

# New Help for Children Raised by Grandparents and Other Relatives:

## Questions and Answers About the Fostering Connections to Success and Increasing Adoptions Act of 2008

### **Collaborating Organizations:**

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American Bar Association Center on Children  
and the Law  
Annie E. Casey Foundation/ Casey Family  
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Casey Family Programs  
Center for the Study of Social Policy  
ChildFocus  
Child Welfare League of America  
Family Violence Prevention Fund  
Generations United  
GrandFamilies of America  
National Association of County Human Services  
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National Center for State Courts  
National Foster Care Coalition  
North American Council on Adoptable Children  
Children and Family Research Center - School  
of Social Work at University of Illinois at  
Urbana-Champaign  
Voices for America's Children

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The collaborating organizations encourage you to share the information in this Guide with others engaged in making the Fostering Connections to Success and Increasing Adoptions Act of 2008 work for children being raised by grandparents and other relatives. We ask that you credit the source when you do.

We recognize that the Guide is extensive, but it is not exhaustive. We know that new questions will arise as implementation work moves forward. Please share your additional questions with us.

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## INTRODUCTION

The bipartisan Fostering Connections to Success and Increasing Adoptions Act, signed into law by President Bush on October 7, 2008, represents the most significant federal reforms for abused and neglected children in foster care in more than a decade. Congress took a careful look at the challenges facing children and families in the child welfare system. In crafting solutions to these challenges, it built upon testimony, briefing statements, and visits from youth who had been in foster care, grandparents and other relative caregivers, and birth, foster and adoptive parents, as well as other advocates, public and private agency representatives, researchers and others to better meet the needs of children who are abused and neglected and end up in foster care.

The act's numerous improvements are all intended to achieve better outcomes for children who are at risk of entering or have spent time in foster care and a number will help to reduce the racial disparities in the treatment of children that plague child welfare systems. It promotes:

- Permanent families for children with grandparents and other relatives, when return home and adoption are not appropriate
- Adoption for children with special needs in foster care for whom adoption is the best permanent plan
- Important linkages to family through the new Family Connection Grants
- Reasonable efforts to place children with siblings or at least connect them to siblings when they can do so safely and in a manner that is consistent with the child's well-being
- Extended support for older youth in foster care
- Educational stability for children in foster, kinship guardianship, or adoptive families
- Coordinated health planning for children in foster care
- Expanded federal protections and supports for American Indian children
- Improved training opportunities for relative guardians, private agency staff, judges, other court staff, attorneys for parents and children, guardians ad litem, and other court-appointed special advocates

In highlighting the gains made in the legislation both prior to and following its passage, both House and Senate leaders, Republicans and Democrats, have emphasized that these reforms represented significant first steps, but that there is additional work to be done. These reforms will mean little to children unless and until they are effectively implemented so as to truly benefit children. It is therefore critically important that implementation move swiftly to both help to ensure that children benefit from the new improvements and to maintain momentum for the additional changes needed at the federal level to improve outcomes for children and families.

*New Help for Children Raised by Grandparents and Other Relatives: Questions and Answers About the Fostering Connections to Success and Increasing Adoptions Act of 2008*, is intended to help ensure full and prompt implementation of the improvements in the Fostering Connections to Success and Increasing Adoptions Act for children being raised by grandparents and other relatives. It was prepared by the organizations listed below, many of whom have been working individually and together for a number of years to support children being raised by grandparents and other relatives:

- Center for Law and Social Policy
- Children’s Defense Fund
- Alliance for Children and Families/United Neighborhood Centers of America
- American Bar Association Center on Children and the Law
- Annie E. Casey Foundation/ Casey Family Services
- Casey Family Programs
- Center for the Study of Social Policy
- ChildFocus
- Child Welfare League of America
- Children and Family Research Center – School of Social Work at University of Illinois at Urbana-Champaign
- Family Violence Prevention Fund
- Generations United
- GrandFamilies of America
- National Association of County Human Services Administrators
- National Center for State Courts
- National Foster Care Coalition
- North American Council on Adoptable Children
- Voices for America’s Children

The act takes important steps to assist grandparents and other relatives around the country who have stepped in to help keep children out of foster care, provide foster family homes for them, and to care for them permanently. The new act’s kinship provisions build upon those first introduced in the Kinship Caregiver Support Act by Senators Hillary Rodham Clinton (D-NY) and Olympia Snowe (R-ME) and Representatives Danny Davis (D-IL) and Tim Johnson (R-IL). These and other leaders in Congress recognized the sacrifices that many grandparents and other relatives were making to raise their grandchildren, nieces, nephews, cousins or siblings when their parents could not, and the help they needed to connect with appropriate services and supports. The provisions build on the success of states in implementing similar reforms and research that documents benefits for children placed with relatives in foster care as opposed to children placed with non-relatives.

In this Guide, the collaborating organizations have answered a number of questions, all of which have been posed to them by persons interested in implementing the new act. The Guide is intended to be useful to those charged with implementing the improvements for children being raised by grandparents and other relatives, as well as others who are advocating for the new improvements and assisting with implementation. It can also be used in states and communities to bring together multiple stakeholders already working in communities on behalf of children being cared for by relative caregivers.

It is important to note that the answers given represent only the consensus of the supporting organizations based on our interpretation of the act and consultation with others, including Congressional staff and representatives of other organizations. Where applicable, the answers also track the guidance from the Program Instruction on the Guardianship Assistance Program issued by the Children's Bureau in the Administration on Children, Youth and Families in the U.S. Department of Health and Human Services on December 24, 2008 (ACYF-CB-PI-08-007). As of the first publication of the Guide, additional specific guidance had not yet been issued. When relevant, citations to sections of the Social Security Act, Public Law 110-351 (the Fostering Connections to Success and Increasing Adoptions Act of 2008), and Program Instruction ACYF-CB-PI-08-007 are noted in parentheses at the end of the answers. It is the hope of the supporting organizations that the Guide also will be useful to those in the Children's Bureau developing subsequent guidance.

The Appendices to the Guide include an Implementation Chronology (Appendix I), which summarizes when various provisions in the new act take effect, and a Glossary of key terms used in this Guide. It also includes a list of Selected Resources (Appendix II), which lists resources to supplement different sections of the Guide. We urge you to share with us other resources you find helpful. Contacts for the collaborating organizations are noted in Appendix IV.

Thank you for your interest and good work on behalf of children and families, particularly children being raised by grandparents and other relatives. We look forward to hearing about progress in implementation across the country and to tracking additional questions you may have as your work continues. Please contact any of us listed in Appendix IV for further information or to share what progress you are making for children as you implement the act.

# TABLE OF CONTENTS

## 1. Overview of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351)

1.1	What is the Fostering Connections to Success and Increasing Adoptions Act? .....	13
1.2	How does the Fostering Connections to Success and Increasing Adoptions Act help children and families? .....	13
1.3	How will the act help children connect to grandparents and other relatives? .....	14
1.4	When do the provisions in the new act take effect? .....	14
1.5	What does a state have to do, and how quickly must the state act, if new state legislation is necessary? .....	16
1.6	Does a state that does not require state legislation to implement the act need to submit anything to the Children’s Bureau? .....	16
1.7	Will children, grandparents and other relatives in all states benefit? .....	16

## 2. Identification of and Notice to Grandparents and Other Relatives

### Nature of Notice

2.1	What does the notice provision require and what is its purpose? .....	18
2.2	Who is required to get the notice? .....	18
2.3	Aren’t there really two requirements here - one to identify all adult grandparents and other relatives and the other to provide them notice? .....	18
2.4	What does “due diligence” mean? .....	19
2.5	How must the state agency document that notice has been given and to whom? .....	19
2.6	What responsibility does the court have to ensure that notice has been given to grandparents and other adult relatives? .....	19
2.7	Does the notice have to be in writing? .....	20
2.8	What accommodations must be made in providing notice to grandparents and other relatives with disabilities or who are not fluent in English? .....	20
2.9	What information must be included in the notice to grandparents and other relatives? Are there any confidentiality issues? .....	20
2.10	For the purposes of this notice requirement, how is “relative” defined? .....	21

2.11	Is there an exception for contacts that may raise a family or domestic violence risk? .....	21
2.12	Does the requirement that the notice occur within 30 days after the removal of a child from the custody of the parents refer to removal from the physical custody or from the legal custody of the parents? .....	22
2.13	Does the notice requirement apply to children voluntarily placed with a relative by their parents? .....	22
2.14	If a grandparent or other relative is not identified until more than 30 days after the child has been removed, must the relative be notified? .....	22
2.15	Will grandparents and other relatives of American Indian children have a right to notice under this provision? .....	23
2.16	How many states currently require notice to grandparents or other relatives when a child is removed from a parent’s care and is about to be, or has been, placed in foster care? .....	23
2.17	Does the new notice provision require state legislation? .....	23

### Consequences of the Notice

2.18	What consequences are there for a state if the state does not provide notice? .....	24
2.19	If a grandparent or other relative does not respond to the initial notice, will he or she lose his/her chance later to contact or care for the child? .....	24
2.20	Does a child, grandparent or other relative have any recourse if the agency does not give the proper notice? .....	24
2.21	What if a parent refuses to identify grandparents or other relatives (for example, paternal relatives)? .....	24
2.22	If, as a result of the notice, a grandparent or other relative is located and is interested in caring for the child, must the child welfare agency assist them in doing so? .....	25
2.23	Could the relative who is given notice become the foster parent for the child? .....	25

### Relevance of Access to the Federal Parent Locator Service

2.24	What is the Federal Parent Locator Service and how does it assist state agencies in their efforts to locate grandparents and other relatives? .....	26
2.25	How will agencies go about obtaining information from the Federal Parent Locator Service? .....	26
2.26	Under what circumstances can the child welfare agency obtain information from the Federal Parent Locator Service or State Parent Locator Service? .....	26

### **3. Kinship Navigator Programs and Other Family Connection Grant Activities**

3.1	What are Family Connection Grants? .....	28
3.2	What activities may the Family Connection Grants be used to support?.....	28
3.3	What specific components must be part of a Kinship Navigator Program? .....	29
3.4	When is the Department of Health and Human Services (HHS) likely to release a Request for Proposals (RFP) for the Family Connection Grants? .....	30
3.5	Who may apply for the Family Connection Grants? .....	30
3.6	How are the grants funded? How much money is available? .....	30
3.7	How much will a grantee have to contribute toward these grants? .....	30
3.8	How many grants will be available? Will there be new grants awarded each year? .....	30
3.9	May an applicant seek funds for more than one of the activities allowed under the Family Connection Grants? .....	31
3.10	Is an evaluation of the Family Connection Grants required? What funds are set aside for this purpose? .....	31

### **4. Subsidized Guardianship/Kinship Guardianship Assistance Program**

4.1	What does the new Kinship Guardianship Assistance Program do? .....	32
4.2	Will children in all states benefit from the program? .....	32
4.3	Will American Indian children benefit from the program? .....	33
4.4	How many states already have similar programs? .....	33
4.5	What flexibility do states have to limit or expand the group of children and caregivers eligible for kinship guardianship assistance? .....	33
4.6	How much will it cost my state to provide this assistance? .....	34
4.7	Will children who receive kinship guardianship assistance payments receive other protections afforded children under Title IV-E of the Social Security Act? .....	35
4.8	How does a grandparent or other relative obtain legal guardianship of the child? .....	35
4.9	What continued oversight or involvement of the child welfare agency will there be after the guardianship is finalized while the subsidy is provided? .....	36

## Effective Date

4.10	When will the Kinship Guardianship Assistance Program take effect and when will funds be available? .....	36
4.11	What must a state do before it can take advantage of the Kinship Guardianship Assistance Program option? .....	36
4.12	Does the guardianship assistance agreement have to be entered into after the effective date in order for a child to be eligible? .....	37

## Child's Eligibility

4.13	Which children are eligible to receive federal support for kinship guardianship assistance? .....	38
4.14	What does "eligible for Title IV-E foster care maintenance payments in the prospective relative guardian's home" mean? .....	38
4.15	What are the roles of the agency and/or court in determining that "being returned home or adopted are not appropriate permanency options for the child"? .....	39
4.16	Must a child have special needs to be determined eligible for kinship guardianship assistance? .....	39
4.17	Who makes the determination that the child demonstrates a strong attachment to the prospective relative guardian? .....	39
4.18	How are siblings treated under the Kinship Guardianship Assistance Program? .....	40
4.19	What does it mean that a child age 14 or older must be "consulted" about the kinship guardianship arrangement? .....	40
4.20	For how long will children be eligible for kinship guardianship assistance? .....	40
4.21	If the guardian caring for a child who is receiving kinship guardianship assistance payments later decides to adopt the child, will the child be eligible for federal adoption assistance payments? .....	42

## Relative Guardian's Eligibility

4.22	What are the requirements prospective relative guardians must meet? .....	42
4.23	How is "relative" defined in the new law for the purposes of kinship guardianship assistance? .....	42
4.24	What requirements must the prospective relative guardian meet in order for the child to receive kinship guardianship assistance while in his or her care? .....	42
4.25	Must the home be a licensed foster family home? .....	43
4.26	Must the prospective relative guardian undergo a criminal record or child abuse registry check? .....	43
4.27	Who makes the determination that the prospective relative guardian has a strong commitment to caring permanently for the child? .....	44
4.28	How is the state obligated, if at all, to assist the prospective relative guardian with the cost of obtaining legal guardianship? .....	44

## Kinship Guardianship Assistance

4.29	Is there any minimum or maximum amount that can be paid for a kinship guardianship assistance payment? .....	44
4.30	What recognition is there of the extra costs involved in caring for children with disabilities or other special needs? .....	44
4.31	How long will a relative guardian be able to receive the kinship guardianship assistance payment? .....	45
4.32	Will the relative guardian be able to continue to receive the kinship guardianship assistance payment on behalf of the child if she moves to a new state with the child? .....	46
4.33	Besides the kinship guardianship assistance payment, will children in kinship guardianships also be eligible to receive Medicaid or other services? .....	46
4.34	What recourse is available for relatives who are denied kinship guardianship assistance? .....	47

## Children in Waiver States

4.35	What is meant by child welfare demonstration waiver states? .....	47
4.36	What special consideration in the act is given to children who are already eligible for federally subsidized guardianship in states with active child welfare waivers? .....	47
4.37	May children who received a subsidy payment, Medicaid, and other services under the waiver receive the same assistance and services they received under the waiver when they become eligible for Title IV-E assistance under the new law? .....	47
4.38	Will states be able to continue operating their waivers? .....	48

## 5. Maintaining Sibling Connections

5.1	What does the new law require about the placement of siblings? .....	49
5.2	How does the new law define “sibling”? .....	49
5.3	What does “reasonable efforts” mean in the context of placing siblings together? .....	49
5.4	What does “frequent visitation or other ongoing interaction” mean? .....	50
5.5	How does this new requirement apply to siblings already in care? .....	50
5.6	What about visitation or other ongoing contact between children in care and their siblings who are not in care? .....	51
5.7	What are the criteria for determining when it is contrary to the safety or well-being of a child to be placed with a sibling? .....	51
5.8	How will American Indian children benefit from this sibling requirement? .....	51
5.9	Which states already require that reasonable efforts be made to keep siblings together? .....	52

## **6. Educational Stability for Children**

6.1	What does the new act require about the education of children in foster care, kinship guardianship and adoptive families? .....	53
6.2	Why were these education requirements included in the new law? .....	54
6.3	Do the education requirements apply to all children in foster care, kinship guardianship and adoptive families or just those who are receiving federal assistance under Title IV-E? .....	54
6.4	How will the decision be made that sufficient steps have been taken to keep a child in his or her current school? .....	55
6.5	What funding is available to help with transportation costs necessary to maintain the child in his or her current school? .....	55
6.6	What is the court's role in ensuring the agency meets its responsibilities under these new education provisions? .....	56

## **7. Eligibility for Chafee Independent Living Services and Educational and Training Vouchers for Children Being Raised by Grandparents and Other Relatives**

7.1	Under the new law, what independent living services and other assistance will now be available to youth who leave foster care for legal guardianship with relatives after turning 16? .....	57
7.2	What sort of transition plans are youth leaving foster care or ceasing to receive Chafee Program services supposed to have? .....	57

## **8. Licensing Homes of Grandparents and Other Relative Caregivers**

8.1	What does the new law say about the licensing of grandparents and other relatives? .....	59
8.2	Why was the licensing provision included in the new law? .....	59
8.3	Are criminal background checks and/or child abuse registry checks required to become a licensed caregiver? .....	60

8.4	What does the reference to “non-safety” licensing standards mean? .....	60
8.5	What is the Secretary of Health and Human Services required to report to Congress about the licensing of grandparents and other relatives? .....	60

## **9. Training of Relative Caregivers and Those Working with Children in the Child Welfare System**

9.1	What training improvements does the act make for relative caregivers and those working with children and families in the child welfare system? .....	62
9.2	When will relative guardians be eligible to be trained with federal assistance along with foster parents and adoptive parents? .....	62
9.3	When will staff of private child welfare agencies and the courts who are serving children, attorneys, and others representing children be eligible to be trained with federal assistance? .....	63
9.4	Who can now be trained using Title IV-E funds who were not previously eligible for training with such funds? .....	63
9.5	Will training for these additional groups be reimbursed at the same 75 percent federal match rate as is currently the case for other Title IV-E training? .....	63

## **Appendices**

I.	Implementation Chronology .....	64
II.	Glossary .....	69
III.	Selected Resources .....	74
IV.	Contacts for Collaborating Organizations .....	88

# OVERVIEW OF THE FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008 (P.L. 110-351)

## 1.1 What is the Fostering Connections to Success and Increasing Adoptions Act?

The Fostering Connections to Success and Increasing Adoptions Act is a new federal law that includes important improvements for children who enter foster care or are at risk of entering foster care. The act offers vulnerable children meaningful family connections and important protections and support. Considered by many to be the most significant and far-reaching child welfare legislation in more than a decade, the act became law on October 7, 2008, when it was signed by President Bush after unanimously passing both the House and Senate with broad bi-partisan support.

## 1.2 How does the Fostering Connections to Success and Increasing Adoptions Act help children and families?

The act helps to improve outcomes for children in foster care or at risk of entering care by:

- Allowing states to claim federal funds to provide assistance to help more children exit foster care to live permanently with relatives who become their legal guardians;
- Expanding federal assistance to enable more children with special needs to be adopted;
- Providing federal grants for Kinship Navigator and other programs to help children stay connected with their families;
- Requiring states to make reasonable efforts to place siblings together and help children in foster care or permanent placements stay connected with their siblings;
- Requiring states to notify relatives when children are removed from their parents' custody;
- Allowing states to claim federal funds to continue foster care payments for older youth in care (and, in certain cases, guardianship or adoption assistance payments) up to age 21 when those youth are engaged in work, school, or a program designed to eliminate barriers to or promote employment or cannot engage in these activities due to a documented medical condition;
- Allowing Indian tribes, for the first time, to directly claim Title IV-E funds for eligible youth in federal foster care and adoption assistance programs without state-tribal agreements, thereby offering new supports and protections for American Indian children;

- Requiring states to ensure that children in foster care or in guardianship or adoptive families are attending school and help them remain in their original school or ensure they get help to make a prompt transfer to a new school that is more appropriate for them;
- Requiring state child welfare agencies to work with state Medicaid agencies and others to develop a plan to improve the coordination of health care for children in foster care; and
- Expanding the uses of federal Title IV-E training funds to pay for training of current or prospective relative guardians, staff of private child welfare agencies, court personnel including judges, attorneys for parents and children, court appointed special advocates, and guardians ad litem.

### **1.3 How will the act help children connect to grandparents and other relatives?**

The act offers new support for relatives already caring for children both in and out of foster care and also helps connect children with relatives in new ways. It requires states to give notice to relatives within 30 days of a child's removal from the custody of his parents, which may allow the relatives to care for the child and prevent the child from entering foster care, to become the child's foster parent, and/or to serve as a support person for the child while the child is in foster care. New Family Connection Grants will connect children in or at risk of entering foster care to family members, including expanding Kinship Navigator programs that help link relative caregivers, both those caring for children in and out of foster care, to a broad range of services and supports for their children and themselves. The act also allows states to use Title IV-E funds for kinship guardianship assistance to help eligible children leave foster care to live permanently with relatives. Finally, the act also allows states to make case by case adjustments to non-safety licensing standards to enable more children to be cared for by relatives in Title IV-E reimbursable foster care.

### **1.4 When do the provisions in the new act take effect?**

Many of the provisions in the new act took effect on October 7, 2008, the date of enactment, and must be implemented right away. These include the requirements for notice to relatives, keeping siblings together, transition plans, a health oversight and coordination plan, and notification to adoptive parents or prospective adoptive parents about the adoption tax credit. States may have additional time to comply with these requirements if the Secretary of Health and Human Services determines that the state must enact legislation to meet the requirements. In such cases, states must comply in the quarter that begins after the state's first legislative session closes, or in the case of a two-year legislative session, the quarter that begins after the end of the first year of the legislative session.

As of October 1, 2010, states with federal adoption assistance programs will be able to claim federal funds for more children with special needs. In the first year, states must begin phasing in an expansion of the program to reach more eligible children with special needs, beginning with older children and children who already have been in care for five years and their siblings, who often are the most difficult to place for adoption. Other children will be phased in by age over the next nine years so that all eligible children with special needs will be covered by October 2018.

States also have the option, under the act, to claim federal funds for assistance for two new groups of children. Effective October 7, 2008, states were eligible to opt to provide kinship guardianship assistance payments for eligible children who have been in foster care with relatives who want to care for them permanently outside of foster care. Effective October 2010, they also may opt to claim federal funds for youth in foster care beyond their 18<sup>th</sup> birthday to the age of 19, 20, or 21 in order to increase their chances for success when they leave care.

Indian tribes and Tribal Consortia, effective October 1, 2009, also may opt to directly access IV-E Foster Care and Adoption Assistance funds, without a state-tribal agency agreement, although they could still decide to run their foster care and adoption assistance programs through a state-tribal agreement.

There are also several other provisions in the new law that states may choose to use to help them connect children to families and improve their quality of care for children:

- apply, perhaps with a private non-profit agency or other organization, for one of the competitive Family Connection Grants, which will become available in 2009;
- use the Federal Parent Locator Service to help identify relatives who should be notified when children enter care, effective October 7, 2008;
- provide independent living services and educational and training vouchers, effective October 7, 2008, to youth who exit foster care after their 16<sup>th</sup> birthday to live with relative guardians or adoptive families; and
- claim federal funding, effective October 7, 2008, under Title IV-E, for short-term training of several groups who could not previously be trained with Title IV-E funds: relative guardians, staff of private agencies and courts, and attorneys for parents and children and guardians ad litem and court appointed special advocates working with children in the child welfare system. Training for these groups will be reimbursed in FY 2009 at a 55% match rate that will increase each year, reaching 75% in 2013

**1.5 What does a state have to do, and how quickly must the state act, if new state legislation is necessary?**

According to an October 23, 2008, Program Instruction from the Administration for Children and Families, ACYF-CB-PI-08-05, states that require legislation to comply with the new Title IV-E or Title IV-B plan requirements must submit a certification to the applicable Children’s Bureau regional program manager detailing the plan requirements that will necessitate state legislation. The certification must also give the delayed effective date for that state (the first day of the first calendar quarter following the close of the first regular session of the State Legislature that ends after October 7, 2009). All certifications were required to be signed by the designated state agency official and submitted no later than November 24, 2008. The Children’s Bureau will then notify the state whether or not the Secretary has determined that state legislation is necessary.

**1.6 Does a state that does not require state legislation to implement the act need to submit anything to the Children’s Bureau?**

Yes. States that believe that they do not require any new legislation before they can implement the new act must also submit a certification to their Children’s Bureau regional program manager indicating that state legislation is not necessary and that a delayed effective date is not applicable. This certification was due November 24, 2008.

**1.7 Will children, grandparents and other relatives in all states benefit?**

Yes, children and relative caregivers in all states will benefit from at least some of the provisions. All states, for example, are required to:

- give notice to adult relatives of children who are removed from their parents’ custody;
- make reasonable efforts to keep siblings together or connect them to one another; and
- ensure that children are attending school and have the opportunity to remain in the school they were in when removed from their homes.

For others, the answer will depend on the choices of individual states. For example, all states will have the option to offer federally supported kinship guardianship assistance payments to relatives; however, they are not required to do so. Likewise, all states (as well as local child welfare agencies, tribal child welfare agencies and non-profit agencies) will have the opportunity to apply for Family Connection Grants, but there will be a limited number of grants available. Because local and tribal child welfare agencies and nonprofit organizations can apply for the grants, it is possible that a locality within a state could operate a Family Connection Grant-funded program that is not available on a state-wide basis.

In making decisions about provisions like these where states have some choice, it is important for state officials to consider key questions: How many children in my state will it benefit and how; is my state already doing this, at least in part; what are the likely costs; what short and long term savings can we expect; and what will be the cost if the states chooses not to do it?

[\*Return to Table of Contents\*](#)

# **IDENTIFICATION OF AND NOTICE TO GRANDPARENTS AND OTHER RELATIVES**

## **Nature of the Notice**

### **2.1 What does the notice provision require and what is its purpose?**

The state child welfare agency must exercise due diligence to identify and provide notice to all adult grandparents and other relatives of each child within 30 days of the child's removal from his or her parent(s)' custody. This notice allows grandparents and other relatives to get involved early in the child's care and/or placement. Sometimes relatives can keep the child out of foster care. A relative who cannot provide a placement for a child may be able to participate in the child's care in other important ways, such as by maintaining a relationship with the child or taking the child to doctor's appointments, extracurricular activities or visits with birth parents. (§471(a)(29); P.L. 110-351 §103)

### **2.2 Who is required to get the notice?**

The act requires that the state exercise due diligence to provide notice to *all* adult grandparents and other adult relatives including those suggested by the parents. This means relatives who live in the area and those in distant communities or states. (§471(a)(29); P.L. 110-351 §103)

### **2.3 Aren't there really two requirements here – one to identify all adult grandparents and other relatives and the other to provide them notice?**

Yes. State agencies are required to exercise due diligence to both identify all adult relatives and provide those relatives with notice. (§471(a)(29); P.L. 110-351 §103)

## **2.4 What does “due diligence” mean?**

The statute does not define due diligence, and it can have different meanings in different legal contexts. However, generally due diligence requires the actions of a “reasonable person.” As administrators, policy makers and advocates think about implementing the new identification and notice requirements, they should think about what someone wanting to identify and notify relatives about an important event would reasonably do to accomplish those goals. What is reasonable and appropriate may vary with the circumstances.

## **2.5 How must the state agency document that notice has been given and to whom?**

The act does not specify that a state child welfare agency must document that notice has been provided or to whom. However, because notice is required as part of a state’s plan, it would be to the state’s benefit to document who has been notified and what information was provided to each person in case questions are ever raised about whether or not notice was provided. It would also be very useful to have such contact information available in the child’s case record in the event that family contacts are subsequently needed.

## **2.6 What responsibility does the court have to ensure that notice has been given to grandparents and other adult relatives?**

Nothing in the new law explicitly requires the court to ensure that notice has been given. However, in its role as the entity reviewing a child’s case plan and status, the court could inquire of the agency what steps the agency has taken to identify and provide notice to the appropriate relatives and who has and has not been notified. State law may make the court’s role more explicit. For example, state law could require the court to inquire about the status of the agency’s due diligence to identify and provide this notice. Colorado law requires the court to order parents to provide names, contact information, and comments about the appropriateness of relatives whom the agency must then contact within 90 days. New York law requires the court to order the local commissioner of social services to immediately investigate and contact any relatives including all grandparents, all suitable relatives identified by the parent and any relative a child over the age of five identifies as someone who plays or played a significant positive role in his or her life.

## **2.7 Does the notice to relatives have to be in writing?**

The act does not specify the manner in which notice must be given. However, good policy and practice would suggest that the notice be in writing for everyone's benefit. The agency would have proof that it provided notice and the relatives receiving notice would have a record of the opportunities they have to care for or participate in planning for their relative children. A copy of the written notice could be kept in the child's case record for possible future use.

## **2.8 What accommodations must be made in providing notice to grandparents and other relatives with disabilities or who are not fluent in English?**

In order to meet the due diligence standard, it is likely that the agency will have to provide notice in a manner that reasonably ensures the relative has understood the notice. A written notice may not be enough in some cases. This could mean providing notice in a language the relative is fluent in. Or the family's caseworker may have to go over the written notice in person with the relative. If an individual has a visual impairment, the notice may need to be written using large print or braille. For suggestions about what is reasonable in various circumstances, consider guidance from the U.S. Department of Health and Human Services (HHS) Office of Civil Rights at [http://www.hhs.gov/ocr/lep/lep\\_guidance080403.pdf](http://www.hhs.gov/ocr/lep/lep_guidance080403.pdf) and the Technical Assistance Manual for Title II of the Americans with Disabilities Act as it applies to the operations of state and local governments at <http://www.ada.gov/taman2.html#II-7.0000>. (This latter section addresses communications with individuals who have visual or hearing impairments.)

## **2.9 What information must be included in the notice to grandparents and other relatives? Are there any confidentiality issues?**

In the notice, states are required to:

- specify that the child has been or is being removed from the custody of his or her parent(s);
- explain the options the relative has to participate in the care and/or placement of the child;
- explain any options that may be lost if the relatives do not respond to the notice;
- describe the requirements to become a foster family home and the additional services and supports that are available for children in such a home; and
- describe how to enter into an agreement to receive kinship guardianship assistance payments, if the state has elected to make them.

Federal, state and local laws require child welfare agencies to keep certain information confidential. The requirement that states provide notice that a child is entering or has entered foster care supersedes and preempts those provisions. However, only the information necessary to comply with this federal requirement can be shared. The relative should simply be notified of the removal or impending removal and provided the information described above. There is no requirement to share the circumstances leading to the removal in the initial notice. If the child is placed with the relative or the relative becomes involved in the child's care, additional information may be shared as appropriate. As in most aspects of child welfare practice, a determination of what can be shared will depend upon the individual circumstances, as well as local, state and federal law. (§471(a)(29); P.L. 110-351 §103)

## **2.10 For the purposes of this notice requirement, how is “relative” defined?**

The new law does not define the term “relative” for the purposes of the notice requirement. HHS may define the term or leave it to state discretion. If it is left to the states, a state may choose to define relative to include only a person related by blood, marriage, or adoption, as some do now in their subsidized guardianship programs, or a state could use a broader definition of relative that includes a godparent, close friend, or someone with a significant existing relationship with the child. A state may find it useful to look at whether and how "relative" is defined in other relevant laws in the state.

## **2.11 Is there an exception for contacts that may raise a family or domestic violence risk?**

Yes, there is an exception to the notice requirement in cases of domestic and family violence. Such an exception should be based on risk to the child or birth parent. For example, if the birth mother has a history of victimization from one of the child's relatives—such as the child's father or a paternal or maternal grandparent—then notice to that relative may not be appropriate. While the new law does not specify how the determination should be made or by whom, best practice provides some guidelines. There are a number of crucial questions that must be considered in assessing family or domestic violence risk and these questions will be best answered through a conversation between the worker and the birth parent that allows the parent to disclose information confidentially and without fear. Such a conversation also allows for assessment of the individual circumstances in each case. While the act does not require documentation of the reason for an exception due to family or domestic violence, documentation could help to 1) prevent re-traumatizing the parent by requiring them to describe their experience with domestic or family violence multiple times; 2) document the history of abuse to help aid the decision making process; 3) prove the notice requirement was considered; and 4) protect a parent from inappropriate claims of being uncooperative if the reasons for not providing information about relatives are explained in the case record.

Family members of a perpetrator of domestic or family violence should not automatically be excluded from receiving notice when a child is removed from a parent's custody. Such relatives should be contacted and their involvement in the care and placement of the child explored if the birth parent and child(ren) are not afraid of them and/or have not been victimized by them in the past; such family members are able to keep the safety needs (physical and emotional) of the child and birth parent above all other loyalties; and they agree to maintain visitation for the child and birth parent as appropriate. (§471(a)(29); P.L. 110-351 §103)

**2.12 Does the requirement that notice occur within 30 days after the removal of a child from the custody of the parents refer to removal from the physical custody or from the legal custody of the parents?**

When a child is removed from the custody of his or her parents, there is both removal from their physical custody (physical separation) and removal from their legal custody (removal of certain decision-making authority). The removals may occur at different times and in different order. Since the statute does not clarify whether the notice should be given within 30 days of the legal or physical removal of the child, it would be wise for states to provide the notice within 30 days of whichever event happens first. This is consistent with the desire to have relatives become involved in a child's case as quickly as possible.

**2.13 Does the notice requirement apply to children voluntarily placed with a relative by their parents?**

Sometimes a parent voluntarily places a child in the care of the relative when the child welfare agency has not filed a petition to legally remove the child from the parent's custody and no court has ordered the placement. The parent retains decision-making authority regarding the child. The notice requirement in the new act does not seem to apply in these cases. The notice requirement in the new act ensures that all relatives have an opportunity to get involved when the *state* (via the child welfare agency and the court) seeks to remove a child from his or her parents, not when the separation is a result of the parent's own planning and decision-making.

**2.14 If a grandparent or other relative is not identified until more than 30 days after the child has been removed, must the relative be notified?**

The act neither requires nor prohibits notice to relatives identified beyond 30 days of the child's removal. Due diligence, in the majority of cases, should require identification and notice to relatives soon after a child is removed from his or her home, allowing them the opportunity to participate in the care and placement of the child. However, it is reasonable to expect that in

some cases relatives will not be identified until later. In these cases, states should consider, on a case-by-case basis, whether notification would be appropriate. The decision will likely vary depending on how long the child has been with the current caregivers, the previous relationship between the relative and the child, and the permanency plan for the child.

**2.15 Will grandparents and other relatives of American Indian children have a right to notice under this provision?**

Yes, many will. The notice requirement is a Title IV-E state plan requirement. If tribes or consortia of tribes begin to run their own foster care and adoption assistance programs and receive federal Title IV-E funds, they will be required to comply with most state plan provisions including the notice requirement. Tribes that have agreements with states to administer or co-administer Title IV-E programs are also required to comply with state plan provisions and thus will be required to meet the notice requirement. Of course, American Indian children in the custody of a state child welfare agency will also benefit from the state plan requirement. The requirements will not apply to children whose care and placement are the responsibility of a tribe that does not administer a Title IV-E program directly or through a state-tribal agreement, although tribes may provide such notice under their own laws or customs. (§471(a)(29), §479B; P.L. 110-351 §103, §301(a)(1))

**2.16 How many states currently require notice to grandparents or other relatives when a child is removed from a parent’s care and is about to be, or has been, placed in foster care?**

Several states, including Colorado and Connecticut, already have notice requirements in place; however, they are not all identical to the federal notice requirement. Specific requirements of the notice vary between states. For example, Colorado requires parents, at the temporary custody hearing, to identify relatives and provides that the court may order the agency to make reasonable and timely efforts to contact “appropriate” relatives within 90 days of the hearing about potential placement. Connecticut requires the state to use “best efforts” to identify and locate all grandparents within 15 days of removal from the home. Others, like Kansas, require that certain relatives receive notice of court hearings rather than the removal itself.

**2.17 Does the new notice provision require state legislation?**

The act does not require state legislation. It requires that states, in their Title IV-E state plans, assure that they will exercise due diligence in identifying and providing notice to all adult relatives of the child. Some states may elect to implement the new Title IV-E state plan requirement through state legislation while others may make any necessary changes at the agency policy level or through other, non-legislative means. Legislation would be necessary if

there is an existing notice statute that conflicts with this requirement. For example, if a state has a law that allows 90 days or only gives notice to grandparents, that state would require new legislation to modify the pre-existing law.

## **Consequences of the Notice**

### **2.18 What consequences are there for a state if the state does not provide notice?**

The new law does not specify the consequences for a state that fails to provide notice. However, because the notice provision is required as part of a state's Title IV-E state plan, failure to comply could result in the loss of at least a portion of a state's Title IV-E payments.

### **2.19 If a grandparent or other relative does not respond to the initial notice, will he or she lose his/her chance later to contact or care for the child?**

The state is required in the notice to explain both the options the relatives have to participate in the care and/or placement of the child as well as any options that may be lost, under state law, by failing to respond to the notice. For example, if a relative does not respond to the notice until after the child is placed in a foster home the relative may not have the opportunity to be the child's foster parent. Therefore, a relative can weigh the consequences of not responding when considering the notice he or she received. (§471(a)(29(B)); P.L. 110-351 §103)

### **2.20 Does a child, grandparent or other relative have any recourse if the agency does not give the proper notice?**

The new law does not specify the recourse for a child or relative if the agency fails to provide proper notice. However, there might be legal remedies available based on other state and federal laws.

### **2.21 What if a parent refuses to identify grandparents or other relatives (for example, paternal relatives)?**

The new law requires states to exercise due diligence to identify and notify all adult relatives "including any adult relatives suggested by the parents" but it does not require parents to identify relatives. As part of its effort to identify and notify relatives, state law may require parents to provide information about relatives and comment on the appropriateness of placing the child with such relatives. Colorado has such a law and requires the court to inform parents that placement with relatives may not happen without the provision of such information.

Whether or not states enact legislation, it will be important for them to develop model practices for gathering information from parents in constructive ways. Many parents will want to provide information about relatives with whom they would like to see their children placed. When parents do not want to provide such information, it will be important to understand why they don't. If, for example, there are concerns about domestic or family violence, a number of crucial questions must be considered in assessing the appropriateness of providing notice, and these questions will be best answered through a conversation between the child welfare worker and the birth parent that allows the parent to disclose information confidentially and without fear. It may also be helpful to consult the parents' attorney on this issue.

While the new law does not require documentation of such conversations, it would be helpful for a variety of reasons. First, documentation that a parent refused to identify a relative because of concerns about domestic violence creates a record of why certain relatives were not notified of the child's removal. Such a record also helps prevent re-traumatizing the parent by requiring them to describe their experience with domestic or family violence multiple times. Second, the documentation will be useful in future decision-making regarding the placement and care of the child. Third, documentation of such conversations proves that the notice requirement was considered. Finally, documentation helps protect a parent from inappropriate claims of being uncooperative if the reasons for not providing information about relatives are explained in the case record.

**2.22 If, as a result of the notice, a grandparent or other relative is located and is interested in caring for the child, must the child welfare agency assist them in doing so?**

The notice provision specifically requires that the agency inform the relative of the requirements to become a foster family home and the additional services and supports that are available for children in such a home and, if the state has elected to make relative guardianship assistance payments, the notice must describe how to enter into an agreement to receive such payments. (§471(a)(29)(C)&(D); P.L. 110-351 §103)

**2.23 Could the relative who is given notice become the foster parent for the child?**

Yes, provided they meet the state's requirements to become a foster parent.

## Relevance of Access to the Federal Parent Locator Service

### 2.24 What is the Federal Parent Locator Service and how does it assist state agencies in their efforts to locate grandparents and other relatives?

Both the federal government and the state maintain parent locator services used primarily to enforce child support. The Federal Parent Locator Service (FPLS) is a set of databases (and data-matching activities) housed at the Social Security Administration and operated by the Office of Child Support Enforcement within the U.S. Department of Health and Human Services (HHS). The primary purpose for collecting and using the information in the databases is to establish parentage or to establish, set the amount of, modify, or enforce child support obligations. The FPLS contains information about the location of anyone who is under an obligation to pay child support, anyone against whom a child support obligation is sought, anyone to whom a child support obligation is owed and anyone who has or may have parental rights to a child. The databases include the individual's social security number; most recent address; the name, address and employer identification number of the individual's employer; information on the individual's employment income and benefits (including health care coverage); and information about assets of or debts owed to the individual. The State Parent Locator Service (SPLS) is operated by the state child support agency and also includes case-level information related to child support and parentage. Such information may help the state agencies locate information about children's relatives.

### 2.25 How will agencies go about obtaining information from the Federal Parent Locator Service?

The gatekeeper for information in the FPLS is a state child support agency. Thus, a child welfare agency requesting information would submit the request to the state child support agency, which would in turn submit the request to the FPLS (73 Fed. Reg. 56422, Sept. 26, 2008). The state child support agency also may exchange information *directly* with the child welfare agency consistent with federal and state data confidentiality laws.

### 2.26 Under what circumstances can the child welfare agency obtain information from the Federal Parent Locator Service or State Parent Locator Service?

In order for a state child support agency to disclose information in the FPLS, the requestor must be an *authorized person*, requesting *specified information* for an *authorized purpose*. Even before the new law passed, child welfare agencies administering Title IV-B and Title IV-E programs were authorized persons, and could request limited information from the FPLS to locate a parent or someone who might have parental rights for the purpose of establishing

parentage. Although the new law has not yet been interpreted by the federal Office of Child Support Enforcement, it specifies that state child welfare agencies may request information to carry out their responsibilities under Title IV-B and Title IV-E, which now includes a responsibility to notify all adult relatives when a child is removed from his parents' custody. Sharing of information to administer programs has been permitted between child support programs and Temporary Assistance to Needy Families programs for a number of years. The structure of the new law appears to extend this same sort of information sharing to agencies that administer Title IV-B and Title IV-E programs. (§453(j)(3); P.L. 110-351 §105)

[\*Return to Table of Contents\*](#)

# KINSHIP NAVIGATOR PROGRAMS AND OTHER FAMILY CONNECTION GRANT ACTIVITIES

## 3.1 What are Family Connection Grants?

Family Connection Grants are competitive grants that will allow applicants to create or enhance programs that will connect children in or at risk of entering foster care to their families. State, local, and tribal child welfare agencies and non-profit agencies that have experience serving children in foster or kinship care can apply for the grants to establish or expand Kinship Navigators, Family Group Decision Making, Intensive Family Finding, or Residential Family-Based Substance Abuse Treatment programs. The new law guarantees \$15 million for each fiscal year between 2009 and 2013 for these grants, including \$5 million annually that is set aside for Kinship Navigator programs. The Secretary of Health and Human Services may allow up to 30 new grants each year, provided new funding is not already committed to existing grants. Individual grants may not be for less than one year or more than three years. (§427; P.L. 110-351 §102)

## 3.2 What activities may the Family Connection Grants be used to support?

Family Connection Grants may be used to fund four different types of activities, all of which have the purpose of helping children who are in, or at risk of entering, foster care connect or reconnect with family members:

- **Kinship Navigator** programs will assist grandparents and other relative caregivers in learning about, finding, and using programs and services to meet the needs of the children they are raising and their own needs and promote effective partnerships among public and private agencies to ensure kinship caregiver families are served. (§427(a)(1); P.L. 110-351 §102(a))
- **Family Group Decision Making** meetings will enable families to make decisions and develop plans that nurture children and protect them from abuse and neglect, and when appropriate, address domestic violence issues in a safe manner and facilitate connecting children exposed to domestic violence to appropriate services, including reconnection with the abused parent when appropriate. (§427(a)(3); P.L. 110-351 §102(a))

- **Intensive Family Finding** efforts use search technology to find biological family members for children in the child welfare system, and when family members are identified, work to establish or build upon relationships and explore ways to find a permanent family placement for the children. (§427(a)(2); P.L. 110-351 §102(a))
- **Residential Family-Based Substance Abuse Treatment** programs enable parents and their children to live in a safe environment for a period of not less than six months and provide, on-site or by referral, substance abuse treatment services; children’s early intervention services; family counseling, medical, and mental health services; nursery and pre-school; and other services that are designed to provide comprehensive treatment that supports the family. (§427(a)(4); P.L. 110-351 §102(a))

### 3.3 What specific components must be part of a Kinship Navigator Program?

In order to meet the grant requirements, a Kinship Navigator program must:

- Be coordinated with other state or local agencies that promote service coordination or provide information and referral services, including the entities that provide 211 or 311 information systems where available, to avoid duplication or fragmentation of services to kinship care families;
- Be planned and operated in consultation with kinship caregivers and organizations representing them, youth raised by kinship caregivers, relevant government agencies, and relevant community-based or faith-based organizations;
- Establish information and referral systems that link (via toll-free access) kinship caregivers, kinship support group facilitators, and kinship service providers to (i) each other; (ii) eligibility and enrollment information for federal, state, and local benefits; (iii) relevant training to assist kinship caregivers in caregiving and in obtaining benefits and services; and (iv) relevant legal assistance and help in obtaining legal services;
- Provide outreach to kinship care families, including by establishing, distributing, and updating a kinship care website, or other relevant guides or outreach materials; and
- Promote partnerships between public and private agencies, including schools, community-based or faith-based organizations, and relevant government agencies, to increase their knowledge of the needs of kinship care families to promote better services for those families.

The act also provides that kinship navigator programs applying for the grants may establish and support a kinship care ombudsman with authority to intervene and help kinship caregivers access services. They also may support any other activities designed to assist kinship caregivers in obtaining benefits and services to improve their caregiving. (§427(a)(1); P.L. 110-351 §102(a))

**3.4 When is the Department of Health and Human Services (HHS) likely to release a Request for Proposals (RFP) for the Family Connection Grants?**

According to the HHS Grants Forecast website, the Request for Proposals for the Family Connection Grants is tentatively scheduled to be released on March 16, 2009. Updates on the status of the RFP can be found at

[https://extranet.acf.hhs.gov/hhsgrantsforecast/index.cfm?switch=grant.view&gff\\_grants\\_forecast\\_InfoID=12342](https://extranet.acf.hhs.gov/hhsgrantsforecast/index.cfm?switch=grant.view&gff_grants_forecast_InfoID=12342).

**3.5 Who may apply for the Family Connection Grants?**

State, local, or tribal child welfare agencies and non-profit organizations with experience working with children in foster care or kinship care may apply for the grants. (§427(a); P.L. 110-351 §102(a))

**3.6 How are the grants funded? How much money is available?**

The Family Connection Grants are funded through a mandatory appropriation of \$15 million each fiscal year between 2009-2013, including \$5 million that is set aside each year for Kinship Navigator programs. (§427(g) & (h); P.L. 110-351 §102(a))

**3.7 How much will a grantee have to contribute toward these grants?**

A grantee will have to contribute 25 percent of the total grant amount in the first and second years of a grant and 50 percent in the third year. This declining federal match is intended to get the grantee to increase its investment in the program and to continue it after the federal dollars are no longer available. Up to 50 percent of the grantee's contribution may be in-kind contributions, including plant, equipment, or services. (§427(d) & (e); P.L. 110-351 §102(a))

**3.8 How many grants will be available? Will there be new grants awarded each year?**

The number of grants available will depend on the size of the grants that are awarded. The Secretary of HHS may award up to 30 new grants each year, but the exact number will depend on the number of grants that continue from year to year. (§427(c)(2); P.L. 110-351 §102(a))

**3.9 May an applicant seek funds for more than one of the activities allowed under the Family Connection Grants?**

Yes, an applicant may apply for more than one of the activities allowed under the Family Connection Grants. (§427(b)(1); P.L. 110-351 §102(a))

**3.10 Is an evaluation of the Family Connection Grants required? What funds are set aside for this purpose?**

HHS is required to set aside no less than three percent of the total annual funding (\$450,000 of the \$15 million) for Family Connection Grants for the evaluation of grantee activities. (§427(g)(2); P.L. 110-351 §102(a))

[\*Return to Table of Contents\*](#)

# **SUBSIDIZED GUARDIANSHIP/KINSHIP GUARDIANSHIP ASSISTANCE PROGRAM**

## **4.1 What does the new Kinship Guardianship Assistance Program do?**

Under the new Kinship Guardianship Assistance Program, states have the option to use federal Title IV-E funds for kinship guardianship payments for children who have a strong attachment to and are cared for by prospective relative guardians who are committed to caring for these children permanently when they leave foster care. To be eligible for the kinship guardianship assistance payment, children must be eligible for federal foster care maintenance payments while living in the home of a relative for at least six consecutive months in foster care. There must also have been a determination by the state agency that return home and adoption are not appropriate permanency options for the child. Children 14 and older must be consulted about the kinship guardianship arrangement. Siblings may be placed in the same home and receive support even if they do not meet other eligibility requirements. The kinship guardianship assistance payment rate must not exceed the foster care payment that would have been paid had the child remained in a foster family home. Children eligible for these payments are also automatically eligible for Medicaid, as are children in foster care and those who receive adoption assistance payments. The act also clarifies that children who leave foster care at age 16 or older for kinship guardianship are eligible under the John H. Chafee Foster Care Independence Program independent living services for educational and training vouchers (ETVs). (§471(a)(28), §473(b)(3) & (d), §477(a)(7) & (i)(2); P.L. 110-351 §101)

## **4.2 Will children in all states benefit from the program?**

All states will have the option to offer guardianship assistance payments to relatives with federal support. However, they are not required to do so. States must opt to participate in the federally supported Kinship Guardianship Assistance Program by amending their Title IV-E state plan indicating their intention to do so and then providing the state and/or local dollars necessary to draw down federal dollars for assistance. (See question 4.11.)

#### **4.3 Will American Indian children benefit from the program?**

Tribes or consortia of tribes who run their own foster care and adoption assistance programs and receive federal Title IV-E funds will have the option to offer kinship guardianship assistance in the same manner as states will. Tribes will be able to apply to run their own programs as of October 1, 2009. Tribes that have agreements with states to administer or co-administer Title IV-E programs will also have the ability to offer kinship guardianship if the state with which they have an agreement takes the kinship guardianship assistance option. The option will not be available to children whose care and placement are the responsibility of a tribe that does not administer a Title IV-E program directly or through a state-tribal agreement. (§479B; P.L. 110-351 §301(a); ACYF-CB-PI-08-007 p. 2)

#### **4.4 How many states already have similar programs?**

Currently, there are 37 states and the District of Columbia that already offer subsidized guardianship assistance in some form. The programs vary significantly in the children and grandparents and other relatives they serve, the nature of the assistance, the numbers of children they serve, and how they are funded. All of the programs currently operated by states share a goal with the new federal program: to promote lasting family relationships for children in an attempt to improve outcomes for them and to prevent them from lingering in foster care without permanent families.

#### **4.5 What flexibility do states have to limit or expand the group of children and caregivers eligible for kinship guardianship assistance?**

The Children's Bureau Program Instruction clarifies that once a state opts to provide kinship guardianship assistance payments, it is required to provide such assistance to all eligible children as defined under the act. For example, the act would not allow a state to say that children who had lived in foster care with prospective relative guardians for only three consecutive months, rather than six consecutive months, would be eligible for federal guardianship assistance. However, a state could require that a child live with a prospective relative guardian for longer than six months. A state could not decide to give *federal* guardianship assistance payments to children who were in foster care but not eligible for federal foster care payments. While a state may provide state funded guardianship assistance payments to whichever children it chooses, to be eligible for federal assistance, the children and their caregivers must meet the requirements in the act. (§473(d)(1)(A); P.L. 110-351 §101(b); ACYF-CB-PI-08-007 p.2)

#### **4.6 How much will it cost my state to provide this assistance?**

The state will be required to fund the kinship guardianship assistance payment and the Medicaid these children are eligible for, at the same rate that is currently required for the child's foster care maintenance payment and Medicaid. However, there are possible savings associated with electing to provide kinship guardianship assistance as compared with continuing foster care. First, if the state has an existing kinship guardianship assistance program, the state may be able to obtain federal funds to cover some of the costs of the program that it is currently funding with state dollars. Second, if the state moves more children out of foster care and into permanent families, the state can avoid many of the administrative costs associated with keeping a child in foster care.

In thinking about cost savings, it is important to remember that the children who are eligible for this assistance under the new option are those for whom the state is already paying foster care maintenance payments. These are also children who would be likely to remain in foster care for long periods of time if they had not been placed permanently with relatives because the new program requires that reunification and adoption must have been determined inappropriate for these children. Thus, if the state does not provide kinship guardianship assistance for these children, the state is likely to continue to pay for foster care for them. In addition, if the state is able to move the child to a permanent home, the state may save the costs of providing ongoing casework and court oversight for the child. These savings can, in turn, be reinvested in other child welfare needs. The Congressional Budget Office estimates that the Kinship Guardianship Assistance Program will save the federal government \$791 million over 10 years. Since the federal dollars saved require a state or local match, there should be a corresponding savings of state or local dollars as well. Administrative savings are expected whether or not the child is eligible for federal assistance under Title IV-E. Even if the state pays for the kinship guardianship assistance payment with state funds, the administrative costs of providing foster care will be avoided if permanency is achieved for the child.

The latest results from Illinois' child welfare waiver demonstration program show that providing guardianship assistance is likely to mean that permanency is achieved more quickly for children. The waiver evaluation shows that children who received subsidized guardianship assistance remained in foster care an average of 209 fewer days than children assigned to the comparison group who did not get the assistance. In Milwaukee, Wisconsin, children who received assistance remained in foster care 76 fewer days. The Milwaukee demonstration will not expire until September 30, 2010, so it is likely that the number of saved foster care days will increase. Since it cost Illinois approximately \$22 more per day in administrative expenses to retain a child in foster care compared to adoption and guardianship, the waiver yielded the state an average administrative savings of \$4,590 per child, dollars states could invest in other improvements for

children in child welfare. As the demonstration in Wisconsin unfolds, similar administrative savings are expected.

Finally, for states that already have guardianship assistance programs funded through other sources, states should consider the new Title IV-E option for kinship guardianship assistance payments as a steady, dedicated, funding source upon which to rely for eligible children. State policy makers should consider the pros and cons of different funding sources for supporting kinship guardianship assistance payments. (§474(a)(5); P.L. 110-351 §101(c)(3))

**4.7 Will children who receive kinship guardianship assistance payments receive other protections afforded children under Title IV-E of the Social Security Act?**

Yes. All the Title IV-E state plan requirements that are not specifically limited to the Title IV-E Foster Care or Adoption Assistance Programs also apply to the Kinship Guardianship Assistance Program. These include but are not limited to the opportunity for fair hearings, confidentiality of information, program audits, and protections related to interstate placements, school attendance and sibling placement. (§471(a)(12), §475(1)(F), ACYF-CB-PI-08-007 p. 4)

**4.8 How does a grandparent or other relative obtain legal guardianship of the child?**

A relative must obtain guardianship of the child through the court system. Depending on which state the child resides in, the relative may obtain guardianship (which in some states is referred to as permanent custody with a relative) through the family court, juvenile court, probate court, tribal court or other trial court. Some states allow only one court, usually the probate court, to have jurisdiction over guardianship. In some states, a probate court may have jurisdiction of a child for guardianship and a family court may have jurisdiction of the child abuse or neglect proceeding. Usually, the prospective guardian must file a petition in the appropriate court identifying the child, the child's parents and siblings, the child's financial circumstances, and the reasons why a guardianship is needed. A notice of the court hearing is usually sent to the child's parents and may be sent to the child and/or child welfare agency as well. At the court hearing, the judge decides whether the guardianship is appropriate. According to the Children's Bureau Program Instruction cited below, the kinship guardianship assistance agreement must be in place prior to the establishment of the legal guardianship in order for the guardian to receive kinship guardianship assistance payments on behalf of the child. (ACYF-CB-PI-08-007 p.3)

**4.9 What continued oversight or involvement of the child welfare agency will there be after the guardianship is finalized while the subsidy is provided?**

The extent of the continued oversight or involvement of the child welfare agency after the guardianship has been finalized will vary with state law and policy. In order to continue to receive assistance, some states may require proof that a child is still in the guardian's care every year, others may require an annual meeting with the guardian and the child at the agency, and still others may require nothing at all. However, under the new act, agencies must ensure that all children receiving federal assistance (kinship guardianship, adoption, or foster care) are enrolled and attending school. It is unclear exactly what will be required for an agency to demonstrate that they are meeting this requirement, but presumably this will require some agency oversight post-guardianship to ensure that the child is in school. ((§471 (a)(30); P.L. 110-351 §204(b))

**Effective Date**

**4.10 When will the Kinship Guardianship Assistance Program take effect and when will funds be available?**

The ability to amend a state plan to include the Kinship Guardianship Assistance Program option was effective as of the date of enactment of the new law, October 7, 2008. However, the Children's Bureau Program Instruction cited below states that the state agency may implement and claim allowable guardianship assistance program costs beginning on the first day of the quarter in which an approvable Title IV-E plan amendment is submitted to the Administration of Children and Families to implement the guardianship assistance program. That means that the earliest a state could claim reimbursement would be January 1, 2009. Others have interpreted the act to allow states to submit claims for reimbursement on the first day of the quarter but to be reimbursed for payments to eligible children as of October 7, provided a state could have determined eligibility for children during the period October 7, 2008 to January 1, 2009. (P.L. 110-351 §601; ACYF-CB-PI-08-007 p. 6)

**4.11 What must a state do before it can take advantage of the Kinship Guardianship Assistance Program option?**

The Children's Bureau Program Instruction cited below states that in order to take advantage of the new assistance, a state must submit a revised Title IV-E plan pre-print amendment reflecting the Title IV-E statutory requirements for the Kinship Guardianship Assistance Program and including state policy references and statutory citations for each federal requirement. States must submit the Title IV-E plan pre-print to the appropriate Administration for Children and Families

Regional Program Manager electronically or on compact disk. States without electronic signature capability may submit the appropriate pages with original signatures. States must submit copies of referenced materials to document compliance for any cited statute, regulation, policy, or procedure.

The new act does not require that states pass legislation to take advantage of the Kinship Guardianship Assistance Program, but some states may need to enact new legislation or amend existing laws. States that already have subsidized guardianship legislation on the books will have to review that legislation and amend it accordingly if it prohibits assistance to children eligible under the federal law. However, states will not have to amend their laws if they currently provide subsidized guardianships to a broader group of children. They will just have to limit their Title IV-E claims to those children eligible under the federal requirements and continue to use only state funds for the others.

Some states currently operate subsidized guardianship programs according to policy directives rather than statutes. In such states, federal funds for this purpose can be disbursed once their Title IV-E state plan is amended if agency policies are in place and no state legislation is necessary. (P.L. 110-351 §601(b); ACYF-CB-PI-08-007 p. 7)

#### **4.12 Does the guardianship assistance agreement have to be entered into after the effective date in order for a child to be eligible?**

The Children's Bureau Program Instruction cited below states that a state with an approved Title IV-E plan amendment may claim Title IV-E for only those children for whom the agency enters into a new kinship guardianship agreement and who exit foster care to a new guardianship arrangement on or after the first day of the quarter in which the approved Title IV-E plan amendment was submitted. This is a narrower interpretation than the new law on its face seems to require. The new law does not state that the guardianship agreement must be entered into after the effective date of the act. Others have interpreted the act to mean that a child already placed with a relative guardian from foster care could become eligible for federal assistance for guardianship payments made after the effective date of the act, but *only if* the agreement met *all* of the requirements of the act and the child and caregiver were otherwise eligible for the federal assistance, not an easy thing to do after the fact. The child would have to have been Title IV-E eligible while in foster care with the prospective relative guardian for six consecutive months. Reunification and adoption would have to have been determined inappropriate before the kinship guardianship assistance agreement was entered into. It would also mean that the relative

guardian has a written guardianship agreement with the state, which includes the components specified in federal law, and the state reimbursed the guardian for the non-recurring costs of establishing guardianship (up to \$2,000). (§473(d); P.L. 110-351 §101(a) & (b); ACYF-CB-PI-08-007 p. 7)

## Child's Eligibility

### 4.13 Which children are eligible to receive federal support for kinship guardianship assistance?

Children in relative foster homes who have resided with their prospective relative guardian for at least six consecutive months while eligible for Title IV-E maintenance payments are eligible for kinship guardianship assistance. These children must also demonstrate a strong attachment to the prospective relative guardian. (See question 4.17). If a child is age 14 or older, that child must be consulted about the guardianship arrangement before it is finalized. Siblings of children eligible for kinship guardianship assistance are also eligible for kinship guardianship assistance if placed in the same guardianship arrangement even when they do not meet other eligibility requirements. (§473(d)(3); P.L. 110-351 §101 (b))

### 4.14 What does “eligible for Title IV-E foster care maintenance payments in the prospective relative guardian’s home” mean?

In order to be eligible to receive kinship guardianship assistance, a child must be “*eligible for* Title IV-E foster care maintenance payments in the prospective relative guardian’s home.” This means that a child must meet all eligibility requirements for Title IV-E foster care, including the requirement that the child was removed from an AFDC-eligible home pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child and placed in a licensed or approved home; however, the child does not have to actually be *receiving* those payments while in the relative guardian’s home. In this case, the distinction between being “eligible for” and “receiving” Title IV-E assistance may be a distinction with no real meaning. The act requires a child to be in foster care for at least six consecutive months with the prospective relative guardian. It is likely therefore that foster care payments will be paid and, since the child is eligible for Title IV-E foster care, it is likely that the child will receive federally reimbursed payments. (§473(d)(3)(A)(i); P.L. 110-351 §101(b); ACYF-CB-PI-08-007 p. 2; ACYF-CB-PA-01-02)

**4.15 What are the roles of the agency and/or the court in determining that “being returned home or adopted are not appropriate permanency options for the child”?**

The act requires that in the child’s case plan there be a description of the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted. Pre-existing law also requires that there be an external review of the child’s care by a court or administrative review board sometime during that six month period. During this review any discussion of permanency planning for the child should include the appropriateness of reunification and adoption. The child’s case plan developed by the agency, hopefully in consultation with the child’s parent or parents and, in guardianship cases, the child’s relative, must also describe the reasons why placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child’s best interest, the efforts made to discuss adoption with the child’s relative, and why adoption was not pursued, and the efforts made to discuss the kinship guardianship with the child’s parent or parents, or the reason why such efforts were not made. (§475(1)(F); P.L. 110-351 §101(c)(4))

**4.16 Must a child have special needs to be determined eligible for kinship guardianship assistance?**

No. A child is not required to have special needs in order to qualify for kinship guardianship assistance. (§473(d)(3); P.L. 110-351 §101(b))

**4.17 Who makes the determination that the child demonstrates a strong attachment to the prospective relative guardian?**

The state agency is required to make the determination that the child demonstrates a strong attachment to the prospective relative guardian. The state agency must document the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment in the child’s case plan, which would include how the agency determined that the child demonstrates this strong attachment. Pre-existing law requires that there be an external review of the child’s care by a court or administrative review board sometime during that six-month period at which any permanency plan for the child should be discussed. As part of that discussion, the child’s attachment to the relative should be considered. (§473(d)(3)(A)(iii) & §475(1)(F); P.L. 110-351 §101(b) & (c)(4))

#### **4.18 How are siblings treated under the Kinship Guardianship Assistance Program?**

The new act makes clear that siblings may benefit from kinship guardianship assistance even though they do not all meet the eligibility requirements, provided that one of the siblings does qualify. It also makes clear that each sibling is eligible for their own kinship guardianship assistance payment and that legal guardians must be reimbursed for non-recurring costs associated with obtaining guardianship up to \$2,000 for each child. The act goes further and requires that reasonable efforts be made to place siblings together in foster, kinship guardianship, and adoptive families as long as it is safe and is not contrary to the safety or well-being of any of the siblings. If placement together is not appropriate, the act further requires that efforts be made to keep siblings in contact with one another. Among the state subsidized guardianship programs already in existence, 13 states and the District of Columbia allow siblings of eligible children to be placed with relatives and benefit from the subsidized guardianship payments even if they do not meet other eligibility requirements such as age requirements, or requirements regarding the amount of time spent in state care. (§473(d)(3)(B); P.L. 110-351 §101(b); ACYF-CB-PI-08-007 p. 3-4).

#### **4.19 What does it mean that a child age 14 or older must be “consulted” about the kinship guardianship arrangement?**

The new law requires that a child age 14 or older must be consulted about the kinship guardianship arrangement, but it does not provide further detail on what this might entail or who must consult the child. In most cases the caseworker responsible for the child will be the one to consult with the child. As of October 2008, 31 states required that children be consulted when a guardianship subsidy is being considered. Many of these states (16) require that the child be a certain age, generally between the ages of 12 and 14, if he or she is to be consulted about the arrangement. A few go further and require that a child of a certain age must give their consent to the guardianship arrangement. The new law does not require a child’s consent in order for the guardianship to proceed and assistance payments to be made. (§473(d)(3)(A)(iv); P.L. 110-351 §101(b))

#### **4.20 For how long will children be eligible for kinship guardianship assistance?**

Once a state opts to provide federally supported kinship guardianship assistance payments, states must continue to make children eligible for kinship guardianship assistance until the age of 18 unless the state determines that the relative guardian is no longer legally responsible for the support of the child or the child is no longer receiving any support from the legal guardian.

There are two circumstances in which children may be eligible for federally supported kinship guardianship beyond age 18.

- (1) If the state determines that the child has a mental or physical disability (the act still refers to it as a “handicap”), which warrants the continuation of assistance, the child may receive kinship guardianship assistance to age 21. (This is the same language that allows children with disabilities to receive adoption assistance payments to 21.)
- (2) If the state takes the option, children who attained the age of 16 before a kinship guardianship assistance agreement became effective may continue to receive kinship guardianship assistance payments to ages 19, 20, or 21. To be eligible for this extended assistance, the youth must be:
  - completing secondary education or a program leading to an equivalent credential;
  - enrolled in an institution that provides post-secondary or vocational education;
  - participating in a program or activity designed to promote, or remove barriers to, employment;
  - employed for at least 80 hours per month; or
  - if a child’s medical condition makes him or her incapable of engaging in any of these activities, updated information on his or her condition must be maintained in the child’s case plan.

The way the new act reads, and has been interpreted by the Children’s Bureau, neither of these opportunities to extend kinship guardianship assistance beyond age 18 take effect until October 1, 2010. The October 1, 2010 date also applies to the circumstances described in the first paragraph in which a state could stop providing assistance before age 18.

It was clear during discussions of the bill that the opportunity for a state to opt to extend care to ages 19, 20, 21 for eligible children exiting foster care to kinship guardianship (or to adoption assistance) would be delayed until October 1, 2010. However, it was not clear that implementation of the other provisions (extending guardianship for children with disabilities or suspending it if the guardians were no longer legally responsible for or supporting the child) would be delayed, especially since similar provisions already apply to children who receive adoption assistance payments and Congress was trying to make kinship guardianship assistance similar to adoption assistance. (§473(a)(4), ACYF-CB-PI-08-007 p. 5)

**4.21 If the guardian caring for a child who is receiving kinship guardianship assistance payments later decides to adopt the child, will the child be eligible for federal adoption assistance payments?**

Yes, if the child would have met the eligibility criteria for adoption assistance at the time guardianship was initially given to the relative. Under the new law, a child maintains his or her eligibility for adoption assistance as if the kinship guardianship assistance agreement had never been entered. (§473(a)(2)(D); P.L. 110-351 §101(c))

## **Relative Guardian’s Eligibility**

**4.22 What are the requirements prospective relative guardians must meet?**

An eligible guardian must be a relative of the child who has a strong commitment to caring permanently for the child and has undergone criminal record checks and child abuse registry checks. The relative must also be licensed as a foster parent because the Administration for Children, Youth and Families currently requires the home to be licensed in order for the child to be eligible for Title IV-E foster care maintenance payments and, therefore, qualify for guardianship assistance. (§471(a)(20)(D), §473(d)(3)(A)(i) & (iii); P.L. 110-351 §101(b) & (c)(2)(A); ACYF-CB-PA-01-02)

**4.23 How is “relative” defined in the new law for the purposes of kinship guardianship assistance?**

The new law does not define the term “relative.” A number of states currently operating subsidized guardianship programs use the term “relative” but do not define it. Some others do not use the term at all but rather list those who would be eligible for the payments. Of the states that do use and define relative, several define the term as someone to whom the child is related by blood, marriage or adoption. In some other programs, relative is defined to also include a family friend, neighbor, godparent or teacher.

**4.24 What requirements must the prospective relative guardian meet in order for the child to receive kinship guardianship assistance while in his or her care?**

The prospective relative guardian who will be caring for the child must meet a number of requirements. Specifically, the relative must:

- Care for the child for at least six consecutive months in the relative’s home as a foster parent;
- Assume legal guardianship of the child;
- Have a strong commitment to caring permanently for the child; and
- Undergo criminal record checks, including fingerprint-based checks of national crime information databases and child abuse registry checks. (Registry checks must also be done on any other adult living in the home.)

To make clear what assistance the child will be eligible for, the relative guardian must enter into a written binding kinship guardianship assistance agreement with the state and receive a copy of the agreement, and must be consulted whenever there is consideration being given to an adjustment to the amount of or manner in which the assistance is provided. The kinship guardianship assistance agreement must be in place before guardianship is established. (§471(a)(20)(D); 473(d); P.L. 110-351 §101 (b) & (c)(2)(A))

#### **4.25 Must the home be a licensed foster family home?**

The new law requires that the child be eligible for Title IV-E foster care maintenance payments in the relative’s home for at least six consecutive months. The Administration for Children, Youth and Families currently requires the relative’s home to be licensed in order for the child to be eligible for Title IV-E foster care maintenance payments and, therefore, qualify for guardianship assistance. (§473(d)(3)(A)(i); P.L. 110-351 §101(b); ACYF-CB-PA-01-02)

#### **4.26 Must the prospective relative guardian undergo a criminal record or child abuse registry check?**

The prospective relative guardian must undergo a criminal record check, including fingerprint-based checks of national crime information databases, and child abuse and neglect registry checks maintained by the state and any other state in which the relative has resided during the last five years. The Children’s Bureau Program Instruction cited below clarifies that the state can consider this requirement met without conducting new background checks if the state has established an appropriate timeframe during which such background checks remain valid and such timeframe has not expired for the relative foster parent who is now seeking to become a guardian. Other adults living in the home must also undergo the child abuse and neglect registry checks. (§471(a)(20)(D); P.L. 110-351 §101 (c)(2)(A); ACYF-CB-PI-08-007 p.3)

**4.27 Who makes the determination that the prospective relative guardian has a strong commitment to caring permanently for the child?**

The state agency is required to make the determination that the relative guardian has a strong commitment to caring permanently for the child. The state agency must document the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment in the child’s case plan. This documentation should include how the agency determined that the relative guardian has a strong commitment. Pre-existing law also requires that there be an external review of the child’s care sometime during that six-month period at which a permanency plan for the child should be discussed. The guardian’s commitment to the child should be considered as part of that discussion. (§473(d)(3)(A), §475(1)(F)(iv); P.L. 110-351 §101(b) & (c))

**4.28 How is the state obligated, if at all, to assist the prospective relative guardian with the cost of obtaining legal guardianship?**

The state must pay the nonrecurring costs associated with obtaining legal guardianship (e.g. legal and filing fees) up to \$2000. For relatives who obtain guardianship of more than one sibling, these costs must be paid for each sibling placed. Federal reimbursement is available for these costs. (§473(d)(1)(B)(iv) & (3)(B); P.L. 110-351 §101(b); ACYF-CB-PI-08-007 p. 4)

## **Kinship Guardianship Assistance**

**4.29 Is there any minimum or maximum amount that may be paid for a kinship guardianship assistance payment?**

There is no minimum amount specified in the new law. However, the new law does establish a maximum based on the foster care rate. The law prohibits the payment from exceeding the foster care maintenance payment that would have been paid on behalf of the child if the child had remained in a foster family home. (§473(d)(2); P.L. 110-351 §101(b))

**4.30 What recognition is there of the extra costs involved in caring for children with disabilities or other special needs?**

The act specifies that the amount of the foster payment for the child shall not exceed the foster care maintenance payment that would have been paid on behalf of the child if the child had remained in a foster family home. This clearly assumes that a child who would be eligible for special therapeutic payments if they were in foster care could get up to the same amount in the

form of a kinship guardianship assistance payment, just as they could if they were receiving an adoption assistance payment. The act also provides that the amount of the payment may be adjusted periodically, in consultation with the relative guardians, based on the needs of the child as well as the circumstances of the relative. This raises an opportunity for the child's disabilities or other special needs to be highlighted in making a case for a higher payment. (§473(d)(1)(B) & (2); P.L. 110-351 §101(b))

#### **4.31 How long will a relative guardian be able to receive the kinship guardianship assistance payment?**

Once a state opts to provide federally supported kinship guardianship assistance payments, states must continue to make children eligible for kinship guardianship assistance until the age of 18 unless the state determines that the relative guardian is no longer legally responsible for the support of the child or the child is no longer receiving any support from the legal guardian.

There are two circumstances in which children may be eligible for federally supported kinship guardianship beyond age 18.

- (1) If the state determines that the child has a mental or physical disability (the act still refers to it as a "handicap"), which warrants the continuation of assistance, the child may receive kinship guardianship assistance to age 21. (This is the same language that allows children with disabilities to receive adoption assistance payments to 21.)
- (2) If the state takes the option, children who attained the age of 16 before a kinship guardianship assistance agreement became effective may continue to receive kinship guardianship assistance payments to ages 19, 20, or 21. To be eligible for this extended assistance, the youth must be:
  - completing secondary education or a program leading to an equivalent credential;
  - enrolled in an institution which provides post-secondary or vocational education;
  - participating in a program or activity designed to promote, or remove barriers to, employment;
  - employed for at least 80 hours per month; or
  - if a child's medical condition makes him or her incapable of engaging in any of these activities, updated information on his or her condition must be maintained in the child's case plan.

The way the new act reads, and has been interpreted by the Children's Bureau, neither of these opportunities to extend kinship guardianship assistance beyond age 18 take effect until October

1, 2010. The October 1, 2010 date also applies to the circumstances described in the first paragraph in which a state could stop providing assistance before age 18.

It was clear during discussions of the bill that the opportunity for a state to opt to extend care to ages 19, 20, 21 for eligible children exiting foster care to kinship guardianship (or to adoption assistance) would be delayed until October 1, 2010. However, it was not clear that implementation of the other provisions (extending guardianship for children with disabilities or suspending it if the guardians were no longer legally responsible for or supporting the child) would be delayed, especially since similar provisions already apply to children who receive adoption assistance payments and Congress was trying to make kinship guardianship assistance similar to adoption assistance. (§473(a)(4), ACYF-CB-PI-08-007 p. 5)

**4.32 Will the relative guardian be able to continue to receive the kinship guardianship assistance payment on behalf of the child if she moves to a new state with the child?**

Yes. The new law requires that the kinship guardianship agreement shall remain in effect without regard to the state residency of the relative guardian. All terms of the agreement, including the payment agreed upon, will remain in effect if the guardian moves to a new state with the child. The state that entered the agreement will remain financially responsible for the terms of the agreement. Similarly the state which entered the agreement will continue to be responsible for providing Medicaid to children who receive the kinship guardian assistance payments. (§473(d)(1)(C); P.L. 110-351 §101(b))

**4.33 Besides the kinship guardianship assistance payment, will children in kinship guardianships also be eligible to receive Medicaid or other services?**

The new law makes children in kinship guardianships categorically eligible to receive Medicaid. Therefore, any child for whom Title IV-E kinship guardianship payments are being made will automatically be eligible to receive Medicaid. Children who leave foster care to kinship guardianship at the age of 16 or older will also be eligible for Chafee Program services and education and training vouchers (ETVs). Any additional services and assistance the child and relative guardian may be eligible for, as well as the procedure by which the relative may apply for additional services as needed, must be specified in the kinship guardianship agreement. (See question 7.1 regarding the Chafee Program and ETVs). (§473(b)(3)(C), §477(a)(7) & (i)(2); P.L. 110-351 §101(e) & (f))

#### **4.34 What recourse is available for relatives who are denied kinship guardianship assistance?**

The child welfare agency must provide the opportunity for a fair hearing to any individual whose claim for kinship guardianship assistance is denied or is not acted upon with reasonable promptness. (§471(a)(12), ACYF-CB-PI-08-007 p. 4)

### **Children in Waiver States**

#### **4.35 What is meant by child welfare demonstration waiver states?**

Section 1130(a) of the Social Security Act allows for the Secretary of Health and Human Services to authorize states to conduct child welfare demonstration projects through the waiver of certain provisions of Titles IV-E or IV-B. States have used waivers to explore a range of innovative approaches to the delivery and financing of child welfare services, including subsidized guardianship programs. Eleven states have received waivers allowing them to use Title IV-E funds to provide subsidies to relatives who become legal guardians of children who would otherwise remain in foster care. Six states are currently receiving these waivers (IL, IA, MN, OR, TN, and WI).

#### **4.36 What special consideration in the act is given to children who are already eligible for federally subsidized guardianship in states with active child welfare waivers?**

All children who, as of September 30, 2008, were receiving assistance or services under the waiver demonstration project can continue to receive that same assistance and services when the waiver is terminated subject to the same terms and conditions that applied during the project. The state expenditures on behalf of these children will continue to be eligible for federal reimbursement under Title IV-E regardless of whether the state establishes a Kinship Guardianship Assistance Program. (§474(g); P.L. 110-351 §101(d); ACYF-CB-PI-08-007 p. 6)

#### **4.37 May children who received a subsidy payment, Medicaid, and other services under the waiver receive the same assistance and services they received under the waiver when they become eligible for Title IV-E assistance under the new law?**

Yes. The act allows a child who, as of September 30, 2008, was receiving assistance or services as part of a waiver demonstration project to be eligible for the *same* assistance and services under the *same* terms and conditions that applied under the demonstration project. (§474(g); P.L. 110-351 §101(d))

#### **4.38 Will states be able to continue operating their waivers?**

Though authority to authorize new Title IV-E waivers expired on March 31, 2006, six states (IL, IA, MN, OR, TN, and WI) have active Title IV-E waiver agreements that were approved prior to that date. The new law does not extend waiver authority but states that have current waivers may continue to operate them. (§474(g); P.L. 110-351 §101(d); ACYF-CB-PI-08-007 p. 6)

[\*Return to Table of Contents\*](#)

## MAINTAINING SIBLING CONNECTIONS

### 5.1 What does the new law require about the placement of siblings?

State agencies must make reasonable efforts to place siblings together, whether in foster, kinship guardianship, or adoptive placements, unless placing them together would be contrary to their safety or well-being. If the siblings are not placed together, the agency must make reasonable efforts to ensure that the siblings maintain their connections to each other through frequent visitation or other ongoing interaction. An exception to maintaining connections is permissible only if such contact would be contrary to the safety or well-being of one or more of the children. Sibling connections are significant to a child in foster care's emotional and social development since siblings often provide the connection and stability that is no longer available from the child's parents. (§471(a)(31); P.L. 110-351 §206)

### 5.2 How does the new law define “sibling”?

The new law does not define “sibling.” State definitions of siblings vary as do state policies regarding placing siblings together. While definitions of siblings have traditionally been confined to those children with biological or legal connections, there is increasing recognition that the diversity of family structures that exists today may lend itself to a broader definition of sibling. It is also important to consider how familial relationships and clan membership shape the definition of sibling for American Indian children.

### 5.3 What does “reasonable efforts” mean in the context of placing siblings together?

The new law does not define the term “reasonable efforts.” Individual circumstances will vary and what is “reasonable” in one situation may not be in another. As a starting point, states must try to place siblings who come into care together in the same home. They must also make efforts to identify whether a child entering foster care already has siblings in care. States also must try to locate relative and non-relative foster families who are able to care for a sibling group, recognizing that it is important to keep in mind the unique challenges associated with caring for multiple children, particularly when those children have been traumatized and may need special attention. As part of their due diligence in identifying and notifying relatives that children have been removed from their parents' custody, states should inquire about whether relatives can care for a group of siblings. States should also inquire about what services and supports would make it possible for these relatives (or other caregivers) to care for the siblings together. Perhaps more

frequent respite care would make joint placement more sustainable or help with transportation to various activities, therapies and medical appointments. Since greater assistance is often available to licensed caregivers, state should also consider how they can help relative caregivers become licensed foster parents. The new law allows states to waive non-safety related licensing criteria on a case-by-case basis for individual children in relative foster family homes. (See questions 8.1 and 8.4). This authority should be used to prevent licensing standards from hindering sibling placement.

#### **5.4 What does “frequent visitation or other ongoing interaction” mean?**

The new law does not define “frequent visitation or other ongoing interaction.” It may be defined differently depending on the individual needs of the siblings. The age and development of a child, for example, might dictate how frequent the contact should be, as well as the nature of that contact. The nature of the relationship before placement should also be a factor. In-person visits also could be supplemented with regular phone contact, e-mail contact or web camera communication. Child welfare workers need to be creative in thinking about ways to maintain and nurture the relationships between siblings who must be separated.

#### **5.5 How does this new requirement apply to siblings already in care?**

The requirement to make reasonable efforts to place children together (or to maintain frequent visitation or other ongoing interaction when placement together is contrary to a child’s safety or well-being) is a state plan requirement. It therefore applies to all children in foster care, kinship placements or adoptive homes on or after the effective date, October 7, 2008. However, what constitutes “reasonable efforts” will be governed by the individual circumstances of the child and the child’s family and will vary from family to family. For example, when a child already in care is being moved to a new foster home, it would be reasonable to look to see if he or she has a sibling in care and whether placement with the sibling would be safe and consistent with the child’s well-being. If two siblings are in different foster homes and have moved from home to home, it would be reasonable for the child welfare agency to determine whether one of the foster families can provide a home for both children or to consider whether a third family could do so. On the other hand, if two siblings are in separate pre-adoptive homes, reasonable efforts may require no more than ensuring that the prospective adoptive parents know of the sibling and offering to help make contact between the two families if both agree that is best for their child. (§471(a)(31); P.L. 110-351 §206)

**5.6 What about visitation or other ongoing contact between children in care and their siblings who are not in care?**

The sibling provisions in the new law apply only to children removed from their homes. Though not required, efforts to maintain connections between children removed from their home and any siblings who are not, if appropriate, should be considered. (§471(a)(31); P.L. 110-351 §206)

**5.7 What are the criteria for determining when it is contrary to the safety or well-being of a child to be placed with a sibling?**

The new law does not specify the criteria for determining when it is contrary to a child's safety or well-being to be placed with a sibling. As with other areas in child welfare, these determinations will need to be made on a case-by-case basis considering the children involved and the views of the birthparents and caregivers familiar with the children. The age, development, and special needs of the children may be relevant, as well as their prior history with each other. The appropriateness of placing siblings together will also depend in part upon the ability of the children's caregiver to address their needs. The determination will likely be made initially by the child welfare agency, since this agency has responsibility for the care and placement of the children. However, the court as part of the initial removal hearing may inquire about efforts to place siblings together. Pre-existing law also provides for a case review system that requires an external case review of the status of the child every six months and a permanency hearing by a court every 12 months. Consideration of placement and connection with siblings should be considered as part of these reviews. All factors taken into account in making placement decisions, as well as decisions about maintaining contact between siblings who are not placed together, should be documented in the children's case records to demonstrate that reasonable efforts were made. Such information may also be useful later if questions of contact and visitation need to be reconsidered.

**5.8 How will American Indian children benefit from this sibling requirement?**

The requirement to make reasonable efforts to place siblings together (or to maintain frequent visitation or other ongoing interaction when placement together is contrary to a child's safety or well-being) is a Title IV-E state plan requirement. Once tribes or consortia of tribes begin to run their own foster care and adoption assistance programs and receive federal Title IV-E funds, they will be required to comply with most state plan provisions including the requirements about sibling placement and contact. Tribes who have agreements with states to administer or co-administer Title IV-E programs are also required to comply with state plan provisions and thus will be required to meet the new requirements regarding sibling placement and contact. Of course, American Indian children in the custody of a state child welfare agency will also benefit

from the state plan requirement. The requirements will not apply to children whose care and placement are the responsibility of a tribe that does not administer a Title IV-E program directly or through a state-tribal agreement, although tribes may require such efforts as part of their laws or customs. (§479B; P.L. 110-351 §301(a))

### **5.9 Which states already require that reasonable efforts be made to keep siblings together?**

Although more than 70 percent of children in foster care have one or more siblings, the majority of children in foster care are not living with their siblings. Fourteen states have taken steps to keep siblings in foster care together in the same home, when it is in the children’s best interest and when the foster parents can keep them safe. Some states go further and require that efforts be made to keep siblings in contact with one another when joint living arrangements may not be appropriate.

In 2006, Maine passed legislation that required foster parents and adoptive parents to facilitate mandatory visits between separated siblings. Iowa also passed legislation in 2007, which the new law is impart based upon, requiring the child welfare agency to make “a reasonable effort” to place siblings together, and to provide communication and visitation between the siblings if it is not in the children’s best interests to place them together. The Iowa law also requires the state to inform foster parents of the importance of sibling bonds and their significance in helping youth in the child welfare system.

[\*Return to Table of Contents\*](#)

## EDUCATIONAL STABILITY FOR CHILDREN

### 6.1 What does the new act require about the education of children in foster care, kinship guardianship and adoptive families?

There are two important education requirements in the new law, both intended to promote educational stability for children in a variety of settings with foster families, kinship guardianship families, or adoptive families. Many children living with relatives in these family settings will benefit from these new education requirements.

#### *School Attendance:*

State agencies must ensure that every school-age child receiving federal foster care, kinship guardianship or adoption assistance payments is a full time elementary or secondary school student or has completed secondary education. This requirement applies to children in public or private schools or other legally authorized education programs (such as home schooling). We interpret this to require agencies to ensure children attend school since the law specifies that children are full time students and this section in P.L. 110-351 is entitled the “Education Attendance Requirement.” Some have interpreted this requirement more narrowly to refer only to enrollment, but that interpretation does not seem to be supported in the statute and does not offer children the protection that was intended. Members of Congress heard from graduates of foster care who talked about being out of school for long periods of time or from moving frequently from school to school as their placements changed. (§471(a)(30); P.L. 110-351 §204(b))

#### *Maintaining the Child in the Same School:*

State agencies also must improve educational stability for all children in foster care by coordinating with the local schools to ensure that children remain in the school they are enrolled in at the time of placement into foster care or any subsequent placement change, unless that would not be in the child’s best interests. If it is not in the child’s best interest to remain in that school, the state must ensure immediate enrollment in a new school with all of the educational records the child needs for the new school. The new law also allows state child welfare agencies to be reimbursed in part for the transportation costs associated with keeping children eligible for Title IV-E payments in their current school. They may include transportation costs as a cost

related to the maintenance of a child in foster care, rather than as an administrative cost. This means that some states will be eligible for higher federal reimbursement for transportation costs than they had been previously. (See question 6.5 for further details). (§475(1)(G) & (4)(A); P.L. 110-351 §204(a))

## **6.2 Why were these education requirements included in the new law?**

Children in foster care often face a number of education-related difficulties. For children struggling to overcome abuse or neglect and cope with the trauma of being removed from their parents, focusing and succeeding in school may be difficult. Additionally, those whose experience in foster care is marked by instability often lose educational gains as they move from school to school. Research suggests that fewer school changes are associated with increased likelihood of high-school graduation. Further, school — and the friends and teachers the child has there — can provide a sense of stability and security for children whose lives are disrupted by maltreatment and foster care. The educational requirements in the new law help children involved with the child welfare system maintain important school-based connections and improve their opportunities for educational success.

## **6.3 Do the education requirements apply to all children in foster care, kinship guardianship and adoptive families or just those who are receiving federal assistance under Title IV-E?**

The answer differs depending on which education requirement you are discussing. The act's requirement that state child welfare agencies take steps to improve educational stability for children by minimizing the number of school moves they must make applies to all children in foster care — whether eligible for Title IV-E payments or not. The state child welfare agency must coordinate with local education agencies to ensure that children remain in their current school, unless that would not be in the child's best interests. If it is not in the child's best interest, the state must ensure immediate enrollment in a new school with all of the child's educational records provided to that new school. The agency must document its efforts to maintain educational stability in the child's case plan. The requirement that school-age children attend school only applies to children who are eligible for a Title IV-E payment (foster care, adoption assistance or kinship guardianship). School attendance, however, might be most likely to occur if school attendance is an expectation for all children in foster care, regardless of their eligibility for Title IV-E. (§471(a)(30), §475(1)(G)(i); P.L. 110-351 §204)

#### **6.4 How will the decision be made that sufficient steps have been taken to keep a child in his or her current school?**

The new law requires a determination about whether it is in the child's best interest to remain in his or her current school, or whether the child should be enrolled in a new school. The new law also requires collaboration between the child welfare agency and the relevant local education agencies. Child welfare agencies need to consult all relevant parties who have useful information regarding whether remaining in the current school is best for the child. This includes the child, birth parents, relative caregiver/foster parent, caseworker, teachers, school staff, and attorneys and other advocates for the child. It is also especially important for the agency to collaborate with the school the child attends. Some factors to consider in making the best interest determination include:

- the child's ties to the current school;
- whether the child's current program is appropriate;
- the effect of a move on the child's academic performance;
- the distance of the commute;
- the personal safety of the student;
- which school can better serve the child's educational needs, including special education needs; and
- the length of stay expected in this living placement (the shorter the stay, the more important it is to keep the child in his or her current school).

#### **6.5 What funding is available to help with transportation costs necessary to maintain the child in his or her current school?**

The new law permits state child welfare agencies to be reimbursed in part for the cost of transporting Title IV-E eligible children to their current school based on the states' foster care maintenance payment rate. The federal reimbursement rate may vary from 50 percent to 83 percent. Before the new act was passed, state child welfare agencies were permitted to claim federal reimbursement for transportation costs as part of Title IV-E administrative costs at a 50% federal match. Thirty-seven states and the District of Columbia receive federal reimbursement for maintenance payments at a rate higher than 50 percent. (§475(4)(A); P.L. 110-351 §204(a)(2))

## **6.6 What is the court’s role in ensuring the agency meets its responsibilities under these new education provisions?**

The requirement that the state agency assure educational stability for the child must be addressed in the child’s individual case plan, which the court and other reviewing bodies are to examine when reviewing the status of the child at least every six months and when reviewing the child’s permanency plan every 12 months. It may also be appropriate for the court to inquire about educational stability at the initial removal hearing. These reviews provide opportunities for the advocate for the child to highlight efforts to provide educational stability for the child, including efforts to keep the child in his or her current school, provide transportation to help the child remain in that school, or provide assistance to the child while enrolling in a new school. The school attendance requirement, on the other hand, is not an individual case plan requirement. It is an assurance that the state child welfare agency has to make in its state plan. Nonetheless, since the agency is obligated to ensure children are attending school and the case review process requires that the child’s status and education records be reviewed, it makes sense for the court or other reviewing body to consider school attendance at the six-month reviews and permanency hearings as well.

[\*Return to Table of Contents\*](#)

# **ELIGIBILITY FOR CHAFEE INDEPENDENT LIVING SERVICES AND EDUCATIONAL AND TRAINING VOUCHERS FOR CHILDREN BEING RAISED BY GRANDPARENTS AND OTHER RELATIVES**

## **7.1 Under the new law, what independent living services and other assistance will now be available to youth who leave foster care for legal guardianship with relatives after turning 16?**

The act clarifies that youth ages 16 or older who leave foster care for kinship guardianship or adoption are eligible for the same independent living services provided by their state to youth in foster care. The new law also makes youth ages 16 or older who leave foster care for kinship guardianship eligible for educational and training vouchers (ETVs) — under pre-existing law, children adopted from foster care after age 16 are already eligible for ETVs. Independent living services are administered by state child welfare agencies using federal funds available through the John H. Chafee Foster Care Independence Program (Chafee Program). Specific services available to youth vary widely by state but basic independent living services often include life skills preparation classes, youth conferences and similar services designed to prepare youth for the transition to adulthood. The ETV Program generally provides vouchers of up to five thousand dollars (\$5,000) per student annually for post-secondary education or training programs. (§477(a)(7) & (i)(2); P.L. 110-351 §101(e))

## **7.2 What sort of transition plans are youth leaving foster care or ceasing to receive Chafee Program services supposed to have?**

The new law requires, as part of the “case review system,” that in the 90-day period immediately prior to when a child turns 18 (or 19, 20 or 21 as the state may elect), that a caseworker and any other appropriate representatives of the child must work with the child to develop a personalized transition plan that is as detailed as the child chooses. The plan should include specifics on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services. This transition plan is required for

*all* youth for whom foster care maintenance payments are being made. Youth who have returned home or for whom kinship guardianship assistance or adoption assistance payments are being made must also have a transition plan if they are also receiving Chafee Program benefits or services. (§475(5)(H) & (i)(2); P.L. 110-351 §202)

[\*Return to Table of Contents\*](#)

## LICENSING HOMES OF GRANDPARENTS AND OTHER RELATIVE CAREGIVERS

### 8.1 What does the new law say about the licensing of grandparents and other relatives?

The new law codifies existing U.S. Department of Health and Human Services (HHS) guidance (see Child Welfare Policy Manual, 8.3A.8c (1) available at [http://www.acf.hhs.gov/j2ee/programs/cb/laws\\_policies/laws/cwpm/policy\\_dsp.jsp?citID=26#26](http://www.acf.hhs.gov/j2ee/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=26#26)) stating that agencies may, on a case-by-case basis, waive non-safety related licensing standards when licensing a relative's home. For example, this may include waiving the requirement that each child have a separate bedroom if the relative is taking in siblings or waiving the requirement that a home have a certain amount of square footage per person. The new law also requires HHS to report to Congress within two years on how states are using the ability to waive non-safety standards and make recommendations as to how additional barriers to licensing relatives' homes can be eliminated. (§471(a)(10); P.L. 110-351 §104)

### 8.2 Why was the licensing provision included in the new law?

There is concern that relatives have trouble getting licensed as foster parents. Many foster parent licensing standards — especially some of those related to training, the structure and layout of the home or room sharing — were developed with the needs of children being raised by non-relative foster parents in mind. Some of these requirements do not make as much sense for children placed with their relatives. There also is a growing body of knowledge and research that indicates that there is value in placing children with relatives. Thus, advocates, administrators and policy makers have been suggesting that some flexibility in terms of non-safety-related requirements for relatives would allow more children to realize the benefits associated with kinship care. The new act takes a first step in this direction.

HHS guidance to the states specifies that the same licensing standards must be applied to relative and non-relative foster parents, but that exceptions can be made on a case by case basis for relatives. There has been some concern, however, that states have been hesitant to make such exceptions due to uncertainty about what is permissible. The new law codifies the HHS

guidance, making it clear that exceptions are permissible on a case-by-case basis. The HHS report to Congress on licensing of relatives, described in the answer to question 8.5, will provide information that will allow for consideration of other ways to eliminate barriers to safely placing children with licensed relative foster parents.

**8.3 Are criminal background checks and/or child abuse registry checks required to become a licensed caregiver?**

Yes. States must conduct criminal background and child abuse registry checks, including fingerprint-based checks of national crime information databases, before any foster or adoptive parent or relative guardian — whether licensed or not — may be finally approved for placement of a child. Other adults living in the home of the caregiver must also undergo the child abuse and neglect registry checks. (§471(a)(20)(D); P.L. 110-351 §101(c)(2)(A))

**8.4 What does the reference to “non-safety” licensing standards mean?**

Pre-existing federal law requires that states establish and maintain standards for foster family homes that are “reasonably in accord with recommended standards of national organizations...including standards related to admission policies, safety, sanitation, and protection of civil rights,” but the law does not offer additional specificity. As such, licensing standards are established by states. The new law clarifies that states may waive any standards determined by the state to be non-safety standards on a case-by-case basis. States may define and waive those standards that it determines are not essential to the child’s safety. It is important to remember that safety standards cannot be waived and federal law still requires that states conduct criminal background and child abuse and neglect registry checks, including fingerprint-based checks of national crime information databases, before a foster or adoptive parent or relative guardian may be finally approved for placement of a child. Other adults living in the home must also undergo the child abuse and neglect registry checks. (§471(a)(10); P.L. 110-351 §104)

**8.5 What is the Secretary of Health and Human Services required to report to Congress about the licensing of grandparents and other relatives?**

The new law requires the Secretary of Health and Human Services to report to Congress no later than October 7, 2010, on the following: the national and state numbers and percentages of children in foster care placed in licensed relative foster homes and the numbers and percentages of those placed in unlicensed relative foster homes; the types of and frequency with which states

grant case-by-case waivers of non-safety-related standards for relative foster homes; an assessment of how such waivers have affected children in foster care; a review of the reasons a relative foster home may not be licensed in spite of waivers; and recommendations for actions to increase the percentage of relative foster homes that are licensed. (P.L. 110-351 §104(b))

[Return to Table of Contents](#)

# **TRAINING OF RELATIVE CAREGIVERS AND THOSE WORKING WITH CHILDREN IN THE CHILD WELFARE SYSTEM**

## **9.1 What training improvements does the act make for relative caregivers and those working with children and families in the child welfare system?**

The act expands the universe of those working with children who are at risk of foster care, in care or placed with kin or adoptive families who may be eligible for training under Title IV-E. Currently, only public agency staff, as well as current and prospective foster and adoptive parents are eligible. The act broadens this group to include current and prospective relative guardians and agencies that are not public agencies but are state-licensed or state-approved private child welfare agencies providing services to the child. It also extends Title IV-E training to judges and other members of the staff of abuse and neglect courts, agency attorneys, attorneys representing children or parents, guardians ad litem, and other court appointed special advocates representing children in proceedings of such courts. The act phases in federal reimbursement for training of these private agency staff, judges, attorneys and court personnel, and current and prospective relative guardians beginning at 55 percent in FY2009 and increasing each year by 5 percentage points until reaching 75 percent in FY2013. Training for public agency staff, as well as current and prospective foster and adoptive parents will continue to be reimbursed at 75 percent. (§474(a)(3)(B); P.L. 110-351 §203)

## **9.2 When will relative guardians be eligible to be trained with federal assistance along with foster parents and adoptive parents?**

Current and prospective relative guardians will be able to be trained with Title IV-E training funds beginning in FY2009 (October 1, 2008). The first year, such training will be reimbursed at 55 percent and will increase five percentage points each year until reaching 75 percent in FY2013. (P.L. 110-351 §203(b))

**9.3 When will staff of private child welfare agencies and the courts who are serving children, attorneys, and others representing children be eligible to be trained with federal assistance?**

These agency and court staff and attorneys and others representing children will be able to be trained with Title IV-E training funds beginning in FY2009 (October 1, 2008). The first year such training will be reimbursed at 55 percent and will increase five percentage points each year until reaching 75 percent in FY2013. (P.L. 110-351 §203(b))

**9.4 Who can now be trained using Title IV-E funds who were not previously eligible for training with such funds?**

Staff of state-licensed or approved private agencies providing services to children, judges and other members of the staff of abuse and neglect courts, agency attorneys, attorneys representing children or parents, guardians ad litem, and other court appointed special advocates representing children in proceedings of such courts can now be trained under the new act. Relative guardians also can now be trained with Title IV-E funds. Prior to the new act, only foster and adoptive parents and public child welfare agency staff could be trained with these funds. (§474(a)(3)(B); P.L. 110-351 §203(a))

**9.5 Will training for these additional groups be reimbursed at the same 75 percent federal match rate as is currently the case for other Title IV-E training?**

Training for these additional groups will be reimbursed at the 75 percent federal match rate in FY2013 (October 1, 2012). Such training, however, can be reimbursed at a 55 percent federal match rate beginning in FY2009 (October 1, 2008), and then increases five percentage points a year until FY2013. As in pre-existing law, however, the federal match rate for Title IV-E training must be prorated by the percentage of foster care youth that are Title IV-E eligible. (P.L. 110-351 §203(b))

[Return to Table of Contents](#)

## APPENDICES

### APPENDIX I: IMPLEMENTATION CHRONOLOGY

### APPENDIX II: GLOSSARY

### APPENDIX III: SELECTED RESOURCES

### APPENDIX IV: CONTACTS FOR COLLABORATING ORGANIZATIONS

## APPENDIX I: IMPLEMENTATION CHRONOLOGY

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### October 7, 2008

- Fostering Connections to Success and Increasing Adoptions Act of 2008 became law.
- Provisions effective immediately:
  - Kinship Guardianship Assistance option, although states may elect the option at a later date
  - Family Connection Grants
  - Identification of and notice to relatives
  - Access to Federal Parent Locator Service
  - Sibling placement requirement
  - Option for case-by case exceptions for relatives for non-safety licensing standards
  - Transition plan requirement

- Educational stability and attendance requirements
- Health Oversight and Coordination Plan requirement
- Adoption Incentive Program expansion
- Adoption Tax Credit information to families adopting children from foster care
- Short-term training under Title IV-E for relative guardians, agency and court staff, and attorneys, court appointed special advocates and guardians ad litem begins to phase in at a reimbursement rate of 55%.
- HHS technical assistance to Indian tribes and states about the tribal changes in the law
- Implementation grants for Indian tribes that are preparing a Title IV-E plan for approval in order to access Title IV-B and IV-E funds directly

### **October 23, 2008**

- Program Instruction ACYF-CB-PI-08-05 released, which describes the new law and requires states to submit certifications to the regional Children’s Bureau offices within 30 days stating whether or not they will require state legislation to implement provisions of the law.

### **October 24, 2008**

- Information Memorandum ACYF-CB-IM-08-03 released, which notifies Indian Tribes of the opportunity to directly operate title IV-E programs for foster care maintenance payments, adoption assistance and kinship guardianship assistance and apply for grants to develop title IV-E plans and provides a brief overview of the law and the options available to Indian Tribes.

### **November 24, 2008**

- Certifications due from all states to their regional Children’s Bureau offices regarding whether or not they require state legislation to implement the provisions of the law.

## **December 24, 2008**

- Program Instruction ACYF-CB-PI-08-007 released, which provides information to state and tribal child welfare agencies on how to implement and operate the Guardianship Assistance Program plan option and includes a sample Title IV-E plan amendment.

## **January 1, 2009**

- In the quarter that begins on this date, States deciding to take the kinship guardianship assistance option may obtain approval from HHS of their Title IV-E state plan amendments, and, once approved, begin to submit claims for reimbursement of eligible children back to the first day of the quarter in which approval was granted. (States also may opt in at a later time.)

## **October 1, 2009**

- Indian tribes, tribal organizations and tribal consortia with an approved Title IV-E plan may begin directly claiming federal funds for foster care, adoption assistance or kinship guardianship assistance payments, or related costs, *or may decide to do so in the future.*
- The elimination of income and resource eligibility requirements for the federal adoption assistance program begins to be phased in, beginning with children 16 or older, children who have been in care for 60 consecutive months, and siblings of such children.
- Short-term training under Title IV-E for relative guardians, agency and court staff and attorneys, court appointed special advocates and guardians ad litem can now be reimbursed at 60%.

## **October 1, 2010**

- States for the first time have the option to extend federally supported foster care payments to ages 19, 20, or 21 for youth in foster care who were in care at age 18 or to youth who had kinship guardianship or adoption assistance agreements that became effective after they reached age 16. (States also may opt in at a later time.)
- Short-term training under Title IV-E for relative guardians, agency and court staff and attorneys, court appointed special advocates and guardians ad litem can now be reimbursed at 65%.

- The elimination of income and resource eligibility requirements for the federal adoption assistance program continues to be phased in to cover children 14 and older, children in care for 60 consecutive months, and siblings of such children.

### **October 7, 2010**

- The Secretary of HHS must submit no later than this date a report to the House Committee on Ways and Means and the Senate Finance Committee a report that describes how the case-by case waivers of non-safety licensing standards for relatives have been implemented and recommends policy changes to increase the percentage of relative foster family homes that are licensed

### **October 1, 2011**

- Short-term training under Title IV-E for relative guardians, agency and court staff and attorneys, court appointed special advocates and guardians ad litem can now be reimbursed at 70%.
- The elimination of income and resource requirements for the adoption assistance program covers children 12 and older, children in care for 60 consecutive months, and siblings of such children.

### **October 1, 2012**

- Short-term training under Title IV-E for relative guardians, agency and court staff and attorneys, court appointed special advocates and guardians ad litem can now be reimbursed at 75%, the rate at which other Title IV-E training is reimbursed.
- The elimination of income and resource eligibility requirements for the federal adoption assistance program continues to be phased in to cover children 10 and older, children in care for 60 consecutive months, and siblings of such children.

### **October 1, 2013**

- The elimination of income and resource requirements for the federal adoption assistance program continues to be phased in to cover children 8 and older, children in care for 60 consecutive months, and siblings of such children.
- Adoption Incentives Program must be reauthorized.
- Family Connection Grants expire.

## **October 1, 2014**

- The elimination of income and resource requirements for the federal adoption assistance program continues to be phased in to cover children 6 and older, children in care for 60 consecutive months, and siblings of such children.

## **October 1, 2015**

- The elimination of income and resource requirements for the federal adoption assistance program continues to be phased in to cover children 4 and older, children in care for 60 consecutive months, and siblings of such children.

## **October 1, 2016**

- The elimination of income and resource requirements for the federal adoption assistance program continues to be phased in to cover children 2 and older, children in care for 60 consecutive months, and siblings of such children.

## **October 1, 2017**

- The elimination of income and resource requirements for the federal adoption assistance program is now fully phased in for children of all ages, children in care for 60 consecutive months, and siblings of such children.

[Return to Table of Contents](#)

## APPENDIX II: GLOSSARY \*

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**Adoption Incentives Program** – Provides fiscal incentives to states to increase annually, over an established baseline, the number of children adopted from foster care with special attention to older children and other children with special needs.

**Adoption and Safe Families Act (ASFA), (P.L. 105-89)** – Enacted in 1997 to enhance safety, permanence and well-being for children at risk of entering or in the child welfare system. Required that a child’s safety be the paramount consideration in any decision a state makes regarding a child in the system. Established expedited timelines for moving children into permanent homes, either by safely returning them home or by terminating parental rights and moving children into adoptive or other permanent placements, including guardianship or placement with a fit and willing relative. Reauthorized the Family Preservation and Support Services Program to expand its focus on adoption, and changed its name to the Promoting Safe and Stable Families Program.

**Congressional Budget Office (CBO)** – Nonpartisan organization required by Congress to prepare annual budgets and economic outlooks for the country, estimates of the fiscal impact of the President’s proposed budget, and estimates of legislative proposals introduced in Congress.

**Educational and Training Vouchers (ETV) Program** – Provides resources through the states for vouchers for postsecondary training and education to assist youth otherwise eligible for services under the state’s John H. Chafee Foster Care Independence Program (see definition below) including those who were adopted or entered kinship guardianship from foster care after attaining age 16. The vouchers, which are included as a sixth purpose in the John H. Chafee Foster Care Independence Program, make up to \$5,000 per year per youth available for secondary education and training to eligible youth.

**Federal Fiscal Year (FY)** – The accounting period of the federal government is the federal fiscal year. It begins on October 1<sup>st</sup> of each year and runs through September 30<sup>th</sup> of the next year. Each fiscal year is identified by the calendar year in which it ends. A state’s fiscal year may or may not coincide with the federal fiscal year; it may coincide with the calendar year or run from July 1<sup>st</sup> of the year to June 30<sup>th</sup> of the next year.

**Federal Medical Assistance Percentage (FMAP)** – The Federal Medical Assistance Percentage (FMAP) is used in determining the amount of federal matching funds for state expenditures for assistance payments for certain social services, including the Title IV-E Foster Care and Adoption Assistance programs, and state medical and medical insurance expenditures. The Social Security Act requires the Secretary of Health and Human Services to calculate and publish the FMAPs each year.

**Foster Care Licensing Standards** – Each state has licensing regulations to ensure children are cared for in physically and developmentally safe foster family homes, group homes, and child care institutions. Although some states have separate standards when care is to be provided by related caregivers rather than by non-related caregivers, HHS has interpreted federal law to require that, for purposes of federal reimbursement, the same licensing standards must be applied to all foster parents but does allow exceptions to be made on a case by case basis. The new act codifies this guidance.

**Health & Human Services (HHS), Department of** – Cabinet level department within the Executive Branch that is the United States’ principal governmental agency for protecting the health of all Americans and providing essential human services across the country, especially for those who are least able to help themselves.

- **Administration on Children & Families (ACF)** – Within HHS, ACF is responsible for federal programs that promote the economic and social well-being of families, children, individuals and communities. Its 60-some program activities include adoption and foster care; child abuse and neglect; child care; child support; disabilities; energy assistance; Head Start; Healthy Marriage Initiative; Human Trafficking; Native American/Tribal supports; and the Temporary Assistance for Needy Families Program.
- **Children’s Bureau** – It is one of two bureaus within the Administration on Children & Families (ACF). It works with state and local agencies to develop programs that focus on preventing the abuse of children, protecting children from abuse, and promoting permanent families for children.

**John H. Chafee Foster Care Independence Program** – The Chafee Program has three components: (1) independent living services to help youth who are “likely to remain in foster care until the age of 18,” youth who leave foster care at 18 or older, and youth who were adopted or entered legal guardianship from foster care after attaining age 16 transition to self-sufficiency (basic independent living services); (2) assistance with “room and board” for those who exited foster care because they turned 18 but who have not yet turned 21; and (3) educational and training vouchers for youth otherwise eligible for services under that state’s Chafee Program including those who were adopted or entered kinship guardianship from foster care after attaining age 16.

**Kinship Navigator Program** – Programs that will assist kinship caregivers in learning about, finding, and using programs and services to meet the needs of the children they are raising and their own needs, and that will promote effective partnerships among public and private agencies to ensure kinship caregiver families are served.

**Medicaid** – Provides financial assistance to states for payments of medical assistance on behalf of cash assistance recipients, children, pregnant women, and the aged who meet income and resource requirements, and other categorically-eligible groups including children who are eligible for the Title IV-E Foster Care and Adoptions Assistance programs and, under the new act, Kinship Guardianship Assistance Payments. In certain states that elect to provide such coverage, medically needy persons, who, except for income and resources, would be eligible for cash assistance, may be eligible for medical assistance payments under this program.

**Ombudsman** – An advocate or spokesperson for a targeted group of individuals who are served by an organization to ensure that the organization's obligations, ethical duties, and rules are being followed; to investigate possible illegal, unethical activities or harmful unforeseen consequences of that organization's actions; and to facilitate negotiations or actions toward satisfactory solutions.

**State Child Welfare Agency** – State agencies that are mandated to respond to reports of child abuse and neglect and to intervene as needed to protect children. Typically they provide a range of child welfare services for children and families, including family preservation, child protection, out-of-home care, kinship care, and adoption. For links to child welfare agencies in each state see: [http://www.childwelfare.gov/pubs/reslist/rl\\_dsp\\_website.cfm?rs\\_ID=16&rate\\_chno=AZ-0004E](http://www.childwelfare.gov/pubs/reslist/rl_dsp_website.cfm?rs_ID=16&rate_chno=AZ-0004E)

**Temporary Assistance for Needy Families Program (TANF)** – Provides grants to states, territories, the District of Columbia and federally recognized Indian Tribes operating their own Tribal TANF programs to assist needy families with children so that children can be cared for in their own homes; reduce dependency by promoting job preparation, work, and marriage; reduce and prevent out-of-wedlock pregnancies; and encourage the formation and maintenance of two-parent families.

**Title IV-B/Stephanie Tubbs Jones Child Welfare Services Program** –

- **Child Welfare Services Program (Subpart 1)** – Promotes state flexibility in the development and expansion of a coordinated child and family services program that utilizes community-based agencies and ensures all children are raised in safe, loving

families. Funds may be used for the following purposes: (i) protecting and promoting the welfare of all children; (ii) preventing the abuse, neglect, or exploitation of children; (iii) supporting at-risk families through services that allow children to remain with their families or return to their families in a timely manner; (iv) promoting the safety, permanence, and well-being of children in foster care and adoptive families; and (v) providing training, professional development, and support to ensure a well-qualified workforce.

- **Promoting Safe & Stable Families (Subpart 2)** – Funds family preservation services that assist families at risk or in crisis; community-based family support services that promote the safety and well-being of children and families, to afford children a safe, stable and supportive family environment, to strengthen parental relationships and promote healthy marriages, and otherwise to enhance child development; time-limited family reunification services to facilitate the reunification of the child safely and appropriately within a timely fashion; and adoption promotion and support services designed to encourage more adoptions out of the foster care system, when adoption promotes the best interests of the child. In addition, a portion of funds is reserved in FY 2008 – FY 2011 for a separate formula grant for States and territories to support monthly caseworker visits with children who are in foster care. Funds also are reserved for research, evaluation and technical assistance, which may be awarded competitively through contracts or discretionary grants.

**Title IV-E Adoption Assistance** – Provides federal funding to states for adoption subsidy costs for the adoption of eligible children with special needs who meet certain eligibility tests; administrative costs to manage the program; and training for the public agency staff, adoptive parents, and certain private agency staff.

**Title IV-E Foster Care** – Provides federal funding to help states provide safe and stable out-of-home care for children under the jurisdiction of the state child welfare agency until the children are returned home safely, placed with adoptive families, or placed in other planned arrangements for permanency. The program provides funds to states to assist with the costs of foster care maintenance for eligible children; administrative costs to manage the program; and training for the public and private agency staff, foster parents and certain private agency staff.

**Title IV-E Training** – Provides federal funding to states to assist with training for public and private agency staff, court staff, attorneys, court appointed special advocates, and guardians ad litem, and foster and adoptive parents and relative caregivers.

**Title IV-E Waivers** – The Child Welfare Waiver Demonstration authority provided states with an opportunity to use federal Title IV-E funds more flexibly in order to test innovative approaches to child welfare service delivery and financing. States could design and demonstrate a wide range of approaches to reform child welfare and improve outcomes in the areas of safety, permanency, and well-being and request waivers of Title IV-E rules to be able to implement them. Although the authority for new waivers ended in March 2007, 12 states are continuing waivers in different areas begun before that date. Six of these states are continuing kinship care waivers.

**211 and 311** – A toll-free telephone number that connects callers to information about critical health and human services available in their community. The availability of 211 and 311 and the services that are offered through 211 and 311 vary from community to community.

\*Generally, definitions were drawn from the Catalog of Federal Domestic Assistance (CFDA) ([http://12.46.245.173/pls/portal30/CATALOG.FIND\\_ASSISTANCE\\_PROGRAM\\_DYN.show](http://12.46.245.173/pls/portal30/CATALOG.FIND_ASSISTANCE_PROGRAM_DYN.show)) or the Glossary maintained by the Child Welfare Information Gateway (<http://www.childwelfare.gov/admin/glossary/index.cfm>).

[\*Return to Table of Contents\*](#)

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## APPENDIX III: SELECTED RESOURCES

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### General Resources on Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351):

- **Summaries of Public Law 110-351**  
October 2008
  - **Fostering Connections to Success and Increasing Adoptions Act of 2008 Short Summary**  
[http://www.childrensdefense.org/site/DocServer/9\\_16\\_08\\_FCSAIAAct\\_1-\\_pager\\_FINAL\\_with\\_new\\_logo.pdf?docID=8882](http://www.childrensdefense.org/site/DocServer/9_16_08_FCSAIAAct_1-_pager_FINAL_with_new_logo.pdf?docID=8882)
  - **Fostering Connections to Success and Increasing Adoptions Act of 2008 Detailed Summary**  
[http://www.childrensdefense.org/site/DocServer/FCSIAA\\_long\\_summary.pdf?docID=8841](http://www.childrensdefense.org/site/DocServer/FCSIAA_long_summary.pdf?docID=8841)
  - **Fostering Connections to Success and Increasing Adoptions Act of 2008 Implications for Children Being Raised by Grandparents and Other Relatives**  
[http://www.childrensdefense.org/site/DocServer/1\\_pager\\_on\\_Kinship\\_for\\_Grandparents.pdf?docID=8921](http://www.childrensdefense.org/site/DocServer/1_pager_on_Kinship_for_Grandparents.pdf?docID=8921)
- **Congressional Research Service's Summary of Fostering Connections to Success and Increasing Adoptions Act of 2008 (HR 6893)**  
October 9, 2008  
*Summary of the legislation from the Congressional Research Service*  
[http://assets.opencrs.com/rpts/RL34704\\_20081009.pdf](http://assets.opencrs.com/rpts/RL34704_20081009.pdf)
- **Congressional Budget Office Cost Estimate for H.R. 6893 Fostering Connections to Success and Increasing Adoptions Act of 2008**  
December 23, 2008  
<http://www.cbo.gov/doc.cfm?index=9955>
- **Link to Public Law 110-351**  
[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110\\_cong\\_public\\_laws&docid=f:publ351.110.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_public_laws&docid=f:publ351.110.pdf)

- **Program Instruction October 23, 2008**  
**Administration for Children and Families, Children’s Bureau**  
*Program Instruction sent to state, tribal, and territorial agencies administering or supervising the administration of Title IV-E of the Social Security Act, Indian Tribes and Indian Tribal Organizations to inform them of the enactment of the Fostering Connections to Success and Increasing Adoptions Act of 2008.*  
[http://www.acf.hhs.gov/programs/cb/laws\\_policies/policy/pi/2008/pi0805.htm](http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/2008/pi0805.htm)
  
- **Information Memorandum October 23, 2008**  
**Administration for Children and Families, Children’s Bureau,**  
*This Information Memorandum provides a brief overview of the law and the options available in Public Law 110-351 for Indian Tribes to operate directly Title IV-E programs for foster care maintenance payments, adoption assistance and kinship guardianship assistance and apply for grants to develop Title IV-E plans.*  
[http://www.acf.hhs.gov/programs/cb/laws\\_policies/policy/im/2008/im0803.htm](http://www.acf.hhs.gov/programs/cb/laws_policies/policy/im/2008/im0803.htm)
  
- **Child Welfare Information Gateway**  
*A service of the Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services, the website provides access to print and electronic publications, websites, and online databases covering a wide range of topics from prevention to permanency, including child welfare, child abuse and neglect, adoption, search and reunion.*  
<http://www.childwelfare.gov/aboutus.cfm>
  
- **Examples of National Organizations With Websites That Include Resources on the New Law**
  - **American Bar Association Center on Children and the Law**  
<http://www.abanet.org/child/>
  - **Center for Law and Social Policy**  
<http://www.clasp.org/publications/fctsaiaact2008resources.htm>
  - **Child Welfare League of America**  
<http://www.cwla.org/advocacy/adoptionhr6893resources.htm>
  - **Children’s Defense Fund**  
[http://www.childrensdefense.org/site/PageServer?pagename=priorities\\_childwelfare#foster](http://www.childrensdefense.org/site/PageServer?pagename=priorities_childwelfare#foster)
  - **Generations United**  
<http://www.gu.org/Foste10161796.asp>

## General Resources for Children Raised by Kinship/Grandparents and Other Relatives Raising Children:

- **Grandfamilies.org (Grandfamilies State Law and Policy Resource Center)**  
Casey Family Programs, the American Bar Association's (ABA) Center on Children and the Law, and Generations United  
*The Resource Center serves as a national legal resource created to educate individuals about state laws, legislation and policy in support of grandfamilies and to assist interested state legislators, advocates, caregivers, attorneys, and other policymakers in exploring policy options to support relatives and the children in their care both within and outside the child welfare system. Additionally, the ABA and Generations United staff are available to provide technical assistance and training to state policymakers and advocates or other interested parties.*  
[www.Grandfamilies.org](http://www.Grandfamilies.org)
- **State Fact Sheets for Grandparents and Other Relatives Raising Children**  
AARP Foundation, Brookdale Foundation Group, Casey Family Programs, Child Welfare League of America, Children's Defense Fund, and Generations United  
*A national partnership has compiled and released state fact sheets and one national fact sheet that include Census data on the number of grandparent caregivers and the children they are raising, a comprehensive list of local programs, resources and services, state foster care policies for grandparent and other relative caregivers, information about key public benefit programs, important state laws, and national organizations that may be of help.*  
[www.Grandfactsheets.org](http://www.Grandfactsheets.org)
- **Grandparents and Other Relatives Raising Children: Annotated Bibliography**  
Generations United, 2002  
*This annotated bibliography summarizes a wide variety of resources, including books, factsheets, reports, journal articles, audiovisual sources, and training manuals.*  
<http://www.gu.org/documents/A0/AnnotatedBibliography.doc>
- **Is Kinship Care Good for Kids?**  
Center for Law and Social Policy, 2007  
*This fact sheet examines whether kinship care is good for children and the research available to answer this question.*  
[http://www.clasp.org/publications/is\\_kinship\\_care\\_good.pdf](http://www.clasp.org/publications/is_kinship_care_good.pdf)

- **Kinship Annotated Bibliography**  
 Research to Practice, 2003  
*This annotated bibliography summarizes close to 70 articles, reports, and studies on kinship care. The bibliography includes a short description, methodology and key findings.*  
<http://www.cwla.org/programs/R2P/bibliokc.pdf>
- **The Kinship Report: Assessing the Needs of Relative Caregivers and the Children in Their Care**  
 Ernestine Jones, Casey Family Programs, 2003  
*This report presents a picture of the difficulties faced by kinship care families and a better appreciation of the strengths they bring to their situation. The report also identifies the ways in which the financial, physical and social needs of the children and caregivers are being met or left unanswered.*  
[http://www.casey.org/NR/rdonlyres/54020D5E-D726-463C-85F8-9EA1731C5EDE/81/casey\\_kinship\\_report.pdf](http://www.casey.org/NR/rdonlyres/54020D5E-D726-463C-85F8-9EA1731C5EDE/81/casey_kinship_report.pdf)
- **The Continuing Evolution of State Kinship Care Policies**  
 Urban Institute, 2002  
*This study presents the findings of a 2001 survey of state policies regarding relative foster care.*  
[http://www.urban.org/UploadedPDF/310597\\_state\\_kinship\\_care.pdf](http://www.urban.org/UploadedPDF/310597_state_kinship_care.pdf)
- **Resources for Grandparents Raising Grandchildren**  
*This compilation of online resources is aimed at helping grandparents raise their kin.*  
[http://www.caseyfamilyservices.org/news\\_08grandparents\\_res.html](http://www.caseyfamilyservices.org/news_08grandparents_res.html)
- **Time for Reform: Support Relatives in Providing Foster Care and Permanent Families for Children**  
 Kids Are Waiting, Generations United, Children and Family Research Center, University of Illinois at Urbana-Champaign, 2007  
*This report examines the role relative caregivers play in raising children in the foster care system. The report argues for a number of changes in federal law to support children and their relative caregivers, including subsidized guardianship.*  
[http://www.gu.org/documents/A0/Time\\_for\\_Reform.pdf](http://www.gu.org/documents/A0/Time_for_Reform.pdf)

## Identification of and Notice to Grandparents and Other Relatives

- **Six Steps to Find a Family: A Practice Guide to Family Search and Engagement**  
*This guide from the National Resource Center for Family-Centered Practice and Permanency Planning and the California Permanency for Youth Project provides detailed guidance on casework practice that supports family search and engagement in the quest to provide permanency for young people.*  
<http://www.hunter.cuny.edu/socwork/nrcfcpp/downloads/SixSteps.pdf>
- **Making “Relative Search” Happen: A guide to finding and involving relatives at every stage of the child welfare process**  
ChildFocus, 2007  
*This guide walks through many of the key questions for child welfare professionals to help locate potential relative caregivers.*  
<http://www.childfocuspartners.com/images/RelativeSearchGuide10-15.pdf>

## Kinship Navigator Programs and Other Family Connection Grant Activities

- Kinship Navigator Programs
  - **Grandfamilies.org (Grandfamilies State Law and Policy Resource Center)**  
Casey Family Programs, the American Bar Association’s Center on Children and the Law and Generations United  
*Website includes a searchable database of state kinship navigator programs, narrative analysis of kinship navigator programs, and personal stories from caregivers who benefited from these programs.*  
[www.Grandfamilies.org](http://www.Grandfamilies.org)
  - **State Fact Sheets for Grandparents and Other Relatives Raising Children**  
AARP Foundation, Brookdale Foundation Group, Casey Family Programs, Child Welfare League of America, Children's Defense Fund, and Generations United  
*Website contains fact sheets on every state, including information on kinship navigator programs already operating in the state.*  
[www.Grandfactsheets.org](http://www.Grandfactsheets.org)

- **New Jersey Kinship Caregivers Navigator Network**  
*This is the website for New Jersey's state-run kinship navigator program, including toll-free number for caregivers.*  
<http://www.state.nj.us/humanservices/DHS%20Publications/kinshipbro1.html>
  
- **Kinship Navigator Pilot Project: Replication Manual**  
 Casey Family Programs, TriWest Group, 2005  
*Casey Family Programs, in collaboration with the Washington State Kinship Oversight Committee, implemented the Kinship Navigator pilot project in July 2004 in the state of Washington. This manual is intended to help service providers and policymakers use the lessons learned in the Kinship Navigator Pilot to expand and improve programs that support kinship caregivers of children and youth.*  
<http://www1.dshs.wa.gov/pdf/ea/kinship/KinshipNavigatorReplicationManual.pdf>
  
- Family Group Decision Making
  - **Tools for Permanency - Family Group Decision Making:**  
 Hunter College School of Social Work of the City University of New York, 1998  
*This tool offers information about this family-focused, culturally sensitive approach to developing safety and permanency plans with families for children who are in foster care or who are at risk of entering foster care due to parental abuse or neglect.*  
<http://www.hunter.cuny.edu/socwork/nrcfcpp/downloads/tools/fgdm-tool.pdf>
  
  - **National Center on Family Group Decision Making**  
 American Humane  
*American Humane's National Center on Family Group Decision Making offers a wide range of resources and other services.*  
<http://www.americanhumane.org/protecting-children/programs/family-group-decision-making/national-center/>
  
  - **Family Group Decision Making in Child Welfare: Purpose, Values and Processes**  
 American Humane, 2008  
*This fact sheet outlines the key concepts concerning family group decision making.*  
<http://www.americanhumane.org/assets/docs/PC-fgdm-statements.pdf>

- **Family Group Conferencing: Responses to the Most Commonly Asked Questions**  
 American Humane, 2004  
*This document provides American Humane's responses to the most frequently asked questions about family group conferencing.*  
<http://www.americanhumane.org/assets/docs/PC-fgdm-faqs.pdf>
  
- **Learning with Families: A Synopsis of FGDM Research and Evaluation in Child Welfare**  
 American Humane, 2003  
*This article provides a summary of research and evaluations from a variety of family group decision programs.*  
<http://www.americanhumane.org/assets/docs/PC-pc-article-fgdm-research.pdf>
  
- Intensive Family Finding  
  
 Please see: **Identification of and Notice to Grandparents and Other Relatives**
  
- Residential Family Based Substance Abuse Treatment Programs
  - **Cost Benefit Analysis of Family Based Treatment**  
 Rebecca Project for Human Rights  
*This memorandum gives a cost benefit analysis of family based treatment programs for the federal government and states.*  
[http://www.rebeccaproject.org/images/stories/policypapers/cba\\_cft\\_combined\\_final.pdf](http://www.rebeccaproject.org/images/stories/policypapers/cba_cft_combined_final.pdf)
  
  - **Child Outcome Data from Family Based Treatment Programs**  
 Rebecca Project for Human Rights  
*This report offers child outcome data results from five family based treatment programs.*  
[http://www.rebeccaproject.org/images/stories/files/outcome\\_data\\_for\\_comprehensive\\_family\\_treatment\\_programs.pdf](http://www.rebeccaproject.org/images/stories/files/outcome_data_for_comprehensive_family_treatment_programs.pdf)
  
  - **List of Comprehensive Family Treatment Centers**  
 Rebecca Project for Human Rights  
*This webpage provides a list of comprehensive family treatment centers broken down by state.*  
[http://www.rebeccaproject.org/index.php?option=com\\_content&task=blogcategory&id=6&Itemid=182](http://www.rebeccaproject.org/index.php?option=com_content&task=blogcategory&id=6&Itemid=182)

- **Questions & Answers About New Grants under the Child and Family Services Improvement Act of 2006 – P.L. 109-288**  
*Collaborative effort of the American Public Human Services Association, Center for Law and Social Policy, Child Welfare League of America, Children’s Defense Fund, Legal Action Center, National Association of State Alcohol and Drug Abuse Directors, and the Rebecca Project for Human Rights, 2007. This Q&A provides useful background and resources about substance abuse treatment.*  
[http://www.clasp.org/publications/pssf\\_qa.htm](http://www.clasp.org/publications/pssf_qa.htm)

## Subsidized Guardianship / Kinship Guardianship Assistance

- **Subsidized Guardianship: Testing the Effectiveness of an Idea Whose Time Has Finally Come**  
 Children and Family Research Center, University of Illinois at Urbana-Champaign, 2008  
*This report summarizes the results from three subsidized guardianship waiver demonstration projects.*  
[http://www.cfrc.illinois.edu/pubs/pdf.files/SG\\_Testing%20Effectiveness%20\(2008\).pdf](http://www.cfrc.illinois.edu/pubs/pdf.files/SG_Testing%20Effectiveness%20(2008).pdf)
- **States & Subsidized Guardianship Laws at a Glance**  
 Children’s Defense Fund, 2004  
*This report, which is being updated, compares elements from all the subsidized guardianship programs around the country.*  
[http://cdf.convio.net/site/DocServer/guardianship\\_laws.pdf?docID=544](http://cdf.convio.net/site/DocServer/guardianship_laws.pdf?docID=544)
- **Using Subsidized Guardianship to Improve Outcomes for Children: Key Questions to Consider**  
 Children’s Defense Fund and Cornerstone Consulting Group, 2004  
*This publication answers the question - what is subsidized guardianship - in addition to ten other key questions concerning these programs.*  
<http://cdf.convio.net/site/DocServer/UsingSubsidizedGuardianship.pdf?docID=1521>
- **Expanding Permanency Options for Children: A Guide to Subsidized Guardianship Programs**  
 Children’s Defense Fund and Cornerstone Consulting Group, 2003  
*This publication outlines concrete approaches for states to consider in establishing new subsidized guardianship programs and in improving existing ones to better ensure safety and permanency.*  
[http://www.childrensdefense.org/site/DocServer/subsidy\\_guide.pdf?docID=917](http://www.childrensdefense.org/site/DocServer/subsidy_guide.pdf?docID=917)

- **What We Know & Don't Know About Kinship Care**  
Center for Law and Social Policy, September 2007  
*This paper from CLASP is an examination of what the research shows about the value of kinship care and how additional research and policies might illuminate outstanding questions. Paper was submitted in response to Senator Gordon Smith's July 26, 2007, Call for Papers to Examine the Needs of Grandparent and Other Relative Caregivers.*  
[http://www.clasp.org/publications/kinship\\_call\\_9.07.pdf](http://www.clasp.org/publications/kinship_call_9.07.pdf)
- **Grandfamilies.org (Grandfamilies State Law and Policy Resource Center)**  
Casey Family Programs, the American Bar Association's Center on Children and the Law and Generations United  
*Website includes a searchable database of state subsidized guardianship programs, narrative analysis of state subsidized guardianship programs, and personal stories from caregivers who benefited from these programs.*  
<http://www.granfamilies.org/index.cfm?page=topics&topicid=42>
- **Grandfamilies: Subsidized Guardianship Programs**  
Generations United, 2006  
*This fact sheet provides an introduction to subsidized guardianship programs and reviews the various subsidized guardianship programs around the country.*  
<http://ipath.gu.org/documents/A0/GU-GeneralFactSheetJune.pdf>
- **Family Ties: Supporting Permanence for Children in Safe and Stable Foster Care with Relatives and Other Caregivers**  
Fostering Results, 2004  
*The focus of this report is how children in long-term foster care with relatives are prime candidates for permanence when supported through some form of subsidized guardianship.*  
[http://www.fosteringresults.org/results/reports/pewreports\\_10-13-04\\_alreadyhome.pdf](http://www.fosteringresults.org/results/reports/pewreports_10-13-04_alreadyhome.pdf)
- **All Children Deserve a Permanent Family: Subsidized Guardianship as a Common Sense Solution for Relatives in Long Term Foster Care**  
Generations United, 2007  
*This report presents data showing the foster care system's significant reliance on relatives, and highlights the need for subsidized guardianships as another permanency option for children for whom reunification with parents or adoption is not viable. It also features data on Latino children.*  
[http://www.gu.org/documents/A0/All\\_Children\\_Latino\\_English\\_w\\_rev.pdf](http://www.gu.org/documents/A0/All_Children_Latino_English_w_rev.pdf).

- **Subsidized Guardianship in New England: An Analysis for Casey Family Services**  
 Research Team, Master’s Degree Candidates, Urban and Environmental Policy and Planning,  
 Tufts University, April 2006  
*This report explores some of the commonly held beliefs of stakeholders on subsidized guardianship, the legislative history of subsidized guardianship programming, and concludes with recommendations for improving and implementing subsidized guardianship programs in each New England state.*  
[http://www.caseyfamilyservices.org/news\\_tufts\\_study.html](http://www.caseyfamilyservices.org/news_tufts_study.html)
- **“Preventive” Subsidized Guardianship Programs: An Emerging Option for Permanent Kinship Care**  
 ChildFocus Partners for Cornerstone Consulting Group, Inc., December 2006  
*This paper examines programs in six states (Kansas, Kentucky, Louisiana, New Jersey, Nevada, Ohio) and the District of Columbia that provide assistance to children who are living with permanent guardians and who may otherwise be at risk of placement in foster care. Because most states are funding these subsidies with federal Temporary Assistance for Needy Families funds (TANF), the programs cross the lines between state child welfare and economic assistance systems. This paper describes the goals and potential outcomes for “preventive” subsidized guardianship, as well as program characteristics that are beginning to emerge. It concludes with a summary of the issues and challenges raised as agencies, advocates, and policymakers continue to explore the best strategies for supporting children living with relative caregivers.*  
<http://www.childfocuspartners.com/images/PSGandtables.pdf>
- **Illinois Subsidized Guardianship Waiver Demonstration: Final Evaluation Report**  
 Children and Family Research Center, University of Illinois at Urbana-Champaign, 2003  
*This report presents final evaluation findings one of the largest and most successful of the federal waiver demonstrations: the Illinois Subsidized Guardianship Waiver Demonstration. Since its inception in May of 1997, Illinois courts have transferred (as of March 30, 2002) 6,820 foster children from public custody to the private guardianship of relatives and foster parents. Report includes quantitative data on the success of permanency placements and the number of placements.*  
<http://cfrcwww.social.uiuc.edu/pubs/Pdf.files/sgfinalreport.pdf>
- **Report to the Congress on Kinship Care**  
 U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children’s Bureau, 2000  
<http://aspe.hhs.gov/hsp/kinr2c00/full.pdf>

## Maintaining Sibling Connections

- **The Sibling Bond: Its Importance in Foster Care and Adoptive Placement**  
National Adoption Center for the National Clearinghouse on Child Abuse and Neglect Information Center  
*This document looks at the bonds of siblings and the importance of placing them together in adoption and foster care placements.*  
[http://www.fyi3.com/training/upload/fosterclub\\_214.pdf](http://www.fyi3.com/training/upload/fosterclub_214.pdf)
- **Sibling Issues in Foster Care and Adoption**  
Child Welfare Information Gateway, 2007  
*The bulletin explores research, intervention strategies, and resources to assist professionals in preserving connections among siblings.*  
<http://www.childwelfare.gov/pubs/siblingissues/>
- **National Resource Center for Family-Centered Practice and Permanency Planning's Sibling Resources**  
*This website includes several resources related to siblings, including a curriculum from the National Resource Center for Family-Centered Practice and Permanency Planning that utilizes materials developed by Casey Family Programs.*  
[http://www.hunter.cuny.edu/socwork/nrcfcpp/info\\_services/siblings.html](http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/siblings.html)
- **Conservation of Sibling Bonds**  
Children and Family Research Center, University of Illinois at Urbana-Champaign, 2003  
*This fact sheet discusses the possible economic value, through increased social capital of keeping siblings together in kinship families.*  
<http://cfrcwww.social.uiuc.edu/pubs/briefpdfs/sibsbrief.pdf>
- **Siblings in Out-of-Home Care: An Overview**  
Casey Family Programs National Center for Resource Family Support, 2003  
*This document looks at casework practice in to address the needs of siblings in the child welfare system.*  
[http://www.hunter.cuny.edu/socwork/nrcfcpp/downloads/sibling\\_overview.pdf](http://www.hunter.cuny.edu/socwork/nrcfcpp/downloads/sibling_overview.pdf)
- **Is Our Family Focus Wide Enough for Siblings?**  
Kathy Barbell and Child Welfare League of America, 1995  
*This paper provides background on why it is important to maintain sibling groups together in placement and addresses some of the key steps agencies should take to support children's*

*connections with their siblings. It originally appeared in the Winter 1995 issue of Children's Voice magazine, and is reprinted by special permission of the Child Welfare League of America.*  
[http://www.hunter.cuny.edu/socwork/nrcfcpp/downloads/cwla\\_article\\_siblings.pdf](http://www.hunter.cuny.edu/socwork/nrcfcpp/downloads/cwla_article_siblings.pdf)

## **Educational Stability for Children being Raised by Grandparents and Other Relatives**

- **Legal Center for Foster Care and Education**  
American Bar Association Center on Children and the Law, Casey Family Programs, Education Law Center – PA, & Juvenile Law Center  
*This website serves as a national technical assistance resource and information clearinghouse on legal and policy matters affecting the education of children in the foster care system. The website provides expertise to states and constituents, facilitates networking to advance promising practices and reforms, and provides technical assistance and training to respond to the ever-growing demands for legal support and guidance.*  
<http://www.abanet.org/child/education/home.shtml>
- **Grandparents and Other Relatives Raising Children: Access to Education**  
Generations United, 2005  
*This two page fact sheet addresses how relatives can access educational enrollment, necessary immunizations, and special education services for children, in addition to “parental” activities.*  
[http://www.gu.org/documents/A0/Education\\_11\\_05.pdf](http://www.gu.org/documents/A0/Education_11_05.pdf)
- **Special Education Decision Making: Role of the Foster Parent**  
American Bar Association  
*This fact sheet provides information for foster parents making decisions on special education.*  
<http://www.abanet.org/child/education/special%20ed%20series%20DM%20fosterparent.pdf>

## **Eligibility for Chafee Independent Living Services and Educational and Training Vouchers for Children Raised by Grandparents and Other Relatives**

- **The Chafee Educational and Training Voucher (ETV) Program: Six States’ Experiences**  
National Foster Care Coalition, 2007  
*This publication examines how the Chafee educational and training vouchers and other state-based supports for higher education have been working for these young adults.*  
[http://www.nationalfostercare.org/pdfs/chafee\\_etv\\_program\\_nfcc.pdf](http://www.nationalfostercare.org/pdfs/chafee_etv_program_nfcc.pdf)

- **Chafee Frequently Asked Question Series**  
National Foster Care Coalition  
*This webpage includes three helpful Q&As for child welfare professionals, advocates, and young people to use and understand the Chafee Foster Care Independence Program and the Chafee Education and Training Voucher Program.*  
<http://www.nationalfostercare.org/facts/faq.php>
  - **FAQ I (February 2000)** focuses on Foster Care Independence Act (FCIA) basics, highlighting differences between FCIA and previous legislation. The FAQ includes information about program eligibility, funding amounts and administration, Medicaid, and accountability. <http://www.nationalfostercare.org/pdfs/ChafeeFAQI1.pdf>
  - **FAQ II (December 2000)** updates FAQ I, and provides new information about housing, youth involvement, convening stakeholders, young people with special needs, and tribal involvement. <http://www.nationalfostercare.org/pdfs/ChafeeFAQII1.pdf>
  - **FAQ III (May 2005)** updates FAQs I and II, and provides information about Education and Training Vouchers, other education and vocation supports, and youth development and engagement. <http://www.nationalfostercare.org/pdfs/ChafeeFAQIII1.pdf>

## Licensing Homes of Grandparents and Other Relative Caregivers

- **Grandfamilies.org (Grandfamilies State Law and Policy Resource Center)**  
Casey Family Programs, the American Bar Association’s Center on Children and the Law and Generations United  
*Website includes a searchable database of state kinship laws, including licensing. Website also includes a story about a child in foster care that would have benefited from different licensing standards*  
<http://www.grandfamilies.org/index.cfm?page=topics&topicid=42>
- **State Kinship Foster Care Licensing and Payment Policies**  
Urban Institute, 2003  
*This chart compares foster care licensing and payment policies by state.*  
<http://www.urban.org/UploadedPDF/900611.pdf>

- **Training Kin to be Foster Parents: Best Practices from the Field**  
ChildFocus, 2008

*This issue brief explores the issue of providing foster parent training to kinship caregivers. Topics covered include: the interplay between federal licensing requirements and the unique needs and circumstances of kinship caregivers; state and county efforts to develop foster parent training programs tailored specifically for kin; and questions states and localities should consider as they develop kin-specific training.*

[http://www.childfocuspartners.com/images/Training\\_Kinship\\_Caregivers\\_0708.pdf](http://www.childfocuspartners.com/images/Training_Kinship_Caregivers_0708.pdf)

[\*Return to Table of Contents\*](#)

## **APPENDIX IV: CONTACTS FOR COLLABORATING ORGANIZATIONS**

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**ALLIANCE FOR CHILDREN AND FAMILIES  
UNITED NEIGHBORHOOD CENTERS OF AMERICA**

1001 Connecticut Avenue, NW  
Suite 601  
Washington, DC 20036

Varina Winder  
Policy Analyst  
Phone: (202) 429-0400 x16  
Fax: (202) 429-0178  
[vwinder@alliance1.org](mailto:vwinder@alliance1.org)

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**AMERICAN BAR ASSOCIATION, CENTER ON CHILDREN AND THE LAW**

740 15th Street  
Washington, DC 20005

Heidi Redlich Epstein  
Director of Kinship Policy  
Phone: (202) 662-1725  
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**THE ANNIE E. CASEY FOUNDATION/CASEY FAMILY SERVICES**

127 Church Street  
New Haven, CT 06510

Sania Metzger, J.D.  
Director of Policy  
Phone: (203) 401-6930  
Fax: (203) 401-6885  
[smetzger@caseyfamilyservices.org](mailto:smetzger@caseyfamilyservices.org)

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**CASEY FAMILY PROGRAMS**

2001 Pennsylvania Avenue, NW  
Suite 760  
Washington, DC 20006

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Phone: (202) 728-2004  
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**CENTER FOR LAW AND SOCIAL POLICY**

1015 15th Street, NW  
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Washington, DC 20005

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Director, Child Welfare Policy  
Phone: (202) 906-8021  
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**CENTER FOR THE STUDY OF SOCIAL POLICY**

1575 Eye Street, NW  
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Washington, DC 20005

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**CHILDREN AND FAMILY RESEARCH CENTER - SCHOOL OF SOCIAL WORK AT  
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**CHILD WELFARE LEAGUE OF AMERICA**  
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**CHILDREN'S DEFENSE FUND**

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Washington, DC 20001

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Director, Child Welfare & Mental Health  
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**FAMILY VIOLENCE PREVENTION FUND**

67 Newbury Street  
Boston, MA 02116

Lonna Davis  
Director of Children's Programs  
Phone: (617) 262-5920  
Fax: (617) 262-5901  
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**GENERATIONS UNITED**

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**GRANDFAMILIES OF AMERICA**

6525 Fish Hatchery Road  
Thurmont, MD 21788

Pat Owens  
President/CEO

Toll Free: (866) 203-8926 ext. 8103  
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**NATIONAL ASSOCIATION OF COUNTY HUMAN SERVICES ADMINISTRATORS**

900 Second Street, NE  
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Staff Liaison

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**NATIONAL CENTER FOR STATE COURTS**

2425 Wilson Boulevard  
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Kay Farley

Executive Director  
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**NATIONAL FOSTER CARE COALITION**

605 North Carolina Avenue, SE  
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**NORTH AMERICAN COUNCIL ON ADOPTABLE CHILDREN**

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**VOICES FOR AMERICA'S CHILDREN**

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[\*Return to Table of Contents\*](#)

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