

SUBSIDIZED GUARDIANSHIP:

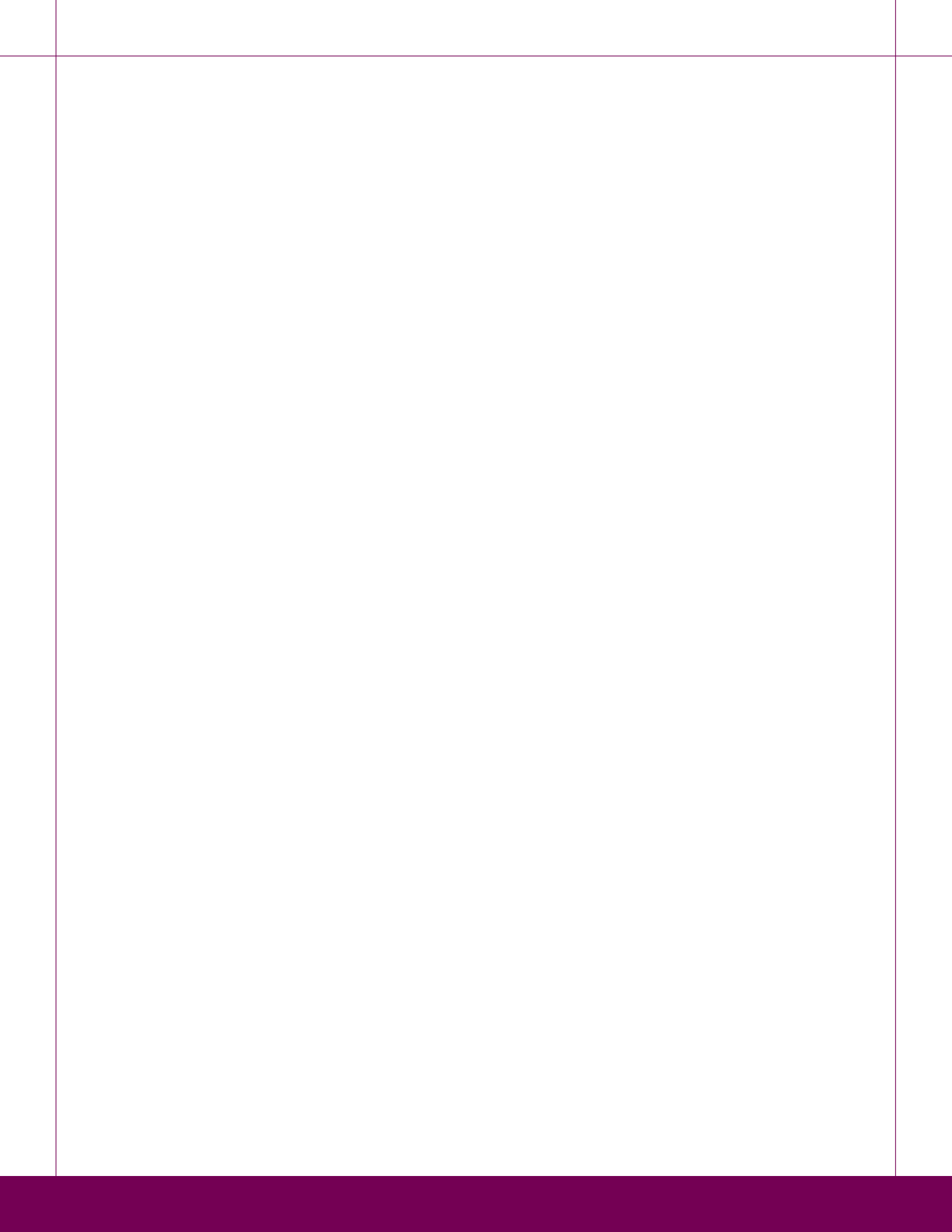
Collaborating to Identify New Policy Opportunities

EXECUTIVE SUMMARY



FROM THE REPORT OF A SYMPOSIUM HELD
DECEMBER 12, 2006, IN BOSTON, MASSACHUSETTS

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Executive Summary

More than 90 public officials, community advocates, and consumer representatives from 12 states meeting in 2006 in Boston, Massachusetts, agreed to a set of policy directions for the implementation of subsidized guardianship as a means to maintain permanent family connections for vulnerable children and youth.

Sponsored by the Annie E. Casey Foundation/Casey Family Services, Generations United, and Tufts University, the symposium facilitated discussion among officials about the current status of subsidized guardianship in their states and the actions necessary to establish it as a federal priority. Participants shared insights about support for “informal” kinship care (relatives who care for children outside of the child welfare system). Other significant topics were the importance of family permanence for older foster youth and the challenges of addressing the issue of racial disproportionality within that group.

Policy Directions

The various constituencies participating in the symposium agreed that subsidized guardianship was a very important permanency option that should receive strong support at the federal and state levels. They expressed broad support for the following:

1. Secure federal funding for state subsidized guardianship programs.
2. Improve collaboration within state agencies to maximize the provision of services to relatives and families.
3. Increase and improve training for caseworkers about the use of guardianship subsidies as a permanency option.
4. Increase and improve the information available to relatives and families about subsidized guardianship as a quality option for caring for children.

Background on Permanence and Subsidized Guardianship

To thrive and develop, all children need to be safe and connected to their families. A respected body of research indicates the importance of permanent family connections to the positive development of all children. Support for permanent connections can improve the future outlook for vulnerable and at-risk children. Achieving permanent connections with caring adults can also reduce the number of youth who enter the child welfare system and decrease the number of those who exit foster care without a family.

Permanence can be effected in several ways. Legal permanence is the most secure outcome. Options for permanence include reunification with birth and extended family, guardianship, adoption, and, in special circumstances, Another Planned Permanent Living Arrangement (APPLA) with a lifelong family connection.

Subsidized Guardianship

Guardianship is a judicially created, permanent relationship between a child and a caretaker, often a relative.¹ In cases where children cannot be reunified with their birth parents or where adoption is not possible, guardianship can provide a safe environment for the child while maintaining the possibility of long-term family connections.

Subsidized guardianship provides a public subsidy, similar to that provided to foster or adoptive parents, to families who assume legal guardianship of a child exiting foster care. The arrangement can ensure a permanent home for eligible children by making it possible for those who are willing to accept responsibility as caregivers but who cannot undertake the commitment without financial assistance.

Executive Summary (cont'd)

The advantages of subsidized guardianship are that it:

- Maintains family bonds with birth parents;
- Provides good options for older children;
- Respects the cultural norms of extended family;
- Provides judicial flexibility to address the needs of the child; and
- Limits state intervention in families' lives.

Currently, 39 states and the District of Columbia provide some type of subsidy to those who become legal guardians of children once in foster care.²

The growth of subsidized guardianship programs over the last decade can be attributed to:

- The needs of children in foster care;
- The active partnership of advocates and practitioners; and
- Better research data about the emotional, social, and cultural advantages of permanent placement with relatives.

Federal statutory requirements have been another important factor. In 1997, Congress approved the Adoption and Safe Families Act (ASFA), which established permanence as a principal goal for children in state care.³ Subsequent studies and evaluations of state agency implementation of ASFA have been vital in achieving change.⁴

Equally compelling in policy discussions has been the issue of potential cost advantages to state budgets of subsidized guardianship programs. When a legal guardianship is established, children are no longer in the custody of the state and the administrative costs of case management are substantially reduced.⁵

Kinship Care

Subsidized guardianship is distinct from kinship care, which can take several forms. Kinship care is usually a private arrangement among family members. Kinship foster care refers to children in the custody of the child welfare agency who have been placed with a relative by the judicial system. Voluntary kinship care arrangements are those cases where state or local child welfare agencies assist with child placement without court involvement.

Over the last decade, child welfare workers have increasingly turned to extended family members when constructing placement plans for children who are identified as at-risk or for those who, through adjudication, come into child welfare agencies.⁶ In 2002, 1,760,000 children were in kinship care; 400,000 were in kinship foster care, and 140,000 were in voluntary kinship care.⁷

Half of all children in kinship care live in very low-income families. The lack of available funds to support relative caregivers continues to challenge state child welfare agencies as they turn to relatives as the “front line” of caregivers in out-of-home placements.

Historically, any official financial support for private and public kinship caregivers has come through very restrictive federal and state income assistance programs. Existing data clearly indicates that state agencies have struggled to comply with federal policy directives to use relatives as caregivers, not because relatives are unwilling or unsuitable but because the directives are frequently “unfunded mandates.”⁸ As a result, state financial support for kin and relative caregivers is a patchwork quilt of financial assistance. Because the wide variances in state programs make comparisons difficult, evaluations of states that might demonstrate the cost-effectiveness of kinship care have been restricted in scope.

Today, as a result of federal policy evolution, extended family members are usually given first priority when child placement is required. While federal and state court rulings have recognized the right of relatives acting as foster parents to be compensated financially, there have not been similar rulings to secure financial assistance for kin caregivers who are not foster parents but who accept responsibility and care for children. The financial status of kinship caregivers has become an especially urgent topic because a large portion of private kinship caregivers are themselves in need of various supports and services because of their own economic status. Over 6 million children now live in households headed by grandparents or other relatives; 20 percent of these households are at or below the federal poverty line.⁹

Financial Barriers to Subsidized Guardianship

Complex federal financing regulations and eligibility requirements within other child welfare programs have proved to be the greatest hindrances to wider use of subsidies for guardians to achieve permanency for children.¹⁰ While the federal government reimburses state governments for assistance payments to foster and adoptive parents, it does not provide similar reimbursement for assistance to guardians or relatives caring for children outside of the child welfare system.¹¹

This inequity has been a significant barrier to broader scale use of an effective program. Many groups have advocated for federal reimbursement of guardian subsidies at the same rate received by foster and adoptive parents. They also have advocated that the financing should be in the form of a guaranteed federal payment to avoid the instability of budget cycles, particularly at the state level, and not as a block grant that historically is not indexed for inflation and therefore loses value over the time of the grant.¹²

Next Steps

The 2006 symposium established a course of action for participants and for the Casey Foundation and the Children’s Defense Fund, longtime partners on policy matters. The group agreed to track progress on its recommendations and meet again in 2008 to assess challenges and opportunities for the remaining states and jurisdictions that have yet to legislatively authorize subsidized guardianship or those that have enacted caregiver programs but not enforced its execution.

Endnotes

- 1 Pew Commission on Children in Foster Care. *Subsidized Guardianship: Recommendations of the Pew Commission on Children in Foster Care*. Washington, D.C. 2004.
- 2 Bissell, Allen, and Miller. *Expanding Permanency Options for Children: A Guide to Subsidized Guardianship Programs*. Children's Defense Fund and the Cornerstone Consulting Group. Washington, D.C. 2003.
- 3 Bissell and Miller, eds. *Using Subsidized Guardianship to Improve Outcomes for Children: Key Questions to Consider*. Children's Defense Fund and the Cornerstone Consulting Group. Washington, D.C. 2004.
- 4 Leos-Urbel, Bess, and Geen. *State Policies for Assessing and Supporting Kinship Foster Parents*. The Urban Institute, Washington, D.C. 2004.
- 5 The Pew Charitable Trusts. *Time for Reform: Support for Relatives in Providing Foster Care and Permanent Families for Children*. Pew Charitable Trusts and Generations United. Washington, D.C. 2007.
- 6 Office of the Assistant Secretary for Planning and Evaluation and the Administration for Children and Families. *Report to Congress on Kinship Foster Care*. Washington, D.C. 2005.
- 7 The Urban Institute. *Children in Kinship Care*. The Urban Institute. Washington, D.C. 2003.
- 8 Murray, Macomber, and Geen. *Estimating Financial Support for Kinship Caregivers*. The Urban Institute. Washington, D.C. 2004.
- 9 Hudson, Rutledge. *Partnering To Promote Guardianship: The Federal Outlook*. Center for Law and Social Policy. Washington, D.C. 2006.
- 10 Scarcella, Bess, Zielewski, and Geen. *The Cost of Protecting Vulnerable Children V: Understanding State Variation in Child Welfare Financing*. The Urban Institute. Washington, D.C. 2006.
- 11 Christian, Steve. *The Changing Landscape of Federal Child Welfare Financing*. National Conference of State Legislatures. Denver, Colorado. 2006.
- 12 Pew Commission on Children in Foster Care. *Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care*. Pew Commission on Foster Care. Washington, D.C. 2004.



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