
STATES' SUBSIDIZED GUARDIANSHIP LAWS AT A GLANCE

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Children's Defense Fund

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About the Children's Defense Fund

The mission of the Children's Defense Fund (CDF) is to *Leave No Child Behind*® and to ensure every child a *Healthy Start*, a *Head Start*, a *Fair Start*, a *Safe Start*, and a *Moral Start* in life and successful passage to adulthood with the help of caring families and communities.

CDF provides a strong, effective voice for *all* the children of America who cannot vote, lobby, or speak for themselves. We pay particular attention to the needs of poor and minority children and those with disabilities. CDF educates the nation about the needs of children and encourages preventive investments before they get sick, into trouble, drop out of school, or suffer family breakdown.

CDF began in 1973 and is a private, nonprofit organization supported by foundation and corporate grants and individual donations. We have never taken government funds.

For more information about CDF's work on behalf of children, including children being raised by grandparents and other relatives, see CDF's Web site at www.childrensdefense.org and the work of the Child Welfare and Mental Health Division specifically.

Acknowledgments

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States' Subsidized Guardianship Laws at a Glance

The concept of kin caring for kin is not new. For generations extended family and close friends have stepped in to raise children when their parents were unable or unwilling to do so. These family members and close friends frequently did not seek a legal relationship with the children and cared for them without financial assistance, services or the involvement of child welfare agencies.

In the early 1980's the number of children whose parents could not care for them increased dramatically, in large part, because of the crack cocaine epidemic. Many of these children had special needs and came to the attention of the child welfare system. Grandparents and other relatives were still willing to raise the children, but many could not meet the special needs of these children without some financial assistance and supportive services. Increasingly child welfare agencies took custody of children and placed them in foster care with relatives. Today, as many as 200,000 children are living in foster care with relatives. Ten times as many are being cared for by grandparents and other relatives outside of the formal child welfare system.

In 1997, Congress passed the Adoption and Safe Families Act (ASFA), which clarified the importance of safety, permanency and well-being for children who come to the attention of the child welfare system. The legislation reinforced the idea that children need stability for healthy development and recognized that moving frequently from one home to another is detrimental to children's sense of belonging and well-being.

To help ensure permanent families for children, ASFA formally recognized return home, adoption and legal guardianship as appropriate permanency options for children. It also put new pressures on child welfare agencies to move children to permanent families in a timely manner. While ASFA retained federal financial assistance for adoption when return home is not possible, it provided no ongoing federal financial assistance for relatives and close friends who want to make a permanent commitment to children by becoming their legal guardians. The ability to become legal guardians is particularly important for children for whom return home and adoption are not appropriate. Some relative caregivers choose not to adopt because they do not want to permanently alter family relationships or remain hopeful that the child's parents will address their problems and be able to resume caring for the child. Sometimes older children do not want to be adopted and sever legal ties to their parents, even though they wish to live permanently with a relative. In some cultures, terminating parental rights is contrary to cultural norms that value extended family and mutual interdependence.

Following ASFA's recognition of the importance of legal guardianship, a number of states began developing subsidized guardianship programs that provide subsidies and services to children exiting foster care into a legal guardianship or custody arrangement. A few states also began using subsidized guardianships to prevent children from entering foster care unnecessarily. The goal of subsidized guardianship programs is to make legal guardianship a viable option, when it is appropriate, by providing financial supports and services that strengthen the kinship care family.

Thirty-five states and the District of Columbia have established subsidized guardianship programs to support families where grandparents and other relatives have stepped in to provide an alternative permanent home for these children. If the nation is serious about ensuring permanent loving homes for children, it must make subsidized guardianship an option for many more children across the country. This primer provides a glance at the laws and regulations creating states' subsidized guardianship programs. Although state programs vary significantly, each offers the opportunity of a permanent family for more children.

A Look at Subsidized Guardianship Programs

Each state's subsidized guardianship program has different eligibility requirements for children and caregivers. In three states there are two separate programs serving different groups of children. State programs offer different supports and services and are funded in various ways and at different levels. Several states offer subsidized guardianship payments to thousands of children, while others reach far fewer children. States' subsidized guardianship programs are described below and in the summary table and other tables in the Appendix.¹

Child's Age: In 25 of the 39 subsidized guardianship programs, children are eligible for subsidized guardianship payments as long as they are under age 18. Most of the other programs have minimum age requirements, with 11 programs requiring the child to be at least 12 or *older* and one state focusing the program on children 15 and *younger*. The laws and authorizing regulations for some programs make exceptions to the age requirements in order to be able to continue subsidies for youths beyond age 17 when they are still in school (18) and/or to accommodate children who are part of a sibling group (14) and/or to address the needs of children with disabilities (9).

Children in State Care: Thirty-one of the 39 programs require the child to be in state care prior to receiving the guardianship subsidy, and many do not specify for how long. Seven states require that the children be in care for at least 12 months, one for nine months and five for six months. Seven programs are available to children inside and outside of the child welfare system. One state makes subsidized guardianship payments available only to children who are not in the state child welfare system.

Considering All Permanency Options: To rule out other permanency options and to minimize the possibility of later disruptions of the guardianship arrangement, 33 of the 39 programs require, by law or authorizing regulation, that returning home and/or adoption be ruled out before a child can be eligible for subsidized guardianship. In all but five states both reunification and adoption must be ruled out. As with all permanency options, the child welfare agency, the court, and the adults involved must work together to ensure that the permanent home being arranged for each individual child is appropriate. Twenty of the programs require that the child be consulted prior to deciding on subsidized guardianship as the permanency option, provided the child is old enough. Seventeen of the programs require that an attempt to obtain parental consent be made.

¹ The information contained in this report comes from the Children's Defense Fund and Cornerstone Consulting Group, *Expanding Permanency Options for Children: A Guide to Subsidized Guardianship Programs*. (Washington, DC: Authors, 2003), updated as of August 2004 through a survey by CDF of state program staff. Requirements described are those specified in authorizing statutes or regulations. Policy and practice may result in the program being implemented differently.

Key Protections in Subsidized Guardianship Programs to Ensure Safety and Permanence for Children

- Thorough assessments of all relevant permanency options for individual children (return home, adoption and legal guardianship) by courts and agencies
- Training for caseworkers, attorneys and court personnel about subsidized guardianship
- Consultation with prospective guardians, parents and children about permanency options
- Court approval of the legal guardianship and assurance that it is in the child's best interest
- Home studies and criminal background checks of the guardians
- Health insurance, supportive services and assistance for children and guardians
- Periodic agency review of the care being provided
- Periodic court review of the status of the guardian-child relationship
- Potential for caregivers to adopt at a later time if circumstances change and adoption becomes an appropriate option

Child's Relationship with the Caregiver: All but two programs require the child's permanent caregiver to obtain legal guardianship or custody of a child from an authorized court. Twenty-four programs also require that a child must be living with the caregiver prior to receiving a subsidy, and almost all of those specify that the caregiver and child must have lived together for a period of six months or more. Most of the programs require that the caregiver make a permanent commitment to the child. Some also require explicitly in their laws or authorizing regulations that the child have a strong attachment to the caregiver and/or that the guardianship arrangement be in the child's best interest. Generally, the caregivers may include relatives, godparents, and close family friends. In some states, non-related foster parents and other qualified adults are also eligible. In 13 programs, the caregiver must be a relative and in one case must be a grandparent. One state program is limited to children being raised by non-relatives.

Guardianship Subsidy Levels: Policies establishing guardianship subsidy levels vary greatly from state to state and in one state vary by county. In 36 of the programs, the guardianship payment levels are set below or equal to the foster care level. In 16, they are set below the foster care rate; in nine they may not exceed the foster care rate; and in the last 11 they must equal the foster care rate. In some of the states in this last group, however, the state may subtract the value of other benefits the child may receive from the foster care payment level to determine the amount of the subsidy. There are two other state programs that require the payment to equal the adoption assistance payment level.

Ongoing Review and Support: All but one of the programs require that there be a periodic review, typically an annual review by the child welfare agency, of children in families receiving subsidized guardianship payments. The goal of most of these is to confirm that the child is still with the guardian, that the financial situation of the child or guardian has not changed, and that the family is receiving the services and supports it needs to continue successfully with permanent guardianship. Most state programs provide health insurance coverage for children getting subsidized guardianship payments through Medicaid, the State Children's Health Insurance Program, or other mechanisms. More than half of the states also specify that they provide some other ongoing services beyond help with the one-time expenses associated with obtaining guardianship.

Primary Funding Sources: States rely on different funding sources to operate their subsidized guardianship programs. About half the programs use a variety of federal funding sources, and the other half use primarily state and, in some cases, local funds. As of the end of August 2004, seven states had received federal waivers from the U.S. Department of Health and Human Services to implement subsidized guardianship programs with federal funds under Title IV-E of the Social Security Act, and five states still had them. Since then, two additional states have been granted waivers that will take effect in late 2004 or early 2005. Waiver requests from six other states are pending. Twelve states use their state's Temporary Assistance for Needy Families (TANF) program funds, and one state is using Title XX Social Services Block Grant (SSBG) funds.

Fiscal pressures in states keep many programs very small and prevent some states from starting or expanding programs. Although a law is in place, Iowa's program has never been funded, but the state recently applied for a Title IV-E waiver. Indiana's program was recently suspended for new children, although children already in the program will continue to receive subsidies. The programs in Delaware and Maryland, formerly funded through Title IV-E waivers, have ended so no new children are being added to the programs, and state dollars are being used to fund the children already getting subsidized guardianship payments.

Subsidized Guardianship in Illinois Is a Safe, Permanent Option for Children

A comprehensive and rigorous evaluation of Illinois' Title IV-E Child Welfare Waiver Demonstration suggests that subsidized guardianship is a viable permanent option with positive results for children leaving the child welfare system.²

- The availability of subsidized guardianships substantially increased the rate at which children exited from foster care to legally permanent homes. The children in the experimental group who had the option of subsidized guardianship showed a “net permanency gain” of 6.1 percent.
- Children in subsidized guardianship placements had essentially the same perception of their safety and well-being as children in adoptive homes.
- Ninety-two percent of the children in subsidized guardianship placements said they felt like part of the family all of the time, a larger percentage of children than those who had been adopted.
- Children who were in subsidized guardianship placements were as safe, or slightly more so, than children who were adopted.
- The placements of children in subsidized guardianships were as stable as the placements of children who were adopted.

² See Leslie Cohen, “How Do We Choose Among Permanency Options? The Adoption Rule Out and Lessons from Illinois,” pp. 22-23, and Aaron Shlonsky, “What Have We Learned From Evaluations About Subsidized Guardianship?” pp. 57-58 in Mary Bissell and Jennifer L. Miller, eds., *Using Subsidized Guardianship to Improve Outcomes for Children: Key Questions to Consider*. (Washington, DC: Cornerstone Consulting and Children's Defense Fund, 2004). For further discussion of evaluation findings, see Westat, *Evaluation of the Illinois Subsidized Guardianship Waiver Demonstration: Final Report*. (Rockville, MD: Westat, rev. 2003).

Growing Momentum for Subsidized Guardianship

Momentum has been growing at the federal, state and local levels for improved support for grandparents and other relative caregivers and the children they are raising. There is growing recognition of the important contribution being made by relative caregivers who are raising 2.5 million children with neither parent present and the special efforts of relative caregivers who are raising as many as 200,000 grandchildren or nieces and nephews in the formal foster care system. Help is needed for both groups.

At the local level, grandparents and other relative caregivers raising children have established support groups in many states. In some, strong kinship care networks have been established that link family caregivers with others in the state who are working on behalf of grandparents and other relative caregivers. Last year more than 850 grandparents and other relative caregivers from 28 states came to Washington, D.C. on their own to participate in the 2003 GrandRally to Leave No Child Behind® held on October 15th on the grounds of the U.S. Capitol. They had an opportunity to talk to their Representatives and Senators about what they were doing for their grandchildren and nieces and nephews and what help they needed from federal policymakers. Since that time, State GrandRallies have been held in seven states and more are planned early in 2005. These rallies help caregivers connect with each other, with others advocating on their behalf, and often with legislators and judges who may be helpful in securing needed changes on their behalf.

State Facts Sheets on Grandparents and Other Relatives Raising Children, prepared jointly by CDF, AARP, Generations United, Casey Family Programs, the Child Welfare League of America, Brookdale Foundation, the Urban Institute, and Johnson & Hedgpeth, highlight activities underway in each state to support the thousands and sometimes tens of thousands of families where grandparents and other relatives are raising children whose parents cannot care for them. The fact sheets are available at: http://www.childrensdefense.org/childwelfare/kinshipcare/fact_sheets/default.asp. Numbers from the 2000 U.S. Census provided the first detailed national and state-by-state data on relative caregivers and are being used in states to make a case for increased support for children and caregivers. The Brookdale Foundation, through its Relatives as Parents Program, has funded hundreds of seed grants to state and local initiatives in 41 states to encourage and promote the creation or expansion of services for relatives raising children outside of the formal child welfare system.

In some states, efforts to develop subsidized guardianship programs have been accompanied by efforts to link caregivers to other assistance that is available to them. Ohio and New Jersey have developed Kinship Navigator Programs, which help to link relative caregivers to support groups, respite care programs, a range of benefits and assistance that they are eligible for, as well as information about education, family support services, mental health and substance abuse treatment, child support, housing assistance, child care and legal assistance. Efforts to link caregivers to other assistance can also help providers better understand the needs of relative caregivers and the children they are raising. State and national organizations have developed guides for kinship caregivers to help them address their children's needs for health care, child care and early childhood education, food and nutrition, special services for children with disabilities, and legal assistance. Other states have developed programs to offer respite to relative caregivers. The National Family Caregiver Support Act has enabled Area Agencies on Aging in the states to offer special assistance to older grandparents who are raising their children.

As states increasingly recognize the vital role that relative caregivers are playing for children inside and outside of the formal child welfare system, there is increasing consensus that relative caregivers need additional support and that subsidized guardianship programs are a good way to begin to offer some of that support. State and local officials, legislators, program administrators, relative caregivers, and organizations serving and advocating for children and/or seniors agree that more help is needed and that subsidized guardianship for children in foster care is a significant first step. Experience has demonstrated the positive impact that federal funds can have on helping to move children in foster care to permanent placements with relatives.³

The need for federal help is perhaps best exemplified by the large number of states that applied under the federal Child Welfare Waiver Demonstration Program to use their Title IV-E foster care funds to support subsidized guardianship as a permanency option for children in foster care. Due to a federal administrative rule that restricted the number of states that could test the same strategy, only seven states were granted federal waivers for subsidized guardianship. However, since that restriction was lifted, eight additional states already have applied for waivers for subsidized guardianship, and two of these have been granted.

³ See Mark Testa, Nancy Salyers, Michael Shaver, and Jennifer Miller, *Family Ties: Supporting Permanence for Children in Safe and Stable Foster Care with Relatives and Other Caregivers* (Chicago: Fostering Results, 2004).

There is also growing momentum in Congress. Several bills were introduced in the 108th Congress to broaden federal support for subsidized guardianship without the need for waivers. The bipartisan Kinship Caregiver Support Act in the Senate, the Child Protective Services Improvement Act in the House of Representatives, and the comprehensive Act to Leave No Child Behind, all would take a critically important first step and give states the option to use federal funds for their subsidized guardianship programs for at least some of the children in foster care who are waiting for permanent families and have relatives who are legal guardians wanting to care for them permanently. The Kinship Caregiver Support Act also includes provisions that would offer help to millions of relative caregivers caring for children who are not in foster care. The bipartisan Pew Commission on Children in Foster Care, in its report, *Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care*, also recommended increased federal support to help states offer subsidized guardianship payments to children exiting foster care.

Offering subsidies to kin who care permanently for children enables children to maintain important connections with family. Subsidies also help to ensure permanence and stability for children who have been waiting in foster care, a major goal of the Adoption and Safe Families Act. The availability of federal funds to support children in legal guardianship will help to truly achieve permanence as an option for many more children. The 109th Congress must put safety and permanence for children high on its agenda and increase federal assistance for subsidized guardianship and other supports for grandparents and other relatives who are raising children. Such an investment is an important step in ensuring that as a nation we Leave No Child Behind[®].

Resources About Subsidized Guardianship

- Mary Bissell and Jennifer L. Miller, eds., *Using Subsidized Guardianship to Improve Outcomes for Children: Key Questions to Consider* (Washington, DC: Cornerstone Consulting and Children's Defense Fund, 2004). Available at www.childrensdefense.org/childwelfare/kinshipcare/default.asp.
- Cornerstone Consulting and Children's Defense Fund, *Expanding Permanency Options for Children: A Guide to Subsidized Guardianship Programs* (Washington, DC: Cornerstone Consulting and Children's Defense Fund, 2003). Available at www.childrensdefense.org/childwelfare/kinshipcare/default.asp.
- Mark Testa, Nancy Salyers, Michael Shaver, and Jennifer Miller, *Family Ties: Supporting Permanence for Children in Safe and Stable Foster Care with Relatives and Other Caregivers* (Champaign-Urbana, IL: Fostering Results, 2004). Available at www.fosteringresults.org.
- Mark Testa, "When Children Cannot Return Home: Adoption and Guardianship," in *The Future of Children*, Vol. 14, No. 1 (Los Altos, CA: The David and Lucile Packard Foundation, Winter 2004). Available at www.futureofchildren.org/usr_doc/tfoc1401_g.pdf.

**APPENDIX
SUMMARY TABLE
STATE SUBSIDIZED GUARDIANSHIP PROGRAMS
KEY ELIGIBILITY REQUIREMENTS**

STATE*	CHILD MUST BE IN STATE CARE (MOS.)	GUARDIAN MUST BE A RELATIVE **	CHILD MUST BE WITH CARE-GIVER PRIOR TO RECEIVING SUBSIDY (MOS.)	CHILD MUST HAVE A STRONG ATTACHMENT TO RELATIVE OR CAREGIVER	ELIGIBLE AGE FOR CHILD***	SIBLING EXCEPTION	RETURN HOME (RH)/ ADOPTION (A) MUST BE RULED OUT	SUBSIDIZED GUARDIANSHIP PAYMENT LEVEL****
AK	Yes	No	Yes, 6 mos.	No	Over 10	Yes	A	Below or equal FC
AZ	Yes, 9 mos.	No	No	No	Under 18	No	RH/A	Below FC
CA	Yes, 12 mos.	Yes	Yes, 12 mos.	Yes	Under 18	No	RH/A	Equal FC
CO	Yes	Yes	No	No	Under 18	No	RH	Equal FC
CT	Yes, 12 mos.	Yes	Yes, 12 mos.	No	Under 18	No	RH	Equal FC
DE	Yes, 12 mos.	No	Yes, 12 mos.	Yes	Over 12	Yes	RH/A	Equal FC and AA
DC	Yes	No	Yes, 6 mos.	No	At least 2	Yes	RH/A	Equal FC
FL	No	Yes	Yes	No	Under 18	No	Neither	Below FC
GA	Yes	Yes	Yes	No	Under 18	No	RH/A	Below FC/ Above TANF
HI	Yes	No	No	No	Under 18	No	RH/A	Below or equal FC
ID	Yes	No	No	No	Under 18	No	RH/A	Equal FC
IL	Yes, 12 mos.	No	Yes, 12 mos.	Yes	Under 18 (12 and older if with non-relative)	Yes	RH/A	Equal FC and AA
IN	Yes	Yes	Yes, 6 mos.	Yes	13 or older	Yes	RH/A	Varies by county
IA	Yes, 12 of last 18 mos.	No	No	No	14 or older	Yes	RH/A	Below or Equal FC
KS	Yes	No	No	No	14 or older	No	RH/A	Below FC
KY	No	Yes	No	No	15 and under	No	Neither	Below FC
LA	No	Yes	Yes	No	Under 19	No	Neither	Below FC
MD	Yes, 6 mos.	Yes	Yes, 6 mos.	No	Under 18	Yes	RH/A	Below FC/ Above TANF
MA	Yes, 6 mos.	No	Yes, 12 mos.	No	At least 12	No	RH/A	Equal FC
MN	No	No	No	No	Under 18	No	RH	Below FC Equal AA
MO (Prog 1)	Yes	Yes	No	No	Under 18	Yes	Neither	Below or equal FC
MO (Prog 2)	No	Yes	No	No	Under 18	No	Neither	Below FC
MT (Prog 1)	Yes	No	Yes, 6 mos.	No	Under 18	Yes	RH/A	Below FC
MT (Prog 2) (IV-E paid care)	Yes	No	Yes, 6 mos.	No	At least 12	Yes	RH/A	Below FC
NE	Yes	No	Yes, 6 mos.	Yes	12 and older	Yes	RH/A	Below or equal FC
NV	No	Yes	Yes, 6 mos.	No	Under 18	No	Neither	Below FC

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STATE SUBSIDIZED GUARDIANSHIP PROGRAMS
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STATE*	CHILD MUST BE IN STATE CARE (MOS.)	GUARDIAN MUST BE A RELATIVE**	CHILD MUST BE WITH CARE-GIVER PRIOR TO RECEIVING SUBSIDY (MOS.)	CHILD MUST HAVE A STRONG ATTACHMENT TO RELATIVE OR CAREGIVER	ELIGIBLE AGE FOR CHILD***	SIBLING EXCEPTION	RETURN HOME (RH)/ ADOPTION (A) MUST BE RULED OUT	SUBSIDIZED GUARDIANSHIP PAYMENT LEVEL****
NJ (Prog 1)	Yes	No	Yes, 12 mos.	Yes	Under 18	No	RH/A	Equal FC
NJ (Prog 2)	No	No	Yes, 12 mos.	No	Under 18	No	A	Below FC
NM	Yes	No	No	Yes	Under 18	No	RH/A	Equal AA
NC	Yes, 12 mos.	No	Yes, 6 mos.	No	Under 18	No	RH/A	Equal AA
ND	Yes, 6 mos.	No	No	No	At least 12	Yes	RH/A	Below FC
OK	Yes	Yes	Yes, 4 of most recent 6 mos.	Yes	12 and older	Yes	RH/A	Equal FC
OR	Yes, 12 mos.	No	Yes, 6 mos.	No	Under 18 (12 and older if non-relative)	Yes	RH/A	Equal FC
PA	Yes, 6 mos.	No	Yes, 6 mos.	Yes	Under 18	No	RH/A	Below or equal FC
RI	No	No (only non-relatives)	No	Yes	Under 18	No	RH/A	Below FC Equal TANF
SD	Yes, 6 mos.	No	No	No	At least 12	No	RH/A	Below or equal FC
UT	Yes	No	Yes, 12 mos.	Yes	12 and older	No	RH/A	Below or equal specialized FC
WV	Yes	No	Yes, 6 mos. (non-relative)	Yes	Under 18	No	RH/A	Below or equal FC
WY	Yes	No	No	No	Under 18	No	RH/A	\$1 less than FC

* The 15 states not shown on the table did not have subsidized guardianship programs as of August 30, 2004. They are: Alabama, Arkansas, Maine, Michigan, Mississippi, New Hampshire, New York, Ohio, South Carolina, Tennessee, Texas, Virginia, Vermont, Washington, and Wisconsin. Several of these states (Maine, Michigan, Virginia, Wisconsin) have applied for waivers to conduct programs under the Title IV-E Child Welfare Waiver Program. In addition, Alaska, Iowa, Minnesota, and New Jersey, which already have programs, recently applied for IV-E waivers. Wisconsin's and Minnesota's applications have been accepted and will likely go into effect at the end of 2004 or early in 2005.

** In many programs where a relative is not required, the guardian may be a relative, godparent, close family friend, foster parent, or other qualified adult.

*** Some states allow children who do not meet the age requirements to qualify for subsidies. Generally, these exceptions are for students, children with disabilities, or children who are members of sibling groups.

**** FC= Foster care; AA= Adoption Assistance.

TABLE I
SUBSIDIZED GUARDIANSHIP ELIGIBILITY REQUIREMENTS BY STATE*
CHILD CONSIDERATIONS**

State***	Eligible Age	Child Must Be in State Care	Sibling Group Exception	Strong Attachment to Guardian
Alaska	Over age 10 Under 10 in certain circumstances	Yes	Yes	No, only if under 10
Arizona	Under age 18 Student exception	Yes, at least 9 mos.	No	No
California	Under age 18 Student exception	Yes, 12 mos.	No	Yes
Colorado	Under age 18 Student exception	Yes	No	No
Connecticut	Under age 18 Student exception	Yes, 12 mos.	No	Yes
Delaware	Over age 12 Student exception	Yes, at least 12 mos.	Yes	Yes
District of Columbia	At least age 2 Student exception	Yes	Yes	No
Florida	Under age 18	No, but if not in custody under court supervision	No	No
Georgia	Under age 18 Student exception	Yes	No	No
Hawaii	Under age 18 Student exception	Yes	No	No
Idaho	Under age 18	Yes	No	No
Illinois	At least age 12 if living with non-relative Student exception	Yes, at least 12 mos.	Yes	Yes
Indiana	Age 13 or older or meets other eligibility requirements Student exception	Yes	Yes	Yes
Iowa	Age 14 or older	Yes, at least 12 of last 18 mos.	Yes	No
Kansas	Age 14 or older Student exception	Yes	No	No
Kentucky	Age 15 and younger Student exception	No	No	No
Louisiana	Under age 19	No, children in child welfare are not eligible	No	No
Maryland	Under age 18 Student exception	Yes, 6 mos.	Yes	No
Massachusetts	At least age 12 Student exception	Yes, at least 6 mos.	No	No
Minnesota	Under age 18	No, under current or former state custody	No	No

TABLE I
SUBSIDIZED GUARDIANSHIP ELIGIBILITY REQUIREMENTS BY STATE*
CHILD CONSIDERATIONS**

State***	Eligible Age	Child Must Be in State Care	Sibling Group Exception	Strong Attachment to Guardian
Missouri 1: Subsidized Guardianship	Under age 18	Yes	Yes	No
Missouri 2: Grandparents as Foster Parents	Under age 18 Student exception	No	No	No
Montana 1: State Guardianship	Under age 18	Yes	Yes	No
Montana 2: IV-E Waiver Demonstration Project	At least age 12	Yes, must be in paid IV-E foster care placement	Yes	No
Nebraska	Age 12 and older, except if with guardian 6 mos.	Yes	Yes	Yes
Nevada	Under age 18	No	No	No
New Jersey 1: DYFS Legal Guardianship Subsidy	Under age 18 Student exception	Yes	No	Yes
New Jersey 2: Kinship Care Subsidy Program	Under age 18 Student exception	No	No	No
New Mexico	Under age 18	Yes	No	Yes
North Carolina	Under age 18	Yes, at least 12 mos.	No	No
North Dakota	At least age 12; priority to children age 16 and older	Yes, at least 6 mos.	Yes	No
Oregon	Age 12 and older if caregiver not relative	Yes, at least 12 mos.	Yes	No
Pennsylvania	Under age 18	Yes, at least 6 mos.	No	Yes
Rhode Island	Under age 18	No	No	Yes
South Dakota	At least age 12	Yes, at least 6 mos.	No	No
Utah	Age 12 or older	Yes	No	Yes
West Virginia	Under age 18 Student exception	Yes	No	Yes
Wyoming	Under age 18	Yes	No	No

* Requirements are those specified in authorizing statutes or regulations. Policy and practice may result in the program being implemented differently.

** Source: Children's Defense Fund and Cornerstone Consulting Group, *Expanding Permanency Options for Children: A Guide to Subsidized Guardianship Programs* (Washington, DC: Authors, 2003), as updated through contacts with state program staff by CDF in July-August 2004.

*** The 15 states not shown on chart did not have subsidized guardianship programs as of August 30, 2004. They are: Alabama, Arkansas, Maine, Michigan, Mississippi, New Hampshire, New York, Ohio, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, and Wisconsin.

TABLE II
SUBSIDIZED GUARDIANSHIP ELIGIBILITY REQUIREMENTS BY STATE*
CAREGIVER CONSIDERATIONS**

State***	Must Have Legal Guardianship	Permanent Commitment to Child	Child Must Be with Caregiver	Income Test for Caregiver	Applies to Which Caregiver
Alaska	No	Yes	Yes, 6 mos.	No	Any caregiver
Arizona	Yes	No	No	No	Any caregiver
California	Yes	Yes	Yes, 12 mos.	No	Relatives only
Colorado	Yes	No	No	No	Grandparents only
Connecticut	Yes	Yes	Yes, 12 mos.	No	Relatives only
Delaware	Yes	Yes	Yes, 12 mos.	Yes	Any caregiver
District of Columbia	Yes	No	Yes, 6 mos.	Yes	Relatives & Godparents
Florida	Yes	Yes	Yes, month of application & after	No	Relatives only
Georgia	Yes	Yes	Yes	No	Relatives only
Hawaii	Yes	No	No	No	Any caregiver
Idaho	Yes	Yes	No	No	Any caregiver
Illinois	Yes	Yes	Yes, at least 1 yr. prior to guardianship	No	Any caregiver
Indiana	Yes	Yes	Yes, 6mos.	No	Relatives only
Iowa	Yes	Yes	No	No	Any caregiver
Kansas	Yes	Yes	No	No	Any caregiver
Kentucky	No	No	No	No	Relatives only
Louisiana	Yes	No	Yes	Yes	Relatives only
Maryland	Yes	Yes	Yes, 6 mos.	Yes	Relatives only
Massachusetts	Yes	Yes	Yes, 12 mos.	No	Any caregiver
Minnesota	Yes	Yes	No	Yes	Relatives or other adult
Missouri 1: Subsidized Guardianship	Yes	No	No	No	Relatives Only
Missouri 2: Grandparents as Foster Parents	Yes	No	No	Yes	Relatives Only (Must be 50 or older)
Montana 1: State Guardianship	Yes	Yes	Yes, 6 mos.	No	Any Caregiver
Montana 2: IV-E Waiver Project	Yes	Yes	Yes, 6 mos.	No	Any Caregiver
Nebraska	Yes	Yes	Yes, 6 mos.	No	Any caregiver
Nevada	Yes	Yes	Yes, 6 mos.	No	Relatives only (Must be 62 or older)

TABLE II
SUBSIDIZED GUARDIANSHIP ELIGIBILITY REQUIREMENTS BY STATE*
CAREGIVER CONSIDERATIONS**

State***	Must Have Legal Guardianship	Permanent Commitment to Child	Child Must Be with Caregiver	Income Test for Caregiver	Applies to Which Caregiver
New Jersey 1: DYFS Legal Guardianship Subsidy	Yes	Yes	Yes, 12 mos.	No	Any Caregiver
New Jersey 2: Kinship Care Subsidy Program	Yes	Yes	Yes, 12 mos.	Yes	Kin (Including relatives)
New Mexico	Yes	Yes	No	No	Any caregiver
North Carolina	Yes	Yes	Yes, 6 mos.	Yes	Any caregiver
North Dakota	Yes	Yes	No	No	Any caregiver
Oklahoma	Yes	Yes	Yes, 4 of most recent 6 mos.	No	Relatives only
Oregon	Yes	Yes	Yes, 6 mos.	No	Any caregiver
Pennsylvania	Yes	Yes	Yes, 6 mos.	No	Any caregiver
Rhode Island	Yes	No	No	No	Non-relative caregivers
South Dakota	Yes	No	No	Yes	Any caregiver
Utah	Yes	Yes	Yes, 12 mos.	No	Any caregiver (Relatives can only participate in this program after they have applied for and been denied a Relative Grant)
West Virginia	Yes	Yes	Yes, at least 6 mos. (Only for non-relatives)	No	Any caregiver
Wyoming	Yes	No	No	Yes	Any caregiver

* Requirements are those specified in authorizing statutes or regulations. Policy and practice may result in the program being implemented differently.

** Source: Children's Defense Fund and Cornerstone Consulting Group, *Expanding Permanency Options for Children: A Guide to Subsidized Guardianship Programs* (Washington, DC: Authors, 2003), as updated through contacts with state program staff by CDF in July-August 2004.

*** The 15 states not shown on chart did not have subsidized guardianship programs as of August 30, 2004. They are: Alabama, Arkansas, Maine, Michigan, Mississippi, New Hampshire, New York, Ohio, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, and Wisconsin.

TABLE III
SUBSIDIZED GUARDIANSHIP ELIGIBILITY REQUIREMENTS BY STATE*
STATE CONSIDERATIONS**

State***	Must Attempt Parental Consent	Placement Must Be in Child's Best Interest	Must Rule Out Adoption	Must Rule Out Return Home	Must Consult Child	Require Periodic Review
Alaska	Yes	No	Yes	No	Yes	Yes, every 12 mos.
Arizona	Yes	Yes	Yes	Yes	No	Yes, every 12 mos.
California	No	Yes	Yes	Yes	No	Yes, every 12 mos.
Colorado	No	No	No	Yes	No	Yes, every 12 mos.
Connecticut	Yes	Yes	No	Yes	Yes	Yes, every 12 mos.
Delaware	Yes	Yes	Yes	Yes	Yes	Yes, every 12 mos.
District of Columbia	No	Yes	Yes	Yes	Yes	Yes, every 12 mos.
Florida	No	Yes	No	No	Yes	Yes, every 6 mos.
Georgia	No	Yes	Yes	Yes	No	Yes, every 12 mos.
Hawaii	No	Yes	Yes	Yes	Yes	Yes, every 12 mos.
Idaho	No	No	Yes	Yes	Yes	Yes, every 12 mos.
Illinois	Yes	Yes	Yes	Yes	Yes	Yes, at least every 24 mos.
Indiana	Yes	Yes	Yes	Yes	Yes	Yes, every 12 mos.
Iowa	Yes	Yes	Yes	Yes	No	Yes, every 12 mos.
Kansas	Yes	No	Yes	Yes	Yes	Yes, every 12 mos.
Kentucky	No	Yes	No	No	No	Yes, every 12 mos.
Louisiana	No	No	No	No	No	Yes, every 12 mos.
Maryland	No	No	Yes	Yes	Yes	Yes, every 12 mos.
Massachusetts	Yes	Yes	Yes	Yes	Yes	Yes, every 12 mos.
Minnesota	No	Yes	No	Yes	No	Yes, every 12 mos.
Missouri 1: Subsidized Guardianship	No	Yes	No	No	No	Yes, every 12 mos
Missouri 2: Grandparents as Foster Parents	Yes	No	No	No	No	Yes, every 12 mos.

TABLE III
SUBSIDIZED GUARDIANSHIP ELIGIBILITY REQUIREMENTS BY STATE*
STATE CONSIDERATIONS**

State***	Must Attempt Parental Consent	Placement Must Be in Child's Best Interest	Must Rule Out Adoption	Must Rule Out Return Home	Must Consult Child	Require Periodic Review
Montana 1: State Guardianship	No	Yes	Yes	Yes	No	Not required
Montana 2: IV-E Waiver Demonstration Project	No	Yes	Yes	Yes	No	Yes, every 12 mos.
Nebraska	Yes	Yes	Yes	Yes	Yes	Yes, every 12 mos.
Nevada	No	No	No	No	Yes	Yes, every 12 mos.
New Jersey 1: DYFS Legal Guardianship Subsidy	Yes	Yes	Yes	Yes	Yes	Yes, every 12 mos.
New Jersey 2: Kinship Care Subsidy Program	Yes	Yes	Yes	No	Yes	Yes, every 12 mos.
New Mexico	No	Yes	Yes	Yes	No	Yes, every 12 mos.
North Carolina	No	No	Yes	Yes	Yes	Yes, every 12 mos.
North Dakota	Yes	Yes	Yes	Yes	No	Yes, every 12 mos.
Oklahoma	No	No	Yes	Yes	Yes	Yes, every 12 mos.
Oregon	Yes	Yes	Yes	Yes	No	Yes, every 12 mos.
Pennsylvania	No	No	Yes	Yes	No	Yes, every 12 mos.
Rhode Island	No	Yes	Yes	Yes	No	Yes, every 12 mos.
South Dakota	Yes	Yes	Yes	Yes	No	Yes, every 12 mos.
Utah	No	Yes	Yes	Yes	Yes	Yes, every 12 mos.
West Virginia	Yes	Yes	Yes	Yes	Yes	Yes, every 12 mos.
Wyoming	No	No	Yes	Yes	No	Yes, every 12 mos.

* Requirements are those specified in authorizing statutes or regulations. Policy and practice may result in the program being implemented differently.

** Source: Children's Defense Fund and Cornerstone Consulting Group, *Expanding Permanency Options for Children: A Guide to Subsidized Guardianship Programs* (Washington, DC: Authors, 2003), as updated through contacts with state program staff by CDF in July-August 2004.

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TABLE IV
SUBSIDIZED GUARDIANSHIP ELIGIBILITY REQUIREMENTS BY STATE*
FUNDING CONSIDERATIONS**

State***	Subsidy Payment Level	Medical Services	Other Services	Primary Funding Source
Alaska	Not to exceed foster care	No	No	State
Arizona	Below foster care	No	No	TANF
California	Equal to foster care	Yes	Through Kinship Support Services Program	TANF
Colorado	Equal to average foster care home rate	Yes	Yes	TANF
Connecticut	Equal to foster care	Yes	No	State
Delaware	Equal to foster care & adoption	Yes	Yes	State (IV-E waiver ended in Dec. 2002. Not adding any new children but using state funds for children already in the program.)
District of Columbia	Equal to foster care	Yes	Yes	Local
Florida	Less than foster care	Yes	Yes	TANF
Georgia	Less than foster care & more than TANF	No	No	TANF
Hawaii	Not to exceed foster care	Yes	Yes	State
Idaho	Equal to foster care	Yes	No	State
Illinois	Equal to foster care & adoption	Yes	Yes	Title IV-E Waiver
Indiana	Varies by county	No	No	No new children added due to lack of funding but those already in program continue to be funded with TANF. Hope to accept new children by end of 2004.
Iowa	Min: \$10/ mo. Max: not to exceed foster care	Yes	No	Not currently funded
Kansas	Less than foster care	Yes	No	State
Kentucky	Less than foster care	Yes	Yes	TANF
Louisiana	Less than foster care	No	No	TANF
Maryland	Less than foster care, more than TANF	Yes	Yes	Title IV-E Waiver
Massachusetts	Equal to foster care	Yes	Yes	State
Minnesota	Below foster care Equal to adoption	No	No	State
Missouri 1: Subsidized Guardianship	Not to exceed foster care	Yes	Yes	State

TABLE IV
SUBSIDIZED GUARDIANSHIP ELIGIBILITY REQUIREMENTS BY STATE*
FUNDING CONSIDERATIONS**

State***	Subsidy Payment Level	Medical Services	Other Services	Primary Funding Source
Missouri 2: Grandparents as Foster Parents	Less than foster care, 75% of foster care payments for two oldest children and equal to TANF payments for others	Yes	Yes	State
Montana 1: State Guardianship	Equal to family foster care payment, less \$10	Yes	Yes	State
Montana 2: IV-E Waiver Demonstration Project	Equal to family foster care payment, less \$10	Yes	Yes	Title IV-E Waiver
Nebraska	Not to exceed foster care	Yes	Yes	State
Nevada	90% of foster care	Yes	Yes	TANF
New Jersey 1: DYFS Legal Guardianship Subsidy	Equal to foster care	No	No	TANF
New Jersey 2: Kinship Care Subsidy Program	Less than foster care Payment = \$250/month	No	No	TANF
New Mexico	Equal to adoption	Yes	No	Title IV-E Waiver
North Carolina	Equal to adoption	Yes	No	Title IV-E Waiver
North Dakota	Less than foster care	Yes	No	State
Oklahoma	Equal to foster care	Yes	Yes	TANF
Oregon	Equal to foster care	Yes	Yes	Title IV-E Waiver
Pennsylvania	Not to exceed foster care	Yes	Yes	State
Rhode Island	Below foster care Equal to TANF	Yes	No	State
South Dakota	Not to exceed foster care (based on family income)	No	Yes	Social Services Block Grant (Title XX)
Utah	Not to exceed specialized foster care	Yes	Yes	State
West Virginia	Not to exceed foster care	Yes	Yes	State
Wyoming	\$1 less than foster care	No	No	State

* Requirements are those specified in authorizing statutes or regulations. Policy and practice may result in the program being implemented differently.

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