implementation challenges have come to the forefront as a result of the programs' development as a hybrid between the child welfare and economic assistance systems. As program experience grows, additional issues undoubtedly will surface, along with strategies for improvement.

Weighing the Benefits and Risks

Along with the clear benefits and opportunities these programs offer, risks and trade-offs must be weighed. On the benefit side, children and families experience much less public intrusion in their personal lives compared to foster care. They are not subject to permanency hearings, caseworker visits, foster care licensing requirements, and other ongoing government involvement. At the same time, there are safety and permanency considerations that must be taken into account and considered for each child. Investigations of caregivers and their households are more limited, and there is no monitoring of the child's safety or well-being once the court awards permanent guardianship. Additionally, most children and families do not reap the potential benefits of permanency planning processes aimed at keeping children and parents together, including family reunification services, priority for placement with siblings, and formal plans for parental visitation. They also may lack access to resources such as mental health treatment, counseling, parenting education, and respite care available through the foster care system.

The parents' ongoing role in the child's life has sparked debate. For some children, the parent's continued involvement is a benefit and no different from the ongoing relationship they might maintain if the child was in foster care or adopted by a relative. For other children, dealing with a parent's instability and maintaining appropriate boundaries with their parents can be difficult. In addition, parents have a right to object to the guardianship petition and can seek its reversal at any time.

The court's crucial role, especially in cases that do not involve child abuse or neglect allegations, has received little attention. Ultimately, the court determines if the caregiver should be awarded permanent legal guardianship, and programs rely on the court to consider the suitability of individual guardians. In states' highly decentralized court systems, practices can vary among local judicial officers.

A. Administration: Child Welfare or Economic Assistance?

Many program components, issues and implementation strategies are affected by which agency has administrative responsibility. Is it a child welfare program or a financial assistance program? The choice of administrative auspices may have far-reaching implications, and trade-offs are inherent in either choice.

Economic Assistance. Four of the seven existing preventive guardianship subsidies are administered by the state or county economic assistance agency. Program administrators may collaborate with their child welfare counterparts, and child welfare staff may refer children and caregivers. However, in all but two of the programs financed with TANF funds, the qualification process is much closer to or exactly the same as eligibility determination for other financial assistance programs. Payments are issued by the same system, and caregivers' public agency contacts are likely to be limited to financial assistance workers.

Typically, investigation and assessment of caregivers is restricted to background checks and documentation provided by caregivers themselves. Monitoring is limited to annual re-determination of the child's residence and household income. Information and referral may focus on general public assistance available to low-income families rather than resources tailored to the needs of children who have experienced separation from their parents and to the complex family situations most relative caregivers must negotiate.

Child Welfare. In comparison, Kentucky's program is closely aligned with the child welfare system. Unless they are under child welfare system jurisdiction because both parents are deceased, all children are the subjects of substantiated abuse or neglect reports. They are assigned a child welfare worker who conducts reunification work with the family while providing case management services for the child and relative for at least twelve months and or until the relative has permanent custody. The child welfare agency (Cabinet for Health and Family Services, Department of Community-Based Services, Division of Protection and Permanency) conducts a home evaluation and records check of the caregiver, approves the caregiver's application, recommends to the court that temporary custody be granted, and prepares a report to the court regarding granting permanent legal custody. The economic assistance agency (Department of Community-Based Services, Division of Family Support) assumes the lead for the subsidy, determines TANF-related eligibility, and conducts an annual re-determination of eligibility. Some Kentucky child welfare workers find the program confusing in comparison to other services they provide. They tend to think of the Kinship Care Program as financial assistance rather than a permanency option.

When the District of Columbia's pilot program was created in March 2006, the Child and Family Services Agency (child welfare agency) was chosen as the administrative home because the child rather than the caregiver is the client. The child welfare agency determines eligibility and issues the payments. However, children in foster care are not eligible, and program eligibility depends in part on TANF income standards for child-only

households as well as the caregiver's household income – criteria that are not typical of child welfare programs.

The Ohio Kinship Permanency Incentive Program is supervised at the state level by the child welfare office within the umbrella Department of Jobs and Family Services. Counties may administer the program through the child welfare or public assistance agency, which is combined in 61 of the state's 88 counties. The local child welfare agency must conduct the home assessment and approval process, which is based on existing child welfare procedures.

Collaboration. Regardless of which agency administers the program, collaboration facilitates access to the subsidy, prevents and eliminates implementation glitches, and helps connect participants to resources and supports.

- ❖ When the District of Columbia Program was initiated, economic assistance workers were pulling program applicants from the TANF child-only rolls before they were approved for the Grandparent Caregiver Pilot Program. The problem was quickly rectified by the program staff, who worked with the economic assistance agency and disseminated information to eligibility workers.
- ❖ In Kentucky, where child welfare and financial assistance offices share responsibility for the program, their location in the same department is viewed as an advantage. Child welfare and family support staff are actively working together in new ways, and the department is augmenting training to ensure that child welfare staff informs kin about the option of permanent guardianship and the subsidy. The responsibilities of both child welfare and family support staff are designed to complement each other and are carefully defined in administrative rules.

Other possible strategies for promoting collaboration and access to the subsidy include out-stationing eligibility workers at child welfare agencies one day per week or on specific days, staff outreach to area agencies on aging, and connections with informal caregiver support groups.

B. Determining Whether the Placement and Subsidy are Appropriate

Reflecting the cross-cutting design and hybrid administration of these programs, there is a middle ground for assessing and investigating kinship caregivers. Because the qualification process is much closer to or exactly the

same as eligibility determination for other financial assistance programs, guardians undergo a much less rigorous process of investigation and assessment than licensed foster care providers. In most programs, eligibility for the subsidy is determined through the caregiver's application, documentation he or she provides, and criminal and child abuse background checks of household members. Programs rely on the courts to determine if awarding permanent custody to the caregiver is the best option for the child's safety and stability.

More stringent requirements or in-depth assessment or investigation is the exception. In Kentucky, child welfare staff conducts a home evaluation, which includes a child abuse and neglect check, as well as a criminal records check on all household members. Nevada's Kinship Program conducted background checks of relative caregivers during its first two years of operation. However, only one caregiver failed to pass, and the background checks were discontinued. Instead, the courts and child welfare agency were determined to be more appropriate entities for conducting these types of investigations.

Once the court awards permanent guardianship and the program approves the subsidy payment, monitoring is limited to annual, paper re-certification. The exception is Ohio where caregivers must reapply for the incentive payment and undergo the approval process every six months. Program administrators in several states express concern that limited monitoring may allow children to return to their parents or parents to reside in the caregiver's home --situations prohibited by TANF regulations, raising safety issues, and at odds with program goals.

Another determining factor is the child's wishes. In Nevada, children 14 or older must consent to court-awarded guardianship. In New Jersey, the Kinship Navigator assigns a regional agency to conduct the caregiver assessment which must be completed before the court petition for kinship legal guardianship is filed. This assessment includes consideration of the wishes of the child if age 12 or older and identifies supports the caregiver and child may need.

C. Making Needed Assistance Available and Accessible

Advocates and program staff across states are concerned that children in the care of kinship guardians may not always receive the resources they need to thrive. Compared to the increasingly serious and complex needs of children in foster care, the children served by these programs are stable, safe and healthy and their caregivers are likely to experience fewer challenges.

Consequently, scarce resources may bypass these children and their relative guardians.

Subsidy Levels. For many states and caregivers, the subsidy amount represents a compromise between the lower levels provided by TANF child-only payments and the higher payments provided through foster care or adoption assistance. Permanent legal guardianship subsidies provide a flat payment rate per child--an incentive for keeping siblings together that the TANF program does not provide. (TANF child-only provisions allow a full payment for the first child in a household and a reduced payment for each additional child.)

At the same time, except for age-related payment scales in the District of Columbia and Nevada, the programs do not allow for varying monthly expenses involved in raising individual children. There is no adjustment in payment for children who have special needs requiring higher levels of care, as there is in Title IV-E-funded foster care and adoption assistance. Instead, guardians must rely on Medicaid and other resources to meet children's health, mental health, educational, and other special needs of their wards.

Program Funding. Access to the subsidy is limited by program funding. The District of Columbia subsidy and Kansas' newly authorized program are financed entirely through state (or district) appropriations. (Missouri's now-defunct Grandparents as Foster Parents Program was also exclusively state-funded.) Eligibility is on a first-come, first-serve basis until the appropriated funds are exhausted. In this first year of the District of Columbia program, staff expects funds to be depleted before the fiscal year ends. Applicants will be turned away until the next fiscal year, when a larger appropriation takes effect.

If funded by TANF rather than state general funds, there may be less risk of turning away eligible applicants. Depending on state budget practices, funds might be transferred from other TANF or state-funded programs, or new state funds might be appropriated to supplement existing funds. However, state TANF programs are experiencing great pressure due to recent federal changes in state requirements and exhaustion of many states' TANF reserve funds.

Stigma Associated with Assistance. Access also may be limited by the stigma of both child welfare agencies and financial aid programs. Many caregivers report that applying for assistance through the welfare office is a particular deterrent. Some program staff suspect that caregivers fail to take advantage of the full range of supports available, such as respite care, parenting

education and transportation, due to this stigma. One concern is that crises may develop before guardians utilize available assistance.

Research is needed to determine how assistance can be provided in ways that caregivers find accessible and approachable. For example, relative guardians may be more receptive to self-help strategies and to assistance offered through peer support groups. Consultation with caregivers can help inform the development of more effective outreach and service delivery.

D. Legal Guardianship and Permanency Issues

Some states have multiple forms of legal custody, each with its own procedures and pathways. For caregivers, obtaining legal guardianship may be confusing, costly, and time-consuming. In contrast with child welfare guardianship programs, caregivers are often expected to obtain legal guardianship on their own. For programs, legal issues can complicate implementation. Therefore it is imperative that efforts are made to inform caregivers about legal requirements and court procedures and provide financial resources for legal services.

- ❖ Kin-Friendly Guardianship. The 2001 legislation authorizing the New Jersey subsidy created a new form of legal guardianship (kinship legal guardianship) to address the needs of grandparents and others who have raised a child for more than a year. Kinship legal guardianship is a special designation that is granted by the Superior Court Family Division, rather than circuit court which otherwise has jurisdiction over legal guardianship. Kinship navigators assist caregivers in obtaining kinship legal guardianship and in completing the required caregiver assessment.
- ❖ Implications of Legal Assistance for Program Implementation. Legal custody has been a significant implementation issue for the District of Columbia's Grandparent Caregiver Pilot Program. Either legal custody or standby guardianship, both awarded by a court, is a program requirement. Many grandparents applying for the subsidy have cared for their grandchildren for years, but never obtained legal custody. Few program applicants know how to file for custody or can afford an attorney. The program refers applicants to pro bono legal aid, but program start-up has led to a surge in demands for legal assistance and in court petitions for custody.
- ❖ Sorting Out Custody. To qualify for the Louisiana Kinship Care Subsidy Program, caregivers must possess or obtain within one year either legal custody, guardianship, or provisional custody by mandate.

Although court-ordered custody or guardianship can be costly and time-consuming to obtain, provisional custody by mandate has another set of challenges. The child's parent confers this form of custody for one year at a time by signing a notarized form; he or she can retract custody at any time; and court consideration is not required. Workers sometimes have difficulty determining who has the right to grant provisional custody, especially when the father's identity or whereabouts is unknown, and eligibility challenges may result. To reauthorize the subsidy at the end of the first year, the caregiver must obtain legal custody or guardianship from the court or provisional custody by mandate from the parent.

Louisiana's provisional custody illustrates issues shared by other states that complicate program administration. Often caregivers have different forms of custody (or no legal custody) for different children within the household.

E. Sustainability

Because they are dependent on federal TANF dollars and state appropriations, these innovative programs face special sustainability challenges. State revenue shortfalls of the early 2000s and competition for limited TANF funds put subsidies at risk in several states. Funding threats remain as states exhaust their TANF surpluses, federal TANF requirements for state programs have been tightened, and federal child welfare resources have been restricted.

Missouri Program Eliminated. Missouri's Grandparents as Foster Parents Program was created by the state legislature in 1997 to provide financial assistance, a yearly clothing allowance, respite care, legal assistance, a mileage benefit, and child care to legal custodians or guardians. Despite its name, the program was available to income-eligible grandparents and other relatives, and children were not part of the foster care system. By 2001, the program, which was financed with state general funds, was serving more than 2,538 children.

From FY 2002 to 2004, funding was cut from \$6.7 million to \$1.5 million. Although the maximum subsidy amount originally equaled the foster care payment rate, it was gradually reduced to the level of TANF child-only payments. Even then, the ancillary services attracted caregivers. When funding for the program was eliminated in 2005, 314 cases were discontinued. It is assumed that some of these participants qualified for TANF payments, but it is unknown whether they were able to obtain support services elsewhere.¹⁶

Benefit Reductions. Although Kentucky's Kinship Care Program has maintained subsidy levels at \$300 per month, it reduced startup funding from a maximum of \$500 to \$350 in 2003.

Cuts Negotiated and Restored. Nevada's Kinship Program succeeded in restoring cuts attributed to growth in overall state TANF caseloads. When budget reductions became unavoidable, program staff held workshops with caregivers and negotiated the reduction. While payments for the first child remained stable at \$534 to \$616, the subsidy for additional children in the same caregiver household was reduced to \$100 each. When the state budget improved a year later, payment was restored to previous levels.

F. Advocacy

To create and sustain assistance for permanent kinship caregivers requires the efforts of many partners, including caregivers, child and senior advocacy organizations, child welfare and economic assistance staff and administrators, and policymakers. In addition to advocating for funding, their efforts are critical to:

- ❖ designing program components that will allow as many children as possible to be placed with permanent caregivers in homes where they can thrive;
- ❖ promoting collaboration within state and local agencies that will ensure children and families do not slip through the cracks;
- ❖ providing access to supports and ancillary services that children and guardians need;
- ❖ overcoming inevitable implementation and administrative challenges

Caregiver Champions. Many programs attribute their success to the actions of grandparents and other relatives acting on behalf of the children they love. A Las Vegas grandmother, who wanted permanent guardianship but could not afford to lose foster care payments, was instrumental in creating the movement that led to legislation authorizing the Nevada Kinship Program. Although she passed away, other grandparents and grassroots groups have become active. The Kinship Program administrator stresses the importance of working with caregivers to understand their needs and priorities, to obtain their input about requirements and forms, and to develop their support.

Multi-Generational Coalitions. The local chapter of the American Association of Retired Persons (AARP) and the Children's Law Center were key partners in advocating for creation of the District of Columbia Grandparent Caregiver Pilot Program. They sponsored focus groups to identify the needs of children and caregivers and local resources. AARP remains a watchdog of the program, and the advocates will play a critical role in ensuring that the pilot is reauthorized when it expires in 2009.

Child Welfare/Economic Assistance Partnerships. Regardless of the agency with administrative responsibility for the program, collaboration is essential to develop and sustain effective services. For example, Nevada's program is administered by the state financial aid office. When a community or other group invites the administrator to talk about the program, she insists that her child welfare counterpart also is invited. Together, they are able to provide more complete information about options for children and caregivers.

Legislative Support. As policymakers, appropriators of state funds, and agents of public oversight, legislators have a critical role in program development and continuation. Savvy advocates work to cultivate ongoing legislative support. In 1999, a New Jersey legislative task force studied the needs of grandparents who take on parenting roles. Grandparents filled the panel's public hearings and made a strong case for help. The task force report urged assistance for kinship caregivers and encouraged the state administration to develop new programs. By 2001, the statewide Kinship Navigator Program and Kinship Wraparound were created, and assistance for day care and preschool was provided to children in many kinship care homes. Also that year, the acting governor who was a former state legislator, championed the creation of a new form of legal permanent guardianship for relatives and the subsidy program.

G. Data: Limitations and Emerging Capacity

Data about preventive guardianship program participants are limited, due in part to the subsidy programs' unique status. Detailed data are not likely to be collected or easily reported by the information management systems of either child welfare or economic assistance agencies.

In Kentucky, for example, information about Kinship Care Program participants and impact is limited by separate, uncoordinated information management systems of TANF-funded programs and child welfare programs.

This is despite the fact that the same cabinet-level agency administers both types of programs, and that both child welfare and family support staff have Kinship Care responsibilities. Upgrades of The Worker's Information System (TWIST) are underway that will allow better client tracking of all state social service programs.

Data about Program Participants. The newest programs are collecting demographic and other information about children and caregivers which provides a profile of the children and families served.

- ❖ The District of Columbia, which issued its first subsidy payments in May 2006, reports that the typical participant in the Grandparent Caregiver Pilot Program is a grandparent between the ages of 50 and 60 years, caring for two children with an average age of 11.5 years. The average household income of caregivers before the subsidy is estimated at \$11,000. About one-third of children's parents are deceased, about one-third are absent and have no contact with the child, and about one-third have limited contact. Many parents in the latter category are incarcerated.
- ❖ Data are available for children served in the first six months of Ohio's Kinship Permanency Incentive Program, which started in January 2006. This program is limited to children who have been adjudicated by a court as abused, neglected, dependent or unruly and who may or may not be in child welfare agency custody when the caregiver is awarded permanent legal custody. Most of the applicant children (nearly two-thirds) were adjudicated as dependent, and 28 percent were found to be neglected. Almost half the participating children were under ten years of age, and the largest group (26 percent) was under four years of age. Among approved applicants, 33 percent were African-American and 33 percent were Caucasian. Nearly nine out of ten caregivers were female. In age, the majority of caregivers were 40 to 59 years, and 14 percent were over 60 years. The main source of income for 56 percent of the primary caregivers was employment, and social security income was the main income for another 24 percent.¹⁷

Tracking Program Performance and Impact. To answer many questions regarding the most effective implementation strategies for preventive guardianship subsidies, their current and potential impact on children's lives, and the associated costs and savings requires ongoing data monitoring and analysis. To date, policymakers have not required program evaluation or specific reports, and resources have not been allocated for study of the programs.

The exception is the Ohio Kinship Permanency Incentive Program. The appropriations language authorizing the program (2006 H.B. 66, section 206.67.08) requires reports from the state Department of Job and Family Services by the end of 2008 and 2010 regarding:

- ❖ stability and permanency outcomes for children for whom incentive payments are made,
- ❖ the total amount of payments made under the program,
- ❖ patterns of expenditures made per child, and
- ❖ cost savings realized from placement with kinship guardians rather than other out-of-home placements.

The Department has objected that it is impossible to determine how many children would have been placed in out-of-home care without the incentive payments and thus that cost savings cannot be identified. Even so, data regarding child outcomes and incentive payment patterns will make a worthwhile contribution to understanding the program and its potential.

Data collected in the first six months of the Incentive Program already have proved a valuable tool for planning and implementation. Stakeholders have been able to identify and document barriers to program participation. Based on the data, they plan to ask the legislature to make the incentive payments more widely available by amending eligibility requirements.

V. CONCLUSION: NEXT STEPS

The lessons learned by these innovative programs are critical to their ongoing development and sustainability. At the same time, they represent one small slice of the continuum of options that are needed to ensure positive outcomes for children raised by kin. Program experiences can help stimulate the development of other resources for vulnerable children and relative caregivers. To that end, program champions are urged to ensure that data are collected and reported and that evaluations are conducted. By seeking the perspectives and recommendations of caregivers and other partners, program performance can be documented and improved. Similarly, by tracking the outcomes of participating children, the program's impact on children and families can be better understood and can inform the next generation of efforts to support children living with relative caregivers.

ENDNOTES

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- ³ Deborah Gibbs et al., *Children in Temporary Assistance for Needy Families (TANF) Child Only Cases With Relative Caregivers* (Research Triangle Park, N.C.: RTI International, 2004) 2-22.
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- ¹⁰ Chibnall et al., 42.
- ¹¹ Kristi Charles and Jennifer Nelson, *Permanency Planning: Creating Life Long Connections, What Does It Mean for Adolescents?* (Tulsa, Ok: University of Oklahoma, National Resource Center for Youth Development, 2000) 10-12.
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- ¹² Courtney et al., 11.
- ¹³ Ibid., 14,18.
- ¹⁴ Ohio state statutes (Sec. 2151.022) define an "unruly child" to include any of the following: a child (a) "who does not submit to the reasonable control of the child's parents, teachers, guardian, or custodian by reason of being wayward or habitually disobedient;" (b) who is habitually truant; (c) who behaves in a manner that injures or endangers the health or morals or himself or others; or (d) who violates certain laws applicable only to a child. In some states, "status offenders" is the legal term used to describe these children.
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- ¹⁶ The AARP Foundation et al., *Missouri: A State Fact Sheet for Grandparents and Other Relatives Raising Children* (Washington, D.C.: AARP, September 2005) 3, http://assets.aarp.org/rgcenter/general/kinship_care_2005_mo.pdf.
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Appendix I

FINANCIAL ASSISTANCE: COMPARISON OF "PREVENTIVE" GUARDIANSHIP SUBSIDIES AND TANF CHILD-ONLY PAYMENTS							
Program	District of Columbia Grandparent Caregiver Pilot Program	Kansas Grandparents as Caregivers Program	Kentucky Kinship Care Program	Louisiana Kinship Care Subsidy Program	Nevada Kinship Program	New Jersey Kinship Legal Guardianship Subsidy	Ohio Kinship Permanency Incentive Program
Date Started	March 1, 2006	Legislation enacted May 2006. Start-up required January 1, 2007.	1999 in 3 regions. Statewide in 2000.	1999	2001	2002	January 2006
Number of Participants	As of December 1, 2006: 400 children	Appropriated funds for FY 2007 will serve up to 2,421 children.	March 2006: 7,411 active children	FY 2006: 4,586 average monthly cases; 8,452 average children	FY 2006: 232 average monthly cases, 376 average monthly children	In 2005: More than 6,000	January to June 2006: 723 children
Child Eligibility	Under 18 years. Meets TANF income eligibility requirements.	Up to age 18, or age 21 if attending full-time secondary or post-secondary school or accredited job training program.	Under 18 years. The subject of a substantiated abuse/neglect report or (if both parents are deceased) dependency. Income cannot exceed \$300. Must not be a SSI recipient.	18 years or under. Income less than \$280 per month. Must live in home of qualified relative.	Must live with relative caregiver for 6 months prior to subsidy. If 14 or older, must consent to legal guardianship.	Under age 18 or expected to graduate by 19 th birthday. Must live with caregiver for at least 12 months. Parents incapacitated and cannot care for child.	Adjudicated abused, neglected, dependent, or unruly. ⁱ Special needs: <ul style="list-style-type: none">▪ diagnosed physical or emotional needs,▪ minority ethnic/racial status,▪ part of a sibling group of 2 or more,▪ age 6 or older.
Caregiver Eligibility	Household income up to 200% of federal poverty level. Child has lived with the caregiver for 6 months. Child's parent has not lived with caregiver for 6 months (unless caregiver is standby guardian).	50 years of age or older. Household income less than 130% of federal poverty level. Child's parent cannot reside with grandparent.	Must sign Kinship Care Statement of Rights and Responsibilities, which includes pursuing permanent custody if child cannot return to parents' home. Child's parents cannot reside in relative's home.	Household income up to 150% of federal poverty level. Not convicted of or released from incarceration within the past year for a felony of possession, use or distribution of a controlled substance.	Will be at least age 62 within 3 months of application. Household income up to 275 % of federal poverty level. Child's parent cannot reside in the caregiver's home.	Household income up to 150 % of federal poverty level. Can show that it is in the child's best interest to stay with caregiver. Child's parent cannot reside in the caregiver's home.	Legal custody awarded by juvenile court on or after July 1, 2005. Custody order must state that custody is in the best interest of the child. Household income up to 200 % of poverty. Child's parent cannot reside in the caregiver's home.
Kinship Relationship to Child	Grandparent, great grandparent, great aunt or great uncle.	Grandparent or other close relative if no grandparent is willing.	Related by blood, adoption or marriage within degree of kinship required by TANF.	Related by blood, adoption or marriage within degree of kinship required by TANF.	Related by blood, adoption or marriage within degree of kinship required by TANF.	Biologically or legally related to the child or a family friend.	Relative or non-relative adult who has a long-standing relationship or bond with the child and/or family.
Legal Relationship	Court-awarded legal custody or stand-by guardianship.	Grandparent has child placed in his/her custody by the state, is the legal guardian, or has other legal custody.	Caregiver must be willing to accept temporary legal custody and permanent custody, if the child is unable to return to his/her parents. State agency may have legal custody.	Must possess or show evidence of working to obtain (within one year) either legal custody, legal guardianship or provisional custody by mandate.	Must file for and obtain court-approved legal guardianship.	Special "kinship legal guardianship" designation awarded by court.	Legal custody awarded by juvenile court.

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Assessment/ Investigations	Documentation of eligibility. Criminal background check and child abuse registry check of all adults in household. Annual recertification that includes background check and school records.	No home visit or criminal background check. Annual re-application required.	Substantiation of child's abuse, neglect, or dependency (if both parents are deceased). Caregiver criminal background check. Caregiver child abuse and neglect records check. Home evaluation and assessment of relative's need for "start-up" funding. Child income eligibility determination.	Eligibility determination. No home visit or criminal background check.	Eligibility determination. No background check conducted by program since first two years of implementation.	Eligibility determination. Before court petition is filed, assessment includes: <ul style="list-style-type: none">■ Criminal background, domestic violence registry, and child abuse records check of all adults in caregiver household.■ Child's wishes if age 12 or older.	Eligibility determination. Child welfare Relative or Non-Relative Substitute Placement Approval Process: <ul style="list-style-type: none">■ Home visit,■ Criminal background check,■ Assessment that caregiver understands child's needs and resources available.
Subsidy Amount	\$586 to \$895 per month per eligible child	\$200 per month per eligible child, up to \$600 per month per caregiver	\$300 per month per eligible child	\$280 per month per eligible child	\$534 per eligible child aged 0-12. \$616 per eligible child aged 13 years and older. Subsidy rate is reduced by the amount of the child's income, e.g. child support.	\$250 per month per eligible child	\$3,500 total over 3 years: \$1,000 for first six months, then \$500 each 6 months up to 3 years. (Must re-apply every 6 months.)
Additional Assistance	Information and referral to community services. Medicaid eligibility for child.	Continuing child and grandparent counseling. Medical assistance for child. State appropriated \$195,000 for FY 2007 for ancillary services including respite care, child care, clothing allowances, parenting skills training, child immunizations & other health screening, transportation assistance.	"Start-up" funding based on assessed need available up to \$350 for furniture, clothing, school supplies, rental deposit, etc. After start-up, caregiver may use any of the \$350 remaining for legal costs to obtain permanent legal custody. Medicaid eligibility for child.	Information and referral to community services. Medicaid eligibility for child.	Legal assistance: Referral to free legal services or reimbursement up to \$600; Determined on case-by-case basis: <ul style="list-style-type: none">■ Respite care up to 5 days per year (may be extended in emergency),■ Transportation,■ Case management.	Kinship Wraparound: Amount not to exceed \$1,000 per household per calendar year for essential items or services, including up to \$400 for legal fees to obtain kinship legal guardianship and up to \$1,000 to adopt. Kinship Navigator Program provides information & referrals. <ul style="list-style-type: none">■ Services available through public & private agencies:<ul style="list-style-type: none">■ Support groups,■ Respite services,■ Education,■ Medicaid eligibility for child.	Early Learning Initiative (Pre K) Kinship Caregiver Affidavit (form) only for grandparents. Kinship Navigators where available provide information and referral.

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Program	District of Columbia Grandparent Caregiver Pilot Program	Kansas Grandparents as Caregivers Program	Kentucky Kinship Care Program	Louisiana Kinship Care Subsidy Program	Nevada Kinship Program	New Jersey Kinship Legal Guardianship Subsidy	Ohio Kinship Permanency Incentive Program
Funding Sources	D.C. general funds (\$2 million for FY 2006, \$4.5 million for FY 2007.) Authorized through 2009.	State funds (\$2.1 million for FY 2007)	TANF	TANF	TANF	TANF	TANF (\$10 million per fiscal year)
Contact	Dan Hoffman Child & Family Services Agency, Program Manager, Grandparent Caregiver Pilot Program 202-442-6183 daniel.hoffman@dc.gov	Denise Kelly Department of Social and Rehabilitation Services, Economic and Employment Support Section, Grandparents as Caregivers Program Manager 785-296-8867 ldlk@srs.ks.gov	Lisa Durbin Kentucky Cabinet for Health and Family Services, Department of Community Based Services, Protection and Permanency Child Safety Branch Manager 502-564-2136 lisaa.durbin@ky.gov	Nancy Wright Department of Social Services, Office of Family Support 225-342-0862 nwright@dss.state.la.us	Vicki Kemp Program Specialist, Eligibility & Payments, Department of Health and Human Services, Division of Welfare and Supportive Services 775-684-0624 ykemp@welfare.state.nv.us	Sonja Jackson Department of Human Services, Division of Family Development 609-588-2171 sonya.jackson@dhs.state.nj.us	Crystal Ward Allen Executive Director, Public Children Services Association of Ohio 614/224-5802 pcsaocrystal@sbcglobal.net

ⁱOhio state statutes (Sec. 2151.022) define an “unruly child” to include any of the following: a child (a) “who does not submit to the reasonable control of the child’s parents, teachers, guardian, or custodian by reason of being wayward or habitually disobedient;” (b) who is habitually truant; (c) who behaves in a manner that injures or endangers the health or morals or himself or others; or (d) who violates certain laws applicable only to a child. In some states, the term “status offenders” is legal term used for these children.