

Kinship Guardianship Assistance: A Permanency Option for New York State

Foster care children, especially older youth who cannot return home and have not been able to find an adoptive family, will have an additional opportunity to find a permanent home if new legislation is passed in New York State. Governor Paterson has proposed a Kinship Guardianship Assistance program as part of his 2010-11 initiatives included in [Article VII language of his budget](#).

What Kinship Guardianship Assistance Is

Kinship guardianship assistance provides a legal transfer of rights of care, custody and supervision to family members caring for their grandchildren, nieces, nephews, etc. without terminating parental rights. Importantly, it confers on guardians the authority – which they do not have as foster parents - to make education and medical decisions on behalf of the child in care. In addition, kinship guardianship assistance continues a portion, or all, of the financial support the guardian received in foster care to help defray expenses incurred in caring for a child. This financial assistance is especially important to those relatives who are retired, living on fixed incomes or caring for their own children. Most importantly, the child gains a sense of belonging to a family that he/she might not have had for a long time without fear of being uprooted once again.

Kinship guardianship assistance also reduces the administrative burden on the child welfare system. When a child is placed with a caring relative, monthly caseworker visits, routine court appearances and regular case reviews are no longer needed. These activities serve a purpose when determining the safety of a foster care home or a return to the parental home.

Why This Bill is so Important

Outcomes for youth who age-out of foster care are not promising. These youth are more likely to become disconnected, earn low incomes, be on public assistance, have higher teen pregnancy rates, or be incarcerated than other youth. The societal costs in terms of lost wages, lost taxable income, and higher Medicaid and public assistance payments are very high. A study by Cutler Consulting concluded that: “A conservative cost of over \$5 billion per cohort year as the ‘costs of bad outcomes’ certainly makes the point that tremendous return on investment can be achieved by providing effective services and supports and especially the creation of permanent relationships with responsible and caring adults.”

Youth who cannot return home and for whom adoption has been ruled out need another option. The longer a child stays in foster care the less likely that child will return home; 78% of those

who returned to their parents were in placement two years or less. The older a child is, the less likely (s)he will be adopted. Over 6%, or 4.5 million, of all children nationally are living with their grandparents. Another 1.5 million are living with other relatives.

The leading reason that relatives step up and raise these children is due to the parent's struggle with substance abuse. Other reasons include mental illness, incarceration, HIV/AIDS, death of a parent, poverty, child abuse and neglect, teen pregnancy, and unemployment. Kin placements are likely to lead to better outcomes for these youth because they are more stable; children experience less disruption and trauma; and sibling relationships are more likely to be maintained.

Kinship guardianship assistance is also a more culturally sensitive option for minority families. According to the Government Accountability Office (GAO), kinship guardianship assistance is regarded as "more reflective of the cultural values held by some African-Americans and other families of color and better suited to the needs of African-American and Hispanic families who want to permanently care for related children without necessarily adopting them."

The financial savings for local departments of social services can be significant, between \$4,000 and \$12,000 per child in administrative overhead. Illinois realized cost savings by moving more than 30,000 children out of foster care and into kinship guardianship assistance placements. Over five years, the state reaped \$54.4 million in savings (\$90 million in ten years). Illinois reinvested the savings in caseload reductions.

About the Bill

The requirements in this proposed bill align with the criteria for federal funding outlined in the Fostering Connections to Success and Increasing Adoptions Act passed in 2008. The legislation provides:

- Relatives with financial assistance to cover expenses associated with caring for a child in their homes at the same payment level as the local department of social services provides for adoption subsidies. Payments are subject to changes in room and board rates and clothing allowances. Payments can be adjusted depending on the relative guardian's circumstances and the child's special needs.
- Payments to relatives until the child is 18, or until age 21 if the child entered a kinship guardianship assistance placement after age 16 under certain conditions.
- Reimbursement to relatives for up to \$2,000 in legal expenses.
- Automatic eligibility for medical coverage to children who are qualified for federal funding. Provisions are made for health insurance coverage for children who do not qualify.
- Independent living expenses and educational and training vouchers for youth who leave foster care for kinship guardianship after age 16.

- Access to a fair hearing process if a family's application is denied, if payments are discontinued, or if there is disagreement over the amount of the payments.
- Local departments of social services the authority to make case assessments; make decisions related to reunification, adoption and kinship guardianship; and set the dollar amount for payments.
- Local departments of social services reimbursement for those children and youth who are Title IV-E eligible.
- Courts with the authority to review guardianship petitions and to hold hearings in situations where all parties do not consent to the guardianship. Determinations must be made in the best interests of the child.

Foster Care Block Grant funding will be utilized for the expenses related to a kinship guardianship assistance program. While the block grant is inadequate to meet the current needs of foster care children, estimates for first-year expenditures for guardianship assistance are cost-neutral. When the NYS Child Welfare Financing Law comes up for renewal in 2012, revisions to the law must include a separate funding source for guardianship assistance. This will ensure that local departments of social services are not burdened with payments they cannot afford and that kin are adequately supported in their care for children.

Eligibility Under the Legislation

To approve a child for the program, the local department of social services must find that:

1. the child has been in foster care in the home of the prospective relative guardian for at least six consecutive months;
2. return home and adoption are not appropriate goals for the child;
3. the child demonstrates a strong attachment to the prospective relative guardian;
4. the prospective relative guardian demonstrates a strong commitment to caring for the child on a permanent basis;
5. the child has been consulted if the child is 14 years or older; and
6. appointment of the relative as a guardian is in the child's best interests.

Relatives must apply to enter into a guardianship placement and complete required background checks before reaching an agreement with the local department of social services. Relatives must be related by blood, adoption or marriage to any degree of affinity.

Training funds provided through the federal Fostering Connections Act should be used to publicize subsidized guardianship and to train child welfare workers to discuss options with family members, helping them understand all of the alternatives involved with foster care decisions.

Experience in Other States

Both Illinois and California achieved a significant decline in long-term relative foster care once their programs were implemented. California achieved a 43% decrease in just two years and Illinois a 42% decrease, most of which researchers attributed to the new option. Maryland, on the other hand, achieved only a 24% decrease. Maryland's lower rate was attributed to the sizeable difference in maintenance payments for legal guardians compared to those who remained foster parents, \$300 vs. \$600 per child. There was no rate difference in Illinois or California: both pegged their subsidies to the foster care boarding rate. The difference in payment amounts in Maryland effectively discouraged kin moving out of foster care to guardianship.

Kinship guardianship assistance reduces the number of days youth spend in foster care. Illinois reduced the average length of stay in foster care by 269 days (22%), while Wisconsin reduced the average stay by 32% or 133 days. In addition, the kinship guardianship assistance option in Illinois led to unexpected increases in the adoption rate, improving permanence for a greater number of children. Analysis found very little difference in reunification rates between states with and without the program, indicating that a kinship guardianship assistance option does not affect a child's chances of returning home to his or her parents.

In Conclusion

Now that federal funding is available for kinship guardianship assistance, New York has an opportunity to provide an alternative path to permanency for youth who cannot return home and for whom adoption has been ruled out. This option is rooted in the best interest of the children, respects family relationships, saves the state and local districts money, and reduces child welfare workloads.

SCAA urges your support for the governor's proposed Article VII legislation to create a kinship guardianship assistance program in New York State.

Resources

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