

Report to the Legislative Task Force on Kinship Families
Based on a September 15, 2010 meeting of kinship families and Task Force
members and comments from other grandparents who called F.A.C.T. to have their
concerns presented to the Task Force

Meeting Design: Per request of local kinship families, Families And Children Together invited families and task force members in the Bangor area to come together to discuss the direction of the task force. Ten kinship parents attended as well as Senator Richard Rosen, Representative Sara Stevens, Dr. Joanna Dotts and Barbara Kates. Ms. Kates facilitated the meeting. Each kinship parent was given the opportunity to say one thing that they wanted changed for kinship families. Then there was a discussion about possible options to be considered. Kinship parents were provided the opportunity to correct these notes before they were submitted to the Task Force.

Brief Summary: There were two key areas of concern for the grandparents. One was stability and permanency for the children. The other was financial support for the children. A third issue was briefly addressed regarding child protective services response to grandparents about their reports of child abuse and neglect. Details on each of these discussions are below.

Introductions: During introductions and in describing their goals, kinship parents shared a little of their experiences reflecting a broad cross section. Here are their situations:

- One has children currently in DHHS custody. The oldest has been returned to her mother three times during her five years of life. The grandmother wondered how many more times she would be returned.
- Another described the economic hardships of raising three high needs boys after her husband was disabled.
- A third discussed the particular financial challenges for someone who is not related by blood or marriage.
- One grandmother, who has permanency guardianship through the child protective system, described how well the DHHS and court system worked for her family. The money she receives through subsidized guardianship makes it possible for her to stay home full time to parent a child whose special needs require careful attention.
- One, who recently had three grandchildren come to live with her, talked about the difficulties in getting services in place including education, housing, health services, legal authority and financial support.
- One couple described how the probate court had recently ordered their thirteen-year-old granddaughter to live with her mother, although the granddaughter had lived with her grandparents all her life. She suddenly had to leave her home, school, and community. There was no evidence that the

mother was not a fit parent because the mother had never before had the responsibilities of a parent.

- Another couple described their work to ensure that their thirteen-year-old granddaughter has plenty of contact with her mother and sister, but realize their situation is very like the couple that lost guardianship of their child.
- One was a great-grandmother raising a young and very active child.
- None of the grandparents had adopted their grandchildren. Almost all, who still had the children, expected the children to grow up in their homes.

Stability and Permanency for Children: The group was particularly interested in what changes might be made in Maine Law that will support the children's needs for stability. Here are their suggestions to the Task Force:

1. There needs to be clarification in the law regarding the definition of an "unfit" parent. Does the fact that a parent has chosen not to take on parental responsibilities for 10 years and then decides to parent mean that the parent is unfit? Does it mean the parent is "unfit" if the parent does not recognize that it is in the child's best interest to have stability?
2. Guardian-ad-litem in the Probate Court should be required to obtain certification. There should not be a cap on the number of hours of GAL work unless the court determines that the report is complete.
3. When a guardianship is terminated in court, the court should provide for a transition period. Could supports and oversight be provided for the transition?
4. There should be changes in the laws related to terminating parental rights and adoption in order to reduce barriers to permanency. Children often request to be adopted. They are aware that the lack of permanency means that the parents can continue to "stir the pot". People are reluctant to seek termination of parental rights because they are worried about the potential rift in their relationship with the birth parents and potential losses for the child. Some people do not adopt because the children would lose their Maine Care and the grandparents cannot afford to pay for their medical care. (A F.A.C.T. survey of clients found that almost 20% were without insurance.)
5. The rules and laws of the Child Protective System might serve as guidelines for changes in the guardianship of minors law. For example, could time lines for parents taking responsibility for parenting transfer from one system to the other? What has Maine learned from permanency guardianship? If this has been successful, should some of the same rules or guidelines be applied to guardianships in Probate Court?

Financial Support for Children:

1. It is unfair that people who are strangers to the children get so much more support in the foster care system than people who are related. Even if the grandparents successfully complete training and get a foster care license, and their children have high needs, they can not get higher than the \$16 per day. Strangers are able to get up to \$30 per day. Those outside the foster care

system feel punished for stepping forward before DHHS got there. "I did the right thing but if I had waited for the children to be hurt I could have become a foster parent and would have gotten support for the children."

2. There needs to be increased information about what financial support is available to families. Currently, F.A.C.T. is the only organization that makes a comprehensive list available to families. This information should be readily available through DHHS.
3. People who are unrelated by blood or marriage should be able to access child-only TANF or something comparable.
4. Kinship families should be eligible for resources for the children that the unemployed parents are able to access. The children should not lose resources because they have to go and live with a kinship family.
5. Do not reduce financial support if the family adopts.
6. Provide housing support quickly when the children come to live with a kinship family including reducing barriers to applications for larger apartments and making the family a priority on waiting lists.

Reports of Abuse or Neglect: There was concern that when grandparents report abuse or neglect that it is not taken "seriously" enough. It is very frustrating to be aware that your grandchild is at risk of further abuse or neglect, and not be able to do anything about it. There was recognition that the DHHS workers may need to consider that the report is untrue, but the workers should err on the side of safety. Sometimes, when a doctor makes the same report it suddenly merits attention.

In addition, two grandparents, unknown to each other, called Barbara Kates and asked her to communicate to the Task Force their concerns about the Child Protective practice of developing a safety plan that requires the children to move in with relatives and not come into state custody. They believe that when DHHS finds that safety is so compromised that a child needs to move to another home, then DHHS should take custody of the children through the court process. The Court then provides oversight to ensure that the parent meets criteria to eliminate jeopardy and that the children's best interests are met. Also, the children and parents are able to access services unavailable in the informal system. Both these grandparents took the children into care as part of a safety plan and both believe that the children were returned to their parents before there was adequate evidence that the children would be safe.