



## Making the Case for the Guardianship Assistance Program

### The Fiscal Case

- **Without the Guardianship Assistance Program (GAP), states likely will continue to pay for children with relatives in foster care until they age out at age 18 or older.** Since return home and adoption must be determined inappropriate before children are eligible for assistance from the GAP, children who do not have a guardianship option will likely stay in foster care at state expense and age out at age 18 or older with no legal permanency.
- **State administrative savings will likely result.** Experience in states has demonstrated that when children move to relative guardianship and out of foster care, it results in administrative savings that then can be reinvested to help other children leave care more promptly.
- **States that run their own subsidized guardianship programs entirely with state funds will be able to share the costs for at least some of the children in these programs with the federal government once they start GAP, provided the children meet federal eligibility requirements for GAP.** This will then free up state dollars so the state can extend support to additional relative caregivers, either those who are caring for children in foster care and not eligible for federal assistance, or those who are caring for children and keeping them out of foster care.
- **States can receive federal GAP support for some children living with relative guardians even if they had left foster care with the relative guardian before the Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections) was passed.** The state may provide GAP for these children provided they otherwise meet all of the eligibility requirements for GAP. They may do so even if the children left foster care before the state amended its state plan to provide for GAP and even if the children exited care to guardianship prior to passage of Fostering Connections.
- **States can receive federal GAP support for siblings placed together with a guardian even if the siblings do not meet all of the other eligibility requirements for GAP assistance.** Once one child is placed with a relative and is eligible for GAP payments, that child's siblings may also be placed in the same home and receive federal GAP payments, even if they do not meet all of the eligibility requirements for assistance. This sibling provision broadens the number of children eligible for federal assistance.

- **Federal assistance will be available for the non-recurring costs involved in establishing guardianship.** If states do not take the GAP option, they will not be able to share the non-recurring costs of establishing guardianship (up to \$2000 per child) with the federal government.
- **Federal assistance could be available if states decided to support children in guardianship beyond age 18.** States have the option, effective October 1, 2010, to receive federal support for all GAP children to ages 19, 20 or 21, provided they left foster care with a relative at age 16 or older.
- **Federal assistance will be available for children with a “mental or physical handicap” to age 21 regardless of their age at exit to guardianship.** Without taking the GAP option, states will not be eligible for federal support for these children to age 21 when that new option takes effect on October 1, 2010.

### The Case for Permanence for Children

- **More children will have permanent families.** Research from states shows that guardianship boosts overall permanency rates. In states that have implemented subsidized guardianship programs, more children leave foster care for permanent homes – returning home or exiting to live with guardians or with adoptive families. There is also evidence that relative guardianship placements are at least as permanent as adoptive placements.
- **Lengths of stay for children in foster care will decrease.** Children in foster care with relatives are likely to remain in care longer once return home or adoption is not an option. Providing other options such as guardianship for them can reduce the length of time children remain in foster care.
- **Racial disparities will be reduced in ways that are beneficial to children.** In many states, the majority of the children who benefit from subsidized guardianship are children of color because in many states these children are more likely to live with relatives. Although many children of color are adopted by relatives, some relatives are reluctant to permanently sever a child's parental ties. Adoption for them is not a viable option. Guardianship provides an option that is sensitive to cultural norms and values and extends existing family relationships. As children move from foster care to guardianship, racial disparities in the length of time children spend in foster care and the number who move from foster care to permanent families will decrease.

*This document was prepared in collaboration with Leslie S. Cohen, social service consultant. The Children's Defense Fund and ChildFocus wish to thank Ms. Cohen for her valuable contributions to this document.*

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