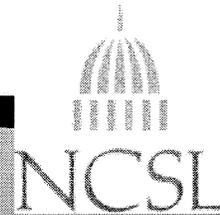


# Kinship Care: Overview of State Legislative Initiatives

Maine Kinship Care Task Force

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## Presentation Overview

- ▶ **Part 1. Background**
  - Types of kinship care
  - Numbers of children in care
  - Outcomes for children in care
  - Fostering Connections Act of 2008 (FCA)
- ▶ **Part 2. Child and Family Services Reviews**
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- ▶ **Part 3. Kinship Care Issues of Concern to Maine Legislators**
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  - Child welfare agency involvement
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  - Supports for formal kinship foster care and informal relative caregivers

## Overview: Types of Kinship Care

### Private kinship care (informal):

- Child living with a relative because of a private agreement between the relative and the birth parent; no child welfare agency involvement.

### Voluntary kinship care:

- A family becomes involved with a child welfare agency, agency suggests child moves in with kin without taking custody.

### Kinship foster care:

- Child welfare agency takes custody after child maltreatment investigation; child is placed with a child welfare agency-approved relative caregiver

## Background: Numbers of Children in Kinship Care in U.S.

2.5 million children lived in households with neither parent present (U.S. Census Bureau 2007)

- Estimated 542,000 children placed in care of relatives after social services involvement (NSAF 2002); courts place 405,000 children with relatives
  - Parental substance abuse/mental illness
  - Child abuse or neglect
  - Family violence
  - Parental incarceration
  - Parental military service
  - HIV/AIDS

## Background: Numbers of Children in Kinship Care in Maine

- 9,276 children live in grandparent-headed households (3.1% of all the children in the state)
- Another 2,078 children live in households headed by other relatives (.7% of all the children in the state)
- 5,074 grandparents report they are responsible for their grandchildren living with them:
  - 1% are African American; 1% Hispanic/Latino; 2% American Indian or Alaskan Native; 2% Asian; and 93% White.
  - 51% of these grandparents live in households without the children's parents present
  - 71% are under the age of 60
  - 15% live in poverty

Grandfamilies Fact Sheet 2008

## Outcomes for Children

Children in foster care who are placed with relatives, compared to children placed with non-relatives:

- have more stability (fewer changes in placements),
- Have fewer school changes
- have more positive perceptions of their placements,
- are more likely to be placed with their siblings,
- are less likely to re-enter care,
- and demonstrate fewer behavioral problems

Center for Law and Social Policy 2007 Fact Sheet

## Fostering Connections to Success Act of 2008: Support for Informal and Formal Caregivers

- ▶ **New state options for subsidized guardianship payments for relatives (optional)**
  - States will be able to use federal Title IVE funds for this purpose
- ▶ **New Family Connections grants (optional)**
  - Kinship Navigator
  - Family Finding
  - Family Group Decision-Making
- ▶ **Relative notification (required)**
  - Within 30 days after a child has been removed from parental custody, the state must provide notice to all adult relatives of the child
    - Except in cases of domestic violence
- ▶ **Waive licensing standards for relative foster homes**
  - On a case by case basis, non-safety standards
- ▶ **Training**
  - adds relative guardians

## Part 2. Child and Family Services Reviews (CFSRs)

## Federal: Child and Family Services Reviews

- ▶ **Congressionally authorized review of state performance in 3 domains of child welfare:**
  - Safety
  - Permanency
  - Child and Family Well-Being
  
- ▶ **Program Improvement Plans (PIPs)**
  - Required if state not in conformity; potential penalties

## Federal: Child and Family Services Reviews (CF SRs)

- ▶ **Placement with relatives**
  - Important indicator measured on the CF SRs
  - Common challenge for many states
  - Strong performing states (in the area of stability of foster care placement) use relative placement as a strategy
  
- ▶ **Maine May 2009 review**
  - 65 cases: Cumberland, Kennebec and Washington counties
  - Interviews/focus groups: children, youth, parents, foster/adoptive parents, child welfare agency, Tribes, attorneys, courts, others
  - **Area needing improvement:**
    - Efforts to seek and assess relatives as placement resources

## Part 3. Kinship Care Issues of Concern to Maine Kinship Care Task Force

- Achieving stability and permanency
- Balancing rights of kin, children, parents
- Child welfare agency involvement

### Achieving Stability and Permanency

#### ➤ Achieving stability and permanency

- Preventing out-of-home placement
- Reducing length of stay in care
- Reducing disproportionality

#### ➤ Strategies

- Kinship care
- See new NCSL publication: *Legislative Strategies to Safely Reduce the Numbers of Children in Foster Care:*
- Home visitation programs
- Differential response
- Substance abuse treatment services
- Family team meetings
- Post-adoption subsidies
- Legal representation
- Family drug treatment courts
- Caseworker visits

## Balancing rights of kin, children, parents

### ▶ Issues in formal and informal kin care

- Custody of children – limits of guardianship
- Rights of birth parents
- Kin reluctance to terminate parental rights/adopt
- Provide support for informal caregivers?

### ▶ Strategies

- Subsidized guardianship
- Legal guardianship
- Legal custody
- De facto custodianship laws
- Medical consent and school enrollment laws
- Kin, parent, child involvement in decision-making
- Relative right to be heard
- Relative notification

## Child welfare agency involvement

- Issues
  - Program administration/funding, e.g., screening, eligibility determinations, etc.
  - Does not trigger CPS investigation if child is safe
  - State reimbursed only for Title IV-E eligible children in their custody
  - Subsidized guardianships reduce administrative workload
  - Adoption disincentive
  - CPS agency reluctance to place children with relatives
  - Lack of support for caregivers, guardians
- CPS involvement
  - Intrusive
  - Increases CPS caseload
  - Disincentive to relatives seeking help who are wary of agency intervention

## Part 4. State Initiatives

### Supports for formal kinship foster care and informal relative caregivers

- ▶ **Formal kinship foster care**
  - Subsidized guardianship -FCA
  - One time payments
  - Kinship navigator
  - Family finding
  - Medical consent
  - School enrollment
- ▶ **Informal**
  - State funded subsidized guardianship - KS, LA, NV, TN, CA
  - Kinship navigator
  - Family finding
  - TANF child-only payment
  - One time payments
  - Medical consent
  - School enrollment

Major State Kinship Care Initiatives	
Subsidized Guardianship: Fostering Connections, State or TANF Funded	38 States prior to Fostering Connections
One Time Payments	CO, OH, TX
Kinship Navigator Programs	Statewide: New Jersey, Ohio, and Washington <ul style="list-style-type: none"> <li>▪ Recently implemented: Connecticut, Kentucky, Indiana, Minnesota, and New York</li> </ul>

Major State Kinship Care Initiatives	
Medical Consent or Power of Attorney	26 states (including Maine) have some form of medical consent law: <ul style="list-style-type: none"> <li>▪CA, OH, PA, TX, WA (includes consent for mental health treatment)</li> <li>▪CO, KS, NY (immunization consent only)</li> <li>▪NV (emergency care only)</li> </ul>
School Enrollment or Power of Attorney	California, Connecticut, Delaware, Hawaii, Louisiana, Maryland, Montana, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, and South Carolina. <ul style="list-style-type: none"> <li>▪22 states grant power of attorney – includes ME</li> <li>▪Child's residency follows them, rather than parents: <ul style="list-style-type: none"> <li>▪Michigan, Missouri, Rhode Island, South Dakota, and Virginia</li> </ul> </li> </ul>
Relative notification	Pre – Fostering Connections: FL, IL, KY, MD, NY, OR, TX, WA; since Fostering Connections: AR, CA, CO, CT, GA, IN, IA, MN, ND, OK

## State Highlights: Subsidized Guardianship

- 38 states had subsidized guardianship programs – including Maine
  - Funding: state, TANF, SSBG, federal Title IV–E waivers
  - FL, MN supported children in former state custody or court supervision
  - KY, LA, NV, NM, NJ – included children with no current or past child welfare or court involvement

## State Initiatives: Subsidized Guardianship

### Fostering Connections to Success Act of 2008:

- 7 states enacted legislation in 2009 and 2010
- 17 states submitted an amended state plan, including ME
- 4 states have approved state plans – MI, PA, RI, TN
  - MI and PA both have programs that will reach non-IV–E eligible children
    - PA: state-funded Subsidized Permanent Legal Custodianship
    - MI: state-funded

## State Highlights: California

### California KinGAP – 2000

- Disproportionate numbers of minority children in foster care – esp. relative foster care
- Need for additional permanency options
- TANF surplus
- 100% of basic foster care rate, based on age
- Child receives specialized care increment and clothing allowance
- 5-year evaluation
  - Savings, positive results
  - Support for informal caregivers
  - Allowed children to exit foster care

## State Highlights: Illinois

### Illinois – Title IV-E Federal waiver – 1997

- ▶ Fewer children remained in long-term foster care
- ▶ No increase in subsequent child maltreatment
- ▶ Waiver was cost neutral in actual costs
- ▶ Savings in administrative costs – \$54million

### Enhanced Subsidized Guardianship

- ▶ 14 or older youth adopted or in legal guardianship
  - Employment incentives
  - Life skills training
  - Education and training vouchers
  - Housing cash assistance

## State Highlights: Louisiana

- Louisiana Kinship Care Subsidy Program
  - 1999
  - Grandparents, step-grandparents or other adult relatives
    - Obtain, within 1 year, legal custody or guardianship
    - Income less than 150% federal poverty level
    - Apply for TANF benefits
    - Neither parent living in household
    - Agree to pursue child support enforcement against parents
    - Funded through federal TANF

## State Highlights: D.C., KS, KY, LA, NJ, NV, OH

- Preventive Subsidized Guardianship
    - Avoid foster care costs
    - Assist relative guardians
    - Reduce disproportionate representation of minority youth in foster care
    - Achieve permanency for older youth
      - Monthly subsidy (TANF, state funds)
      - Start-up costs – furniture, rental deposit
      - Legal services
      - NJ Kinship Wraparound funds – services, legal expense, adoption
      - Medicaid, information referral, transportation, counseling, medical assistance, respite, child care, parenting skills, clothing
- <http://www.childfocuspartners.com/pdfs/PSGandtables.pdf>

## State Highlights: Maryland

- Maryland Kinship Care
  - Formal – in custody
  - Voluntary – custody is not required, TANF child only grant
  - Consent of health care and education affidavit
  - Subsidized guardianship demonstration project
  - Child may be eligible for:
    - Temporary Cash Assistance "Child Only Grant"
    - Child Support
    - Medicaid
    - Food Stamps
    - Child Care
    - Maryland Energy Assistance Program (MEAP)
    - Office of Home Energy Programs (OHEP)

## State Highlights: Washington

- Washington Kinship Care
  - Kinship Relative support services fund for unlicensed kinship families
  - Kinship Caregivers Support Program for non-child welfare system caregivers – financial assistance for food, clothing, school, transportation
  - Kinship Care Workgroup and Kinship Oversight Committee
  - Development of stronger relative search
  - Kinship Navigator – 2 pilot projects
  - School enrollment, medical and mental health care consent
  - New 2009 legislation for FCA subsidized guardianship

## Contact Us:

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