

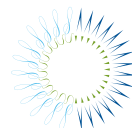


Strengthening Families Through Guardianship:

ISSUE BRIEF



KIDS ARE WAITING
Fix Foster Care Now



THE
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CHARITABLE TRUSTS

Strengthening Families Through Guardianship

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The estimate for the number of children living with relatives in foster care who could leave foster care today (nearly 15,000) was calculated by examining the number of children living with relatives in foster care for more than 12 months without a case goal of reunification or adoption. If we were to apply an additional criterion that the children had been in foster care 17 of the last 22 months, the estimate drops to 13,500.

It is very possible that children placed with relatives are underrepresented in these data. The available federal foster care data have several limitations related to how information about children living with relatives is collected. First, although it has been steadily improving, the states may report the data in slightly different ways, which can contribute to some inconsistencies. Second, in some states, children must receive foster care stipends to be counted, and some children living with relatives do not receive this assistance. Third, many states do not distinguish between licensed relative foster parents and other licensed foster parents, so children placed with relatives would not appear in these data. Fourth, children who are placed with relatives through a voluntary placement agreement may not be counted at all.

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Strengthening Families Through Guardianship

INTRODUCTION

More than 500,000 children will close their eyes tonight as wards of the state in foster care. They are waiting for the security, stability and love of permanent families.

Foster care was created as a short-term safety net for children in crisis, however, on average children will languish in care for more than two years. More than half the children leaving foster care will return home to their birth parents, and about 18 percent will leave foster care to adoptive families. For some, however, reunification with their parents or adoption is not an option.

For these children, a supported legal guardianship with a relative or another caring adult can be a way out of foster care to a safe, permanent family. Guardianship gives legal rights to a child's caregiver so that he or she can take responsibility for a child's safekeeping and make decisions about education and health needs. When it is necessary to remove a child from his or her family because of abuse or neglect, research shows foster placements with relatives are good for children. They are less likely to change schools and more likely to be placed with their other siblings.

There is growing evidence that subsidized guardianship programs help strengthen families and keep children safe and out of foster care. Results from federal demonstration waivers and state-funded subsidized guardianship programs show that providing relatives with financial support and services makes it possible for more children to leave foster care to the permanent care of family.

Guardianship programs are not only good for children and families, they help relieve an overburdened child welfare system. When a child leaves foster care to live with a relative as a guardian, the case is closed. Fewer cases will free up more caseworkers and will also help relieve a clogged judicial system.

Unfortunately, although federal child welfare funds can be used to pay monthly stipends to children whose relatives become foster parents or to support children with special needs adopted from foster care, no equivalent federal support exists for children to exit foster care through guardianship when reunification or adoption isn't possible.

To address this shortcoming in federal policy, many states have developed their own subsidized guardianship programs to support children living with guardians. These programs vary in assistance levels and eligibility requirements.

The federal government should be a partner to the states in helping children leave foster care for safe, permanent families through guardianship. Although federal waivers have been granted in some states to allow federal child welfare funds to support guardianships, these are temporary waivers and the authority to grant new waivers has lapsed.

If federal support for guardianship existed, an estimated 15,000 children in long-term foster care placements with relatives could leave the system **for good**. This support would ensure that children entering foster care in the future do not spend one day longer than necessary in the system when a safe, loving relative is ready to care for them.

■ THE IMPORTANCE OF FAMILY IN A CHILD'S LIFE

Evidence suggests that children living in foster placements with relatives are as safe as those living with non-relatives.¹ They are more likely to be placed with other siblings while in foster care and are more likely to be in the same placement (or living arrangement) one year later, which is an important measure of stability for children.² Stability in a child's life contributes to improved health and education outcomes.

In addition, placing children with relatives helps maintain connections to their extended family, community and culture.³ For example, in American Indian and Alaskan Native (AI/AN) tribal communities, the use of extended family as a placement resource is very common. A 2007 report by the United States Government Accountability Office recommended that federal guardianship support could help reduce overrepresentation of African-American children within the foster care system.⁴ Guardianship placements are viewed as an important placement option because they allow children to maintain their relationships with their extended family and support the transfer of culture to the child.

■ STRENGTHENING FAMILIES THROUGH GUARDIANSHIP

When a child is facing a crisis situation in his or her home, sometimes relatives step up to help by becoming foster parents. Currently, more than 124,000 children are living with relatives in the foster care system. When reunification or adoption is not possible, a legal guardianship with a relative or caring adult can be a way for a child to leave foster care for a safe, permanent family.

More than half of relative caregivers are over the age of 50,⁵ and many are grandparents on fixed incomes and unprepared to handle the unexpected expense of raising more children.⁶ Monthly foster care payments help defray some of the costs of care and help relatives who might have otherwise been unable to take the children. Approximately 12 percent of children in relative placements in foster care have been living with their relatives for more than a year; they may end up staying in foster care indefinitely if the relative caregiver needs financial assistance to help provide for the children. But foster care was never meant to be a long-term living situation for children.

Children, as wards of the state, and the foster families who care for them are subject to rules designed to safeguard children living in temporary situations. Being in foster care means that children have monthly visits from case workers and must have state permission for activities like school pictures or vacations outside the state with one's family. Being in foster care means being different from other children and living with a sense of uncertainty about what the future holds.

■ GUARDIANSHIPS MAKE SENSE FOR GOVERNMENT

In addition to being good for children and families, evidence suggests that supported guardianships can save state, tribal and federal money by closing the case and ending the ongoing casework and supervision that is required when children remain in foster care.⁷ Once established, legal guardianships also require less judicial oversight and time, which can contribute to lower costs for courts.⁸

States and tribes have recognized the need to support relative and guardian caregivers as an alternative to long-term foster care when reunification or adoption is not possible. Forty states and the District of Columbia have some form of guardianship program. Thirty-two states pay for the program with state-only funds;⁹ other states have federal Title IV-E waivers;¹⁰ and others use the state-match portion of federal funds available through the Temporary Assistance for Needy Families or the Social Services Block Grant.¹¹

Guardianship programs vary widely in eligibility and amount of assistance provided. Typically, state-funded programs offer lower monthly rates to caregivers than the foster care stipend. When states fund their programs with state and local dollars, the resources are highly vulnerable to budgetary shortfalls.

■ THE NEED FOR A FEDERAL GUARDIANSHIP PROGRAM

Although many families who adopt from foster care are able to receive federal support to meet their children's needs, no equivalent federal support exists for guardianships to help children exit foster care when reunification or adoption isn't possible. Eight states currently have temporary waivers from the federal government which allow them to use foster care funds (Title IV-E) to provide guardianship assistance as a way for some children to leave foster care.¹² Some of these waiver programs have demonstrated an overall increase in the numbers of children exiting foster care to permanent families—both adoptive and guardianship.¹³ Unfortunately, states without a federally-supported guardianship program have no means for obtaining a waiver to do so in the future, as the authority to grant child welfare waivers has lapsed. As waivers in the existing states are completed, it is not certain whether these programs will be provided continuing federal support. Absent a change in federal law that establishes subsidized guardianships and makes them available to all states, many children will not benefit from this critical route to permanency.

POLICY RECOMMENDATION

When the difficult decision is made to remove a child from his or her home, the state and the federal government assume responsibility for the child's safety and well-being. Part of that responsibility is to ensure that the child can leave foster care to a safe, permanent family in a timely way. The Adoption and Safe Families Act of 1997 provided federal direction for states to use guardianships as a way of providing a safe, permanent route out of foster care when adoption or reunification is not possible. Unfortunately, the Act did not set aside any financial resources to encourage implementation of this policy. While adoptions from foster care are supported through subsidies, guardianships are not. If such federal support for guardianships existed, an estimated 15,000 children living with relatives in long-term foster care placements could leave the system... for good.

Research tells us that current subsidized guardianship programs are working: offering subsidized guardianship to relatives provides more children with permanent families. These programs, however, as excellent as they are, are limited. Some of the programs have restricted any additional enrollments because of budgetary reasons. The programs being implemented through the federal waiver programs are time-limited and exist in only a few states. Many state programs limit which children and families are eligible for subsidized guardianship benefits. Neither the federal waiver nor state-funded programs have guaranteed funding: their futures are uncertain. It is recommended that a federal subsidized guardian benefit be established to support children leaving foster care for safe, permanent families with their relatives.

TABLE 1—Estimated Number of Children Who Could leave Foster Care with Federal Guardianship Support

STATE	NUMBER OF CHILDREN LIVING WITH RELATIVES WHO COULD LEAVE FOSTER CARE IF FEDERAL GUARDIANSHIP EXISTED	TOTAL # IN FOSTER CARE
Alabama	102	6,913
Alaska	68	1,791
Arizona	126	9,685
Arkansas	15	3,253
California	4,538	81,174
Colorado	65	8,213
Connecticut	279	7,032
Delaware	8	962
District of Columbia	134	2,505
Florida	369	29,312
Georgia	158	13,965
Hawaii	56	2,766
Idaho	16	1,818
Illinois	1,815	19,431
Indiana	106	11,257
Iowa	11	6,794
Kansas	31	5,835
Kentucky	28	7,287
Louisiana	8	4,833
Maine	47	2,309
Maryland	1,474	10,867
Massachusetts	251	12,197
Michigan	594	20,498
Minnesota	123	6,978
Mississippi	59	3,269
Missouri	92	11,433
Montana	108	2,222
Nebraska	41	6,231
Nevada	38	4,696
New Hampshire	54	1,178
New Jersey	658	12,042
New Mexico	22	2,316
New York	387	30,420
North Carolina	47	10,698
North Dakota	11	1,364
Ohio	142	17,442
Oklahoma	177	11,393
Oregon	236	11,021
Pennsylvania	685	21,691
Puerto Rico	594	6,786
Rhode Island	71	2,509
South Carolina	13	4,757
South Dakota	19	1,712
Tennessee	117	9,017
Texas	139	28,883
Utah	14	2,285
Vermont	5	1,436
Virginia	51	7,022
Washington	118	10,068
West Virginia	15	4,331
Wisconsin	460	8,109
Wyoming	9	1,263
United States	14,804	513,269

Source: AFCARS 2005 Data.

506,483 FOSTER CHILDREN IN UNITED STATES ARE WAITING FOR SAFE, PERMANENT FAMILIES

Fewer children would be in foster care if states were allowed to use child welfare funds to provide prevention services (avoiding foster care for some children) and to support post-foster care services to help others leave foster care quickly for safe, permanent families—through reunification with their parents, adoption, or legal guardianships. Savings created by the decreased need for foster care could be reinvested by States into a continuum of services to keep children safe and strengthen families.

In the United States, only 10 percent of federal dollars dedicated for child welfare can be spent flexibly to serve children and families. Approximately \$709 million of a total \$6.8 billion child welfare dollars are flexible.

WHO ARE THE NATION'S CHILDREN WAITING IN THE FOSTER CARE SYSTEM

506,483 children in foster care
 32% of foster children are between the ages of 0 and 5
 28% of foster children are between the ages of 6 and 12
 40% of foster children are between the ages of 13 and 21

Average # of birthdays a child spends in foster care: 2 birthdays (29 months)
 42% of children experience three or more foster care placements
 18% (93,521) of children live in group care or institutional settings

WHAT ARE THE NATION'S FOSTER CHILDREN WAITING FOR?

251,020 (50%) are waiting to be reunified with their birth families
 115,893 (23%) are waiting to be adopted
 Average time foster children have been waiting to be adopted: 42 months

WHERE DID THE NATION'S CHILDREN GO AFTER LEAVING FOSTER CARE IN 2005?

286,005 children exited foster care
 153,335 (54%) were returned to their parents
 50,599 (23%) were adopted
 43,457 (15%) left to live with relatives (some through guardianships)
 24,211 (8%) "aged out" or left the system at age of 18 or older
 11,425 (4%) left for other reasons (ran away, transferred, died)



"My grandmother made sure that we were able to remain in the same schools and stay close to our family. But without the assistance she received, she would not have been able to manage."

JANAY SWAIN, foster care alumna, California



"My husband and I had planned carefully, and, at ages 50 and 51, we thought we'd be financially ready to retire. But we have had to rework those carefully made plans because, like so many grandparents in Montana and across the country, we now find we will be raising two of our grandchildren, rather than settling into the quiet retirement we imagined."

ANETTE CHILDERS,
Montana



"When my sisters heard about my aunt becoming our guardian, the first question they asked was if our mom would lose her parental rights under that agreement. Like my sisters, I wouldn't have wanted any arrangement that meant my mom would have had to lose her parental rights to us."

ROB JOHNSON, foster care alumna, Illinois

"Subsidized guardianship may have kept me with my extended birth family, saved the state money, and kept my mom's parental rights from being needlessly, hurtfully terminated against our wills."

JACKIE HAMMERS-CROWELL,
foster care alumna, Iowa



"At ages 72 and 62, taking four kids into their house wasn't easy, but my grandparents kept us all together, so we would continue to be a family."

JJ HITCH, Michigan



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"It comforted my grandchildren to know they were with family who loved them."

BERNICE H. MOREHEAD,
Washington State

ENDNOTES

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For more information, visit:

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