

SUBSIDIZED GUARDIANSHIP:

Collaborating to Identify New Policy Opportunities



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

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Introduction

“I am 18 years old, living with my aunt, searching for a sense of family...a lonely search,” said David Phair, a Connecticut foster youth. The search that Phair described to more than 90 public policy officials from 12 states inspired them to act with a greater urgency to achieve family permanence for children and youth. These public officials, community advocates, and consumer representatives had been convened by the Annie E. Casey Foundation/Casey Family Services, Generations United, and Tufts University on December 12, 2006, in Boston, Massachusetts, to share information about subsidized guardianship as a means to maintain permanent family connections for vulnerable children and youth.

This symposium was a working session to facilitate discussion among experienced officials about the current status of subsidized guardianship in the states and the actions necessary to establish it as a federal priority. Additionally, participants were asked to share 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 youth in foster care and the challenges of addressing racial disproportionality and disparities.

In her welcoming remarks, Sania Metzger, director of policy at Casey Family Services, emphasized that the use of research — to both inform and guide officials and advocates about subsidized guardianship — would be an important focus of the day’s discussions. The primary goals of the symposium were to:

- Examine state efforts to implement subsidized guardianship programs and policies;
- Provide updated information on federal efforts to support guardianship placements; and
- Analyze the essential role of research as an advocacy tool to promote support for guardians, kin caregivers, and the youth in their care.

The idea for the symposium grew from a research project, now a published study¹ on subsidized guardianship programs, conducted by a team of master’s degree students at Tufts University.

Permanence: Central Themes

To thrive and develop, all children need to be safe and connected to families. A respected body of research indicates the importance of permanent family connections to the positive development of all children. In the lives of vulnerable children who may not be able to remain at home safely, family permanence is even more important.

Permanence can be defined as an enduring family relationship that:

- Is safe and meant to last a lifetime;
- Offers legal rights and social status of full family membership;
- Provides for physical, emotional, social, cognitive, and spiritual well-being; and
- Assures lifelong connections to extended family, siblings, other significant adults, family history and traditions, race and ethnic heritage, culture, religion, and language.²

Introduction (cont'd)

Support for permanent family relationships can improve substantially the future outlook for all vulnerable children. Facilitating permanent connections with caring adults can 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 achieved 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 cases, Another Planned Permanent Living Arrangement (APPLA) with lifelong family connections. Achieving family permanence for at-risk children and youth is a central theme of the work of the Annie E. Casey Foundation/Casey Family Services and its many collaborative programs.³

Advantages of Subsidized Guardianship as a Permanency Option

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

Subsidized Guardianship: An Emerging Permanency Option

Guardianship is a judicially created, permanent relationship between a child and a caretaker, often a relative.⁴ 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 assuming legal guardianship of a child exiting foster care. The arrangement can ensure a permanent home for eligible children. The financial benefit may make it possible for those who are willing to accept responsibility as caregivers, but who cannot undertake the commitment without financial assistance. Currently, 39 states and the District of Columbia provide some type of subsidy to those who become legal guardians of children who have entered state care.⁵

Kinship Care: A Traditional Approach

Subsidized guardianship is distinct from kinship care. In the broadest definition, according to experts, kinship care is any living arrangement in which a relative or someone else emotionally close to the child takes primary responsibility for rearing the child. Kinship care, usually a private arrangement among family members, accounts for most children who are not living with either parent. 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 foster care arrangements are those cases where state or local child welfare agencies assist with child placement without court involvement.

In the last decade, child welfare workers increasingly have 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

Children in Kinship Care (2002)	
• Kinship Care	1,760,000
• Kinship Foster Care	400,000
• Voluntary Kinship Care	140,000
• Living Arrangements	59 percent with grandparents, 19 percent with aunts/uncles, and 22 percent with others
• Racial/Ethnic	43 percent African American, 17 percent Hispanic, 37 percent Caucasian, and 3 percent others
• Age	52 percent ages 11 to 17, 28 percent ages 6 to 10, and 20 percent ages 5 and younger. 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 “frontline” of caregivers in out-of-home placements. 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” not related to a specific child welfare resource stream.⁸ Historically, any official financial support for private and public kinship caregivers has come through very restrictive federal and state income assistance programs, first the Aid to Families and Dependent Children (AFDC) and now Temporary Aid to Needy Families (TANF). States are then left to find financing in an increasingly competitive arena. As a result, state financial support for kin and relative caregivers is greatly varied — a patchwork quilt of financial assistance. Because the wide variances in state programs make comparisons difficult, evaluations of state practices related to kinship caregivers that might be persuasive about the cost-effectiveness of kinship care have been restricted in scope.

Today, as a result of federal policy evolution, extended family members usually are given first priority when child placement is required. While federal and state court rulings have recognized the right of relatives who are 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, nonetheless, 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 due to their own economic status. More than six 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

Research is perhaps the most valuable tool available to advocates who seek to influence public policy. Relevant data, effectively used, offers an essential instrument to bring about changes in public policy. Even when all parties agree that change is needed, research, based on fact and experience, can be the roadmap to the best outcome.¹⁰ Solid program evaluations and targeted analyses are also crucial.¹¹

Research, Evaluation, and Analyses

Establishing the Validity of Guardianship

According to Dr. Robert Hill, Westat senior researcher, an historical perspective is essential to analyzing and using research effectively. “Families,” he observed, “have been caring for themselves forever.” When parents cannot care for their children, family members have stepped forward in countless ways through informal arrangements.

However, official child welfare practices developed along a separate track and often ignored relative placements as the best option. Agencies established guidelines to find the optimal candidates that had the effect of screening out relatives who were willing to care for at-risk children. Child welfare agencies sought out married, young, economically secure couples without children. But the actual universe of available caregivers included relatives who were older, often without partners, economically insecure, and, many times, with children of their own still in the home.

Necessity brought about change. In the 1980s, urban America was beset by enormous social problems related to drug use and the spread of AIDS. As the number of children needing out-of-home placements grew, the pool of foster parents declined. “In the 1980s,” Hill said, “the system discovered relatives, and a new term was created: kinship care.” In the intervening years, studies have been done about relative caregivers, including specific surveys about the use of subsidized guardianship programs. Hill’s research, based on data from Illinois’ use of subsidized guardians as a Title IV-E waiver demonstration project, clearly indicates positive outcomes for both children and families within subsidized guardianship arrangements.¹²

Evaluations of the Illinois demonstration program found that subsidized guardianship:

- Increases family preservation;
- Increases family reunification;
- Provides greater family continuity;
- Causes less trauma to children;
- Creates greater stability for children with fewer placements;
- Demonstrates lower levels of child abuse;
- Promotes the same levels of safety and permanence as adoption; and
- Does not appear to foster entry to child welfare system.

Implications of Racial and Ethnic Equity for Guardian and Relative Placements

“One million black children in America do not live with either of their biological parents. Of that one million, 200,000 are in foster care, but where are the other 800,000?” asked Dr. Hill. He emphasized that relatives, without subsidies or services, are caring for 80 percent of African-American children who do not live in their parents’ homes.¹³ But most research focuses on children who are in the child welfare system.¹⁴ “We should do a more complete job,” Hill said. “We should find out what the needs are of children and their caregivers who operate outside the system. We do know that relatives get less money and fewer services. They should get the same money, services and should not be penalized.”¹⁵

Hill cautioned about the widespread acceptance of stereotypes regarding relative caregivers: too old, interested in financial benefit, and prone to similar negative behavior patterns.¹⁶ He challenged these beliefs, stating that if relatives are willing to assume child care responsibilities, they should be treated as other child caregivers.¹⁷ Hill pointed out the need for more research on other ethnic communities with regard to relative caregivers, specifically the Hispanic, Asian, and American tribal groups.¹⁸ In concluding his remarks, he emphasized that research should focus on qualitative as well as quantitative data.

The New England Analysis

The Department of Urban and Environmental Policy and Planning at Tufts University provides students with the opportunity to learn every aspect of the public policy process. In particular, students are challenged to develop research projects that identify problems, construct solutions, and develop plans to move the solutions forward.

In 2005, five master's-degree students interested in child welfare policy approached Casey Family Services with a proposal to analyze policy developments in the area of youth permanence in the New England states served by Casey Family Services. The resulting research was published as in-depth analysis of subsidized guardianship programs in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.¹⁹ Rachel Bratt, dean of the Department of Urban and Environmental Policy and Planning, provided the 2006 Subsidized Guardianship Symposium attendees with essential details of the Tufts project illustrating the use of research as an instructional means to enhance students' understanding of the public policy process.

Of the six states surveyed in 2006, Connecticut and Massachusetts had well-established subsidized guardianship programs; Rhode Island had a program with very restricted eligibility; and Maine had just begun to implement a program. Neither New Hampshire nor Vermont offered support to guardians of foster youth. Social Services officials in all of the states reported significant interest in the use of kinship and guardian caregivers to achieve stable and permanent placements for youth exiting foster care. This was especially true in light of the 2003 evaluation of subsidized guardianship in Illinois that provided strong evidence that subsidized guardianship had made important contributions to permanency outcomes in the state.

With regard to other data related to placement options, the analysis indicated that the majority of children exiting foster care were reunited with their biological parents. This seemed to confirm an ideological emphasis or preference for reunification. The second most common placement option was adoption, followed by guardianship, and independent living arrangements. In a specific finding, it was clear that minority youth were over represented in foster care throughout the Northeast region and that the benefits of subsidies and services becoming available to guardians, including relatives, would increase the rates of permanence within this population.²⁰

Interviews with stakeholders in all six states revealed recurring opinions about its perceived advantages and disadvantages.²¹ The most frequently cited benefits of subsidized guardianship programs were the following:

- Equity of consideration for relatives and kinship caregivers.
- Provision of a critically needed subsidy.
- Advantageous option for older youth.
- No parental rights termination requirement.

Research, Evaluation, and Analyses (cont'd)

The most frequently cited criticisms and concerns were the following:

- Guardianship is viewed as an insecure permanency arrangement.
- Lack of assured state funding made funding unstable and unpredictable.
- Overlap with other programs results in redundancy.
- Problems with assuring the provision of necessary services.
- Various philosophical conflicts exist.

Based on the specific research findings of the study, the authors of the New England analysis formulated suggestions to help policy makers, advocates, practitioners, and consumers find the best and most permanent outcomes for foster youth. The recommendations were as follows:

- Permanent legal guardianship should be seen as a viable option for children in foster care.
- Proper pre- and post-guardianship support services need to be offered to children exiting to guardianship.
- Subsidy allocations to families should be monitored.
- Improvements and increased efforts should be made to properly educate legislators, professionals, and other stakeholders about subsidized guardianship.
- Accurate data should be maintained and reliable evaluations should be conducted.
- State and federal funding should reflect the commitment to guardianship as a permanency option.
- Advocates should recognize subsidized guardianship as a method of expanding and increasing permanence.
- Community stakeholders should have a prominent role.
- Subsidized guardianship should be viewed as a culturally relevant permanency option that can effectively decrease racial and ethnic disparities.²²

Building Support Through Evaluation of Title IV-E Waiver Programs

While adoption generally has been considered the most secure permanency option for children in foster care, expert analyses of policies and practices show that adoption may not be the best outcome for all children. Because adoption requires termination of all parental rights, it jeopardizes the continuity of family connections for many children. Problems inherent in the one-size-fits-all approach to foster care have emerged, as data, such as the federal Child and Family Services Reviews (CFSRs),²³ indicate how the complexities of federal funding and regulations have influenced the decisions of child welfare workers with regard to permanency planning for children.

In 1994, to support best practices in the states, the U.S. Department of Health and Human Services waived financial rules to allow greater flexibility in the use of federal funds for alternative services and supports that promoted safety, permanence, and well-being for children in the child protection and foster care systems. Assistance to guardians and kinship care programs was one category of the demonstration projects approved by the Administration of Children and Families.²⁴

As of 2007, 12 states have been granted waivers to test the use of financial assistance to guardians.²⁵ All of the programs varied in the amount of subsidy payments, eligibility criteria for guardians, and availability of supplemental support services. In the most recently approved demonstration programs, independent living and transitional services funded through the Chafee Foster Care Independence Program (CFCIP) became available for older youth. Despite differences within the state demonstration projects, program evaluations indicated positive outcomes through use of guardianship as a permanency option, particularly for older youth and racial and ethnic minorities.²⁶

The rate of subsidy had a definite impact on the use of foster care versus guardianship placements. In demonstration programs that provided levels of assistance to guardians at the same rate as foster parents, a decline in the number of foster care cases was noted.²⁷ Additionally, research derived from the Title IV-E waiver program showed that the availability of federal funds was a definite factor in the choice of permanency options for children.²⁸

In 2008, the Title IV-E waiver program was discontinued.

Lessons Learned from the Title IV-E Guardianship Waiver Demonstration Project ²⁹

- Casework buy-in and support are key to successful implementation.
- Child welfare staff need adequate training to understand policies and procedures regarding subsidized guardianship.
- Guardianship will be used more frequently if financial subsidies are equal to adoption and foster care subsidies.
- Potential cost savings to states exist in moving cases from foster care to guardianship.
- Close, early, and consistent collaboration with the courts is essential.
- Specific placement review procedures should be in place.
- Uniform and detailed evaluation formulas should be adopted by states.

Productive Results Through Positive Collaborations

At the symposium, Raymond L. Torres, vice president of the Annie E. Casey Foundation and executive director of Casey Family Services, observed: “Good information is essential to effective communications, and better research leads to more effective advocacy. We are confident that, collectively, this symposium working group will identify new policy opportunities to make guardianship and kinship care a viable and financially supported permanency option.”

To facilitate the exchange of information, a major portion of the symposium focused on program development and implementation of subsidized guardianship arrangements at the state level. “One of the major goals of the symposium is to put processes in motion to ensure that every state has a subsidized guardianship program and action to improve benefits in states that already have subsidized guardianship programs,” said Molly Mead, then a professor at the Tufts University College of Citizenship and Public Service and moderator of the information-sharing plenary.

To fully represent the dynamics of the public policy process, discussants included representatives of state child welfare agencies, public advocacy groups, and community services consumers and clients. While states with subsidized guardianship programs were featured, the experiences of states without such programs also were presented to facilitate peer-to-peer learning.

Statewide Efforts to Implement Subsidized Guardianship

Connecticut

Advocacy campaigns and court-ordered actions have been hallmarks of the evolution of a subsidized guardianship program in Connecticut. A highly focused and coordinated advocacy effort to expand support for relative caregivers, led by Connecticut Voices for Children, resulted in legislative approval of a state-funded subsidized guardianship program in 1997. Sandra Matlack, program supervisor of the subsidized guardianship program for the state Department of Children and Families, summarized the challenges of interpreting statutory language to establish a new program. “At the time, I was supervising the subsidized adoption program and we were given the responsibility to implement guardianship subsidies. We had to make sense of the law, write the policies, design the forms, and make it work with no extra money or staff. We more or less mirrored the subsidized adoption program. Sometimes things did not match up, but you are stuck with the law and we did the best we could.”

Matlack also provided valuable details about the influence of consent decree cases resulting from litigation. “Litigation is a powerful motivator for change and finding resources in support of children in the child welfare system,” she said. “We had no federal dollars for the subsidized guardianship program, but we knew the consent decree would provide the necessary legislative funding.” For example, she cited two specific exit-outcome instructions from a 1992 decree that 70 percent of children in relative foster care and 33 percent of children in adoption care were to achieve some sort of permanence within two years. The subsidized guardianship program provided valuable option beyond reunification, adoption, or long-term foster care for achieving permanence within the mandated time frame.

In Connecticut, subsidized guardianship arrangements are allowed only for children who enter the child welfare system through the courts. Originally children had to be in the system for 18 months to qualify; now the qualification time is six months. More than 1,600 children in Connecticut are now in guardianship arrangements; about 200 new cases enter into the program annually. Financial support for guardians continues until the child is age 18 (or age 21, if enrolled in a full-time education program). Children in guardianship arrangements are eligible for Medicaid. Guardians must be licensed caregivers, subject to annual reviews.

Carolyn Jackson, founder of the advocacy group Connecticut Grandparents on the Move, provided a compelling view representing both community and personal experiences. “I wear two hats,” she said, explaining her roles as an advocate and a grandparent. While grandparents form the core of her organization, other relatives who care for children are also included. They train teachers and administrators within the New Haven public schools about the needs of children in out-of-home placements. They provide information about housing, food, health, and legal issues. According to Jackson, mental health is an especially important issue because children who have been removed from their homes often have been victims of trauma over a long period of time. While foster and adoptive parents may receive subsidies to pay for special needs programs, relative caregivers outside of those two categories do not qualify. “A child’s needs are the same whether in guardianship or foster care,” Jackson stated. “So I advocate, working and fighting for support for guardians to be fair and equal.”

Maine

The creativity of child welfare staff and the close collaboration of community service groups have been the guiding forces in developing Maine’s subsidized guardianship program. Hugh Sipowicz, who was the Chafee Independent Living program manager in the Bureau of Children and Family Services of the Department of Health and Human Services (DHS), traced the evolution of the program along with the growing recognition that other permanency options were needed beyond adoption and long-term foster care. He recounted the careful preparation of cost comparison analyses between the administrative costs of foster care and the projected amounts of subsidy payments to guardians in response to legislative inquiries.

Sipowicz also discussed the Chafee Educational and Training Voucher Program (ETV), which aims to expand available resources to support youth and their families. The ETV provides resources specifically to meet the educational and training needs of Title IV-E eligible foster youth. Each foster youth can tap up to \$5,000 per year for post-secondary education and training to assist with skill development.

Sipowicz emphasized the importance of developing options and avoiding disincentives. Although Maine DHS staff sought to keep subsidies to guardians consistent with the adoption subsidies, it was not possible to win legislative approval. As a result, the lack of education assistance was a disincentive to many prospective guardians. But his consistent efforts produced a positive outcome. “I decided to see if the Chafee Education Training Voucher funds could be used to provide educational benefits to children in the care of relatives. I contacted the regional Administration for Children and Families office in Boston and got permission to do this. We then amended the state portion of the Chafee program so that children coming into the system at 13 years or older could receive educational benefits.”

This was not an easy process because there was concern subsidized guardianship might discourage adoption. Sipowicz recounted the example of one foster mom as evidence it had not. Dissatisfied with foster parenting

Productive Results Through Positive Collaborations (cont'd)

regulations, the foster mom vigorously pursued information about options, including guardianship. Ultimately, she decided to adopt her three foster children.

“Maine is an interesting example of a state that could not meet federal requirements, given state political realities,” explained Barbara Kates, director of the Maine Kids-Kin Program. She described guardianship subsidies that enable all stakeholders to work together to achieve reasonable results within a specific political, social, and economic context. As in many states, impetus for reform grew both from a tragedy involving a child in state care and from growing client needs. A team of judges, attorneys, child welfare staff, and advocates joined together to develop corrective actions.

In a related decision, a federal Title IV-E waiver was sought to implement a subsidized guardianship program to increase permanency options. The application was withdrawn when tribal groups voiced their opposition to the random sampling requirements of the waiver project on the grounds that tribal legal processes might be compromised. But over a two-year period, tribal and state government groups worked together in support of a state subsidized guardianship program. One key aspect is that tribal legal procedures are used to screen and certify guardians.³⁰

As subsidized guardianship was discussed, Kates said, “there was concern that it would replace adoption and would be too costly but we were able to maintain a useful dialogue.” Vital to the planning was inclusion of family members. When their opinions were solicited it was starkly evident that what they wanted was, “honest, clear, and complete information about options,” Kates recounted. “They also wanted to know about the intent of the providers to provide support for their families, especially mental health services. Listening to constituencies is important to being able to identify options and resources.”

Kates gave evidence about the important role of community service organizations by describing how her organization, Families and Children Together, sought funding, sometimes from non-traditional sources, to finance the provision of vital information and services to families.

Massachusetts

Ron Seletsky, adoption and guardianship subsidy administrator of the Massachusetts Department of Social Services (DSS), highlighted major issues that consistently present problems to state implementation of guardianship subsidy programs: the inconsistency and rigid regulation of federal child welfare financing, differing eligibilities and requirements of overlapping programs, and the lack of jurisdictional coordination that can lead to competition for and confusion over available funds. Seletsky cited several examples in which receiving funds for one service, such as payments to guardians, can disqualify a child or family for other services, such as housing subsidies, despite clear evidence that all services were needed. He challenged state agency staff to build public value for programs like subsidized guardianship through better communication and coordination in the interest of clients.

Massachusetts was the first state to establish a subsidized guardianship program using state funds. Currently, these comprehensive programs provide a cash subsidy equal to adoption and foster care subsidies; full state health care coverage; and a variety of respite, referral, and support services for guardianship families. Children must enter through the child welfare system. Currently, in the adoption and guardianship program with a bimonthly budget of \$1.6 million, there are 13,000 children, 3,000 of whom are in subsidized guardianship arrangements. Subsidies are available until age 22. DSS has calculated that the average length of a guardianship arrangement is 10 years with payments totaling \$75,000 per child, exclusive of health care costs. Subsidized

guardianship is widely used and generally accepted among the Massachusetts child welfare community as an effective and appropriate way for relatives and kin to make a permanent commitment to a child.

Kim Stevens founded the Boston advocacy group Raising Children's Voices because of her experiences as a birth parent of two and an adoptive parent of four. She emphasized the importance of working collaboratively and finding common ground. "As you go forward with advocacy, find partners. Look at community resources and unite around issues," said Stevens. She explained that the experiences of children and parents are common to many different circumstances and can both unite advocates and provide effective messages to policymakers. When circumstances are unreasonable and unfair to children in the child welfare system, they must be perceived as unacceptable to all children. Stevens advised that it was especially useful to promote the practice of all players considering how they would want to be treated or how they would want their own children to be treated.

Stevens raised the vital issue of including families and children in designing effective programs. "When we make a place at the table for clients, we do a better job. When we include families who know the situation best, we do a better job," she stated.

Additional States

Illinois

The evolution of kinship care and guardianship provides useful lessons about the potential of subsidized guardianship to facilitate family permanence and to promote racially equitable outcomes for children and youth in foster care. Leslie Cohen, research specialist at the Children and Family Research Center of the University of Illinois at Urbana-Champaign, reported that, in 1995, Illinois had the largest per capita kinship care population (17.1 percent) in the U.S., with African Americans constituting a large proportion. One explanation for the growth in relative care was child welfare workers' belief that relatives were not interested in legal permanence. Cohen recounted that information from foster parent focus groups gave contrary evidence. "Most of the relatives (80 percent) viewed the children under their care as 'already home' and they were committed to raising the children to adulthood." The perception that kinship foster care was a barrier to adoption became a self-fulfilling prophecy as child welfare workers acted on mistaken beliefs.

Over the last 10 years in Illinois, kinship care changed from a barrier to permanence to a positive asset due to restructured permanency options that built on the strengths of extended families and cultural traditions of informal adoptions, according to Cohen. Prior to the introduction of subsidized guardianship, for example, children in kin placements were less likely than those in non-kin placements to exit foster care to a permanent home. Since the introduction of subsidized guardianship, and with a better understanding of the desire of kin caregivers, many children who would have languished in foster care have exited the system and are living permanently with kin.

Specifically, the Illinois Subsidized Guardianship Waiver Demonstration Project found many positive results, including a six percent increase in permanency rates for children for whom guardianship was a permanency option. Cohen said further research indicates the availability of subsidized guardianship neither diminishes the number of reunifications nor increases spending. Research shows that children in guardianship are just as safe as children who are adopted and that the use of subsidized guardianship has contributed to the decline in the number of African-American children in foster care. Based on the Illinois experience, she highlighted the importance of federal support for subsidized guardianship and the continued support of families after children exit the child welfare system.

Productive Results Through Positive Collaborations (cont'd)

New York

Currently, New York does not have a subsidy program for guardians, although support exists within the state child welfare agency on the grounds that more permanency options should be available for children placed with relatives. Policy discussions have centered on the effect subsidies for guardians would have on foster care and adoption programs and on the issue of equity with a birth parent receiving Temporary Assistance to Needy Families (TANF).

A major hurdle is budgetary, but the availability of assured federal financing could overcome financial objections, according to Jamie Greenberg, director of the Bureau of Policy Analysis at the New York Office of Children and Family Services. As in many other states, research and analyses on cost effectiveness or budget neutrality would be extremely useful to child welfare agency leaders. Caseworker opinion about guardianship subsidies is thought to be generally supportive. While support might vary from county to county in New York, a significant majority would probably consider using subsidized guardianship as a discharge option in certain foster care cases, Greenberg said.

Gerard Wallace, director of the Kin Care Support Project at the Government Law Center at the Albany School of Law, provided valuable insights from his broad advocacy experience. He gave special mention to informal or private kinship care. “We have to recognize that there is not just one child welfare system in America, but two. Most kinship caregivers are part of another ‘informal’ child welfare system that is 10 to 15 times larger than the formal system. The informal system needs much more attention from laws and policies that ensure access to supports for relatives,” he said.

Wallace, a former director of the Grandparent Caregiver Law Center at Hunter College, highlighted the need for assured financing in order for states to seriously advance guardianship subsidies. He urged that organizations support the Kinship Caregiver Support Act that was reintroduced in the U.S. House and Senate in 2006 as an important potential source for relative caregivers.* This legislative proposal contains language requiring notification of grandparents and other relatives when children are removed from their homes or exit foster care. Because many relatives have not had the full range of program options disclosed to them, they might miss the chance to care for family members. Specifically, Wallace stated that it was important for states to strengthen the opportunity for kin to become foster parents. “Unless kin can enter the front door,” he said, “they cannot exit via subsidized guardianship.”

South Carolina

In South Carolina, funding has been perceived as the major barrier to approval of subsidized guardianship. Here, too, stable federal sources of funds would be a key element in policy discussions with state legislators. Advocacy groups representing relatives, especially grandparents’ rights and groups focused on aging issues, have been especially active in keeping the rights of relatives prominent in public policy dialogues at the state level on topics related to foster care and adoption. This is also true in Virginia, where implementation of a Title IV-E waiver program that would provide subsidies to guardians and relative caregivers has been postponed pending the passage of enabling legislation for subsidized relative custody.

*Since 2006, several legislative proposals related to supports for guardians and relative caregivers have been introduced by both sides of the aisle, including, but not limited to: the Improved Adoption Incentives and Relative Guardianship Support Act of 2008 (S. 3038), the Invest in K.I.D.S. Act (H.R. 5466), and the reintroduction of the Kinship Caregiver Support Act (S. 661/H.R. 5466).

Views from Consumers

When children cannot be cared for by their biological parents, family members usually assume responsibility. About two and a half million children in America today live in some sort of kinship care arrangement, usually without any assistance from state social service agencies.³¹ During the 1980s and 1990s, as the number of children requiring out-of-home placements increased and the pool of available foster parents declined, public officials reviewed the option of using relatives as foster parents. Changes in federal policy as well as important judicial rulings have resulted in greater reliance on kinship caregiver arrangements.³²

Kin caregivers frequently are grandparents. They are older, with limited finances, and have a variety of health problems. They also are more likely to be members of racial and ethnic minorities.³³ Assuming care frequently means being disqualified from other important services and supports. Nonetheless, grandparents comprise an important core of caregivers in America today. They have formed partnerships with advocacy groups and other organizations to advance the use of permanency options such as subsidized guardianship.

Carolyn Jackson, of Connecticut's Grandparents on the Move — an activist and spokesperson for the interests and needs of grandparent caregivers — provided compelling testimony about the importance of services to grandparents. “As a relative caregiver, I receive \$333 a month from the State of Connecticut for the care of my granddaughter to pay for all expenses: housing, food, clothing, school fees and activities, child care,” she said. “If I were a foster parent or adoptive parent, I would receive double that amount.”

Jackson, a long-time teacher, has been a mother to six children, including three biological children and three children she cared for in an informal arrangement with no outside financial assistance. “It just happened,” Jackson stated. “First one stayed overnight, then the weekend; the others stayed for limited periods; and then they all just stayed.” Jackson, now raising her 6-year-old granddaughter, spoke forcefully about the ongoing problems that relatives and kinship caregivers experience in their efforts to care for family members who most often require extensive and expensive treatments for emotional and physical needs. She listed their most basic needs as:

- Health and mental health care;
- Child care;
- Education support;
- Respite care;
- Training for special-needs children; and
- Personal emotional support.

Harriet Jackson-Lyons provided another dynamic voice to underscore the needs of relatives caring for children. As a single parent, she raised six children in Boston's Roxbury neighborhood. After the untimely death of her daughter, she is raising her 9-year-old granddaughter. “I don't want anyone's pity,” she said. “What I want is for society to recognize me.” Jackson-Lyons is founder of Raising Our Children's Children, a support group established in 1998 to lobby for grandparents' rights as care providers. She gave eloquent testimony about the importance of support for grandparents. “Children need nurturing and, as a grandparent, you want to keep them in the context of the family,” she said.

Productive Results Through Positive Collaborations (cont'd)

The need to recognize and support informal kinship arrangements and relative caregivers was central to commentary from consumers throughout the daylong discussions. Lynn Granger, director of Vermont Kin as Parents, reminded participants, “The informal system is vast and that support is needed for children in all types of permanency arrangements.”

“I was on my own looking for mother, father, grandparents, anyone,” recalled David Phair, recounting his turmoil as he aged out of foster care without family, connections, job prospects, or hope for the future. “I felt I had no options.” Fortunately, he was able to work with the Lifelong Connections for Youth Program in Vermont. With their help, Phair found his grandfather, grandmother, aunts, mother, and father. He explained that knowing his family has allowed him to know more about himself and to see that he can develop options and plan for the future.³⁴

Views from Policymakers

Federal Partnerships to Promote Guardianship

Within the public policy landscape, the partnership between advocates and practitioners has been a vital force for positive change that improves outcomes for children. This holds true in the field of child welfare. Central themes that have been especially important in public policy debate about subsidized guardianship have been:

- Including the voices of relatives in advocacy work.
- Fully informing kinship caregivers about rights and options.
- Involving kinship caregivers in child welfare decision making.
- Initiating public awareness campaigns to promote adequate supports for kinship caregivers, including subsidized guardianships.
- Providing support to assist grandparents and other relative caregivers.³⁵

In the context of the symposium, representatives of advocacy groups made targeted suggestions for changes in federal policy that would allow expanded use of subsidized guardianship programs at the state level.

Rutledge Hutson, senior staff attorney at the Center for Law and Social Policy, provided a succinct summary of the important considerations when assessing subsidized guardianship as a program option.

- I. What is equitable?
 - How many families operate inside and outside the system?
 - What are the payments to specific groups?
 - What are the supports to foster parents versus supports to relatives?
 - What is the treatment of racial and ethnic kin versus other groups?

2. What supports and services do relative caregivers need?

- Financial aid
- Legal aid
- Respite care
- Physical and mental health assistance
- Support groups
- Education aid

3. Issues for caregivers inside and outside the system.

- Outside: less support, more autonomy, less interaction with system.
- Inside: higher payment, more services, accountability to system.

4. TANF payments compared to foster care payments.

- TANF for kin care is less than half; some grant money, limits on eligibility exists.
- Foster care payments are greater and more services are available.

5. Subsidized guardianship has distinct advantages for families.

- More appropriate arrangement for older children and youth.
- Promotes stability and continuity of relationships.
- Preserves necessary child safety considerations.
- Can be used to assure delivery of services.

6. Pending federal legislation to promote subsidized guardianship.

- S. 661 — Kinship Caregiver Support Act, previously S.985.
- H.R. 2188 — Kinship Caregiver Support Act, previously H.R. 3380.

7. The political and budget environments at the federal level are inter-connected.

- Federal budget deficit reality requires large spending cuts.
- In 2006, \$400 million was lost to child welfare in the Deficit Reduction Act that also made specific cuts in Title IV-E administration and placement funds, Title IV-E support to relative foster care, cuts to Medicaid.
- Use of “pay-go” budget rules means any increase must be offset by cuts elsewhere.
- The defense budget will see a large increase, and that means cuts elsewhere.
- Spending cuts indicate significant impact for the reauthorization of the State Child Health Insurance Program.³⁶

Productive Results Through Positive Collaborations (cont'd)

Good Tactics for Supporters of Subsidized Guardianship in Policy Debates

- “Fly below the radar”
- Use reasonable cost estimates
- Stay “small” in the budget and know potential offsets
- Work with the political leadership
- Understand realities at the state level
- Build partnerships within communities
- Keep federal deficit reality in mind
- Always remember that children did not create the deficit and should not have to pay for it.

An Advocate’s Perspective

The bottom line for state officials, both legislative and executive, is the budget process. This is particularly true in the often arcane world of social services financing. For this reason, symposium presenters stressed the importance of effective strategies and partnerships in order to achieve policy changes that, of necessity, involve funding shifts. Much attention has been focused on the use of federal funds, so the realities of the federal budgetary process are particularly important.

Jennifer Miller, founding partner of ChildFocus Partners, and Sondra Jackson, executive director of Black Administrators in Child Welfare, provided arguments for federal funding to extend subsidies and services to a broader group of relatives who are guardians. They also suggested an array of strategies to use to advance the arguments. Compelling reasons to extend federal funding to guardianship subsidies and services could include:

- The annual TANF renewal process is inefficient and costly.
- State budget cycles undermine program stability.
- Federal funding would insure availability in all states.
- Federal funding would decrease state budget pressure.

Strategic planning to advance a campaign for federal guardianship subsidies should always be supported with research-based reports on issues like the following:

- Safety: *Children are doing well in relative care.*
- Bi-partisanship: *Keeping families together has strong, universal appeal.*
- Budgetary impact: *New funding does not always become an entitlement program and “front-end” savings in program costs is possible.*
- Equity and efficiency: *Solid examples are useful for planners and budgeters.*

Jaia Peterson Lent, public policy and outreach director at Generations United, emphasized the power of advocacy and the importance of using it well.³⁷ She reminded participants particularly of the power of youth

and family voices and urged that their compelling stories be shared. She described the essential elements of effective advocacy in the federal legislative process.

- Statistics and data: *Use solid research, share strategically, know the audience, know the finances, and know how to work the numbers.*
- Stories: *Use the power of youth advocacy and the urgency of permanence.*
- Meetings: *Make efficient use of time with legislators to communicate points.*
- Materials: *Make them targeted and succinct.*
- Media: *Raise awareness in specific markets and have a specific story.*
- Multiples: *Use local advocates to indicate the range of support.*

A State Legislator's Perspective

Policymakers rely on interaction with interest groups to formulate a consensus that guides the decision-making process. In the case of child welfare policy, the views of practitioners are particularly important. Policy advocates, in partnership with practitioners, can create powerful alliances to provide information to those who make public policy, including legislators. Salima Siler Marriott, Baltimore deputy mayor for community and human development, was a member of the Maryland House of Delegates for 16 years.

A trained social worker, she brings a unique combination of both legislative and executive perspective to social and civic issues. Speaking on the topic of necessary supports for caregivers, Marriott told symposium participants: “I come to the discussion as a former social worker and parent and from a family tradition of caring for family members.” She spoke eloquently about how families break apart because of poverty, drug use, disease, and lack of education, and how families struggle to care for their own family members. She reported that in Maryland, 75 percent of children not living with their parents live with relatives, but that not all qualify for kinship assistance. Maryland is one of the Title IV-E waiver states that allow the use of federal funds to support guardians and relative caregivers.

Marriott listed important topics to bring to the public policy arena to achieve greater support for relative caregivers and guardians:

- Enhance publicity about available services and benefits.
- Increase community resources to improve housing.
- Improve access to educational resources.
- Maintain a holistic view of family in the community.
- Emphasize the view that the needs of children in the child welfare system are the same as that the needs of children in general.
- Encourage agreement that relative caregivers can receive the same level of support as foster parents.

Budgetary difficulties are the universal challenge for all state legislators. State budgets are at the mercy of general economic cycles that determine the state revenue base. In the words of Michael Brennan, former majority leader of the Maine State Senate, “State budgeting is a zero-sum game, funding increases for one program come at the expense of another.”

Productive Results Through Positive Collaborations (cont'd)

A Commissioner's Perspective

Massachusetts was the first state to offer financial assistance to guardians. The subsidized guardianship program, begun in 1983, was financed entirely with state funds. Massachusetts has served almost 3,000 children in subsidized guardianship arrangements since that time, about half with relatives as guardians. Recent data indicate that subsidized guardianship is “widely used and generally accepted” by state child welfare workers as “an effective and appropriate way” to achieve permanence.³⁸

In the words of Harry Spence, former commissioner of the Massachusetts Department of Social Services: “[Massachusetts] began to look at the system through the lens of permanence. That meant moving to a system where we keep kids as close to home as possible, creating permanency incentives for everyone involved in the system, and making a systemic commitment to permanence as a goal for children.”

In the keynote address to symposium participants, Spence spoke powerfully about the essential nature of family, stating that humans need family and that life without family is “deeply destructive.” In his view, saving the lives of at-risk children requires building and maintaining human connections. He stated that it was essential to understand that child welfare involved much more than just child protective services. Spence emphasized the importance of looking beyond the goal of child safety to the equally important goal of child well being. He elaborated that safety was a threshold of permanence and that no child should arrive at adulthood without lifelong permanent connections

Spence explained that the “industrial model” of child welfare involved protecting children by using checklists, but that a more complete model involved the use of good judgment. Good judgment in his view allows qualified professionals to exercise deeply held values about the importance of family connections.³⁹

Efforts to Support and Sustain Guardianship

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

- The need 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 the Congress approved the Adoption and Safe Families Act (ASFA) that established permanence as a principal goal for children in state care.⁴⁰ Subsequent studies and evaluations of state agency implementation of ASFA have been key in achieving change.⁴¹

Equally compelling in policy discussions has been the issue of potential cost advantages to state budgets. 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.⁴²

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.⁴³

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 to relatives caring for children outside of the child welfare system.⁴⁴ 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.⁴⁵

Federal Legislative Proposals

Support for subsidized guardianship in the child welfare community has been mirrored by significant legislative support at the federal level. In the past several years, legislative initiatives have proposed increased financing for services and programs that are vital to low-income guardians, such as child care, respite care, housing assistance and health care, including mental health. Under the sponsorship of Senators Hillary Clinton (D-New York) and Olympia Snowe (R-Maine) and Representative Danny Davis (D-Illinois), legislation was introduced in the Senate and House to establish kinship guardianship assistance at the federal level. Titled the Kinship Caregiver Support Act, the proposal has been reintroduced in 2007 [S.661 and H.R. 2188]. Both House and Senate bills had these provisions:

- Authorizes the HHS Assistant Secretary for Children and Families to make grants to eligible entities to pay the federal share of kinship navigator programs.
- Amends section E of Title IV of the Social Security Act to authorize all states to opt into agreements to provide kinship guardianship assistance payments on behalf of children to grandparents and other relatives who have assumed legal guardianship of children for whom they have cared as foster parents and have committed to care for on a permanent basis.

Efforts to Support and Sustain Guardianship (cont'd)

- Provides that adoptive parents of children with special needs remain eligible for adoption assistance, even if they receive kinship guardianship assistance.
- Authorizes the use of foster care independence program funds to provide independent living services and education and training vouchers for children who exit foster care to kinship guardianship or adoption after the age of 14.
- Authorizes kinship guardianship demonstration projects.
- Requires states to notify all adult grandparents and other adult relatives when a child is removed from custody of a parent or parents; requires states to explain the options the relative has to participate in the child's placement.
- Allows state agencies to establish separate standards for foster family homes in which a foster parent is a relative of the foster child.

The House version expands the definition of family support and requires that state inform caseworkers and families of all permanency options and services eligibility.⁴⁶ At the time of this report's publishing, this legislation is no longer active.

Policy Directions

A general consensus grew from the various constituencies participating in the symposium that subsidized guardianship was a very important permanency option that should receive strong support at the federal and state levels. Broad support was evident for these policy directions:

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

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