



## **Kinship Care: Supporting Children and Extended Families**

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Do you know anyone who has been raised by a relative? Most chances you do. Many people we meet in our daily lives have been reared by a grandparent, aunt, uncle or adult sibling. In fact, many people who have been raised by a relative say, “if it weren’t for a caring relative I wouldn’t be the successful, law abiding citizen that I am today.”

“Kinship Care” can be a more effective and less costly option for many foster children. The fact is, however, that many relative caregivers had not been planning to raise their grandchildren, nieces, nephews, or sometimes even younger siblings. While raising grandchildren, nieces, nephews and younger siblings is key in maintaining family connections, it can be an emotional rollercoaster for caregiver and child, as well as a financial hardship for the caregiver.

### Snapshot of Kinship Care

Kinship care is the full time care, nurturing and protection of children by relatives, godparents, stepparents, or any adult who has a kinship bond with a child. This definition is designed to be inclusive and respectful of cultural values and ties of affection. It allows a child to grow to adulthood in a family environment.<sup>i</sup> Kinship caregivers provide a vital safety net to children when many parents are unable to do so, which may be due to a variety of reasons including mental illness, substance abuse, domestic violence, incarceration, death, economic hardship, among other issues. Kinship care can take place either inside or outside the formal child welfare system. Care outside the formal system is called informal kinship care. As matter of fact, the federal Adoption and Safe Families Act of 2007 (ASFA), recognizes kinship as one of three permanency options (i.e. reunification with family of origin, adoption, and kinship).<sup>ii</sup> Most states’ policies, including Maryland’s, requires kin to be considered first when placing children out of their homes.

The 2000 U.S. Census identifies that 4.5 million children are living in households headed by grandparents across the United States. Another 1.5 million children live in households headed by other relatives (i.e. aunts, uncles, older siblings, etc.). As of July 2006, 1,755 of the 8,000 children in out-of-home placements were committed to local departments in formal kinship care placements in Maryland.<sup>iii</sup> By January 2007, 4000 children in the State of Maryland were being served via the Department of Human Resources’ formal Kinship Care program (more than doubling in comparison to the previous fiscal year).<sup>iv</sup> Meanwhile, approximately 51,000 grandparents in Maryland report they are responsible for their grandchildren living with them.<sup>v</sup>

This number doesn't take into account "other" relatives who may be caring for children in their care.

### Supports and Barriers to Supports

Kinship care can be informal, private and voluntary, or formal, public and court-involved. Some kin caregivers decide to become licensed foster care parents with the state or local department of social services. In these cases, many indicate that both the caregiver and child or children receive more services (maintenance payment for room and board, case management, educational supports, health and mental health services, etc.). While the caregiver maintains physical custody of child or children, the state maintains legal custody, which may create obstacles to what can be considered simple daily life tasks (getting permission from the case worker to go across state lines to visit relatives, participate in picture day at school, etc). Many kin caregivers are not formal foster care parents (without involvement with the child welfare

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and/or juvenile justice systems); instead they are informal or private kinship caregivers. The kin caregivers in these circumstances may have difficulty enrolling the children in school, obtaining health insurance, authorizing medical care, and obtaining some other benefits, because they do not have legal custody of the children.

Generally, the only type of financial assistance available to kin caregivers in this type of arrangement is the "child-only" Temporary Assistance to Needy Families (TANF) benefit<sup>vi</sup>. When grandparents or other relatives are receiving TANF benefits on behalf of a child, they must assign their rights to the state to the state child support agency.<sup>vii</sup> TANF payments are generally less than the foster care payment. In most states kinship caregivers must cooperate with the child

support agency unless they can demonstrate that seeking child support is potentially harmful and they have "good cause" not to cooperate.<sup>viii</sup> In voluntary kinship care the child or children live with a relative, the state child welfare agency is involved, but legal custody remains with the parent and physical custody is with the relative. In this case, supports are still not as exhaustive as in formal kinship care. Yet, for a relative caregiver to become a licensed foster parent the task is not easy. Many grandparents and relatives may be on a fixed income and do not necessarily have the ability to financially prepare to raise a grandchild/grandchildren or great nieces and nephews. Licensing requires a home study, and in many cases grandparents cannot afford the cost to meet the home study requirements.

Maryland was one of twelve states implementing a subsidized guardianship program through the Title IV-E (of the Social Security Act) demonstration waiver through the U.S. Department of Health and Human Services (HHS). In 1997 the Maryland Subsidized Guardianship program began as a five-year federal demonstration waiver project. It allowed the state to use federal funds to provide monthly payments to family members willing to become legal guardians for children in the State's foster care system.<sup>ix</sup> State funds were authorized to fund the program when the waiver ended. Waiver participation was capped at 200 children. The fiscal 2009

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budget included general funds of \$3.1 million to expand the subsidized guardianship program to up to an additional 300 children.<sup>x</sup> Through kinship care, states such as Illinois dramatically reduced their foster care caseloads by placing kids with relatives and providing living expenses and other support services.<sup>xi</sup>

Title IV-E provides federal funds to states and local agencies to run foster care and adoption programs. Title IV-E foster care requires that the child must have been a recipient of or eligible for AFDC (based on the State AFDC standards that were in place on July 16, 1996) during the month a petition was filed to remove the child (eligibility month) or the month a VPA (Voluntary Placement Agreement) is signed. The child must have lived in the home of a specified relative within six months of the eligibility month and be deprived of parental support.<sup>xii</sup> Title IV-E provides funds for:

- Foster care maintenance payments.
- Adoption assistance payments.
- Administration (i.e. eligibility determination, case management, rate setting, child placement services, case planning, case reviews, etc.) .
- Training of current and prospective foster and adoptive parents, as well as agency personnel.

Title IV-E waivers allow states to use the federal funds flexibly. In doing so, states and local jurisdictions are able to implement innovative approaches to serve families through a variety of services, including kinship care.

Evidently, providing a permanent setting for a child in their family of origin is not only good practice, it appears to be cost-effective (based on Illinois's success). While the Congressional Budget Office (CBO) has not officially provided a cost estimate for the kinship legislation, proponents argue that it can help state and local agencies save on administrative costs. Unfortunately, while ASFA recognizes kinship care as one of three permanency options for children, the practice has no dedicated federal funding stream. Nevertheless, there is federal legislation to support the needs of kinship caregivers and children in their care. The Kinship Caregivers Support Act (KCSA) (H.R. 2188/ S. 661) was introduced in both Houses of the U.S. Congress and have bipartisan support. The legislation would:

- Establish a Kinship Navigator Program to assist caretakers in locating and accessing resources (i.e. legal, educational, respite, mental health and health, among other services) for them and the children in their care.
- Establish a Kinship subsidized guardianship assistance program.
- Require states to provide notice to adult relatives once a child has entered foster care (Maryland passed similar legislation addressing “notification” in 2005).<sup>xiii</sup>
- Establish separate licensing standards for relative foster parents versus non-relative foster parents.
- Expand the Chafee Independent Living Services program to youth in kinship placements.

While the KCSA has not currently been voted on, the U.S. House of Representatives just last month passed a comprehensive bipartisan compromise child welfare bill called the Fostering

Connections to Success Act (H.R. 6307). While this bill is a compromise, in comparison to the comprehensive list needs in child welfare, it takes a few steps in the right direction. One of the steps comprises inclusion of the first three of five elements of the KCSA listed above.

Since many states' waiver authority has since expired, federal legislation such as this is vital to provide another option for children's permanency, cutting the foster care caseload, and providing supports for relatives taking care of children and youth.

### Conclusion

While kinship care may not be applicable to all family circumstances and depends upon the best interest of the child or sibling group (especially, if there is no viable adult relative to care for the child), it is an opportunity for children to experience greater stability, decrease behavioral problems, and reduce racial disparities in a variety of outcomes<sup>xiv</sup>. Kinship care appears to be widely supported. Yet, some believe that grandparents and other relatives have a moral responsibility to take care of children and their family when parents are unable to do so, without the support of additional resources. Nevertheless, many grandparents and other relatives have stepped up to be kinship caregivers without additional support, and subsequently some of these children have gone back into non-relative foster care placements. Whereas, some believe in the saying "the apple doesn't fall far from the tree,"<sup>xv</sup> accepting as true that if the parent was unfit to care for the child, so must be the kinship caregiver. Yet, states such as Illinois found that children in kinship foster care are at lower risk for maltreatment than are children in either specialized or non-relative foster care.<sup>xvi</sup>

Overall, states have made great strides with their waivers. Many waivers have now expired. States have also introduced policies that help kinship caregivers, but if federal legislation is not passed, many states cannot fully address the need. Taking a look at it from a state fiscal standpoint, in order to support the 300 vulnerable children, the state used \$3 million of general funds. If the federal Kinship Caregiver Support Act is passed this could offset some of the costs to the state via federal reimbursement at the level of the foster care and adoption assistance program (50% federal match for maintenance payments and administering the program, and a 75% federal match for training a well qualified child welfare workforce).<sup>xvii</sup> In the grand scheme of the state budget, \$3 million may not be much, but, every dollar of federal aid surely could help Maryland's faces \$500 million structural deficit.

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<sup>i</sup> Child Welfare League of America. Kinship Care: Fact Sheet. 2005. 15 May 2008  
<<http://www.cwla.org/programs/kinship/factsheet.htm>>.

<sup>ii</sup> U.S. Department of Health and Human Services, Administration on Children, Youth and Families, Administration for Children and Families. Public Law 105-89 105th Congress: Adoption and Safe Families Act of 1997. Washington, D.C: Children's Bureau, 2006. 14 May 2008  
<[http://www.acf.hhs.gov/programs/cb/laws\\_policies/cblaws/public\\_law/pl105\\_89/pl105\\_89.htm](http://www.acf.hhs.gov/programs/cb/laws_policies/cblaws/public_law/pl105_89/pl105_89.htm)>.

<sup>iii</sup> AARP, The Brookdale Foundation, Children's Defense Fund, Casey Family Programs, Child Welfare League of America, & Generations United. Maryland: A State Fact Sheet for Grandparent and Other Relatives Raising Children. 2007. 14 May 2008 <<http://www.grandfactsheets.org/doc/Maryland07-final.pdf>>.

<sup>iv</sup> Maryland Department of Human Resources. Kinship Care. 2007. 14 May 2008  
<<http://www.dhr.state.md.us/how/chldprnt/kinship.htm>>.

<sup>v</sup> AARP, The Brookdale Foundation, Children's Defense Fund, Casey Family Programs, Child Welfare League of America, & Generations United. Maryland: A State Fact Sheet for Grandparent and Other Relatives Raising Children. 2007. 14 May 2008 <<http://www.grandfactsheets.org/doc/Maryland07-final.pdf>>.

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- vi Child Welfare Information Gateway. Kinship Caregivers and the Child Welfare System: Factsheet for Families. Children's Bureau/ACYF, 2005. 16 May 2008  
<[http://www.childwelfare.gov/pubs/f\\_kinshi/f\\_kinshia.cfm](http://www.childwelfare.gov/pubs/f_kinshi/f_kinshia.cfm)>.
- vii Children's Defense Fund. Financial Assistance for Grandparents and Other Relatives Raising Children. 2004. 15 May 2008 <<http://www.childrensdefense.org/site/DocServer/financialassistance0805.pdf?docID=467>>.
- viii Cornell University Law School. 42 U.S.C. § 608. Legal Information Institute, n.d. 14 May 2008  
<[http://www.law.cornell.edu/uscode/html/uscode42/usc\\_sec\\_42\\_00000608---000-.html](http://www.law.cornell.edu/uscode/html/uscode42/usc_sec_42_00000608---000-.html)>.
- ix Maryland Department of Legislative Services. Analysis of the FY 2009 Maryland Executive Budget: DHR Child Welfare Operating Budget Data. 2008. 2 June 2008  
<[http://mlis.state.md.us/2008RS/budget\\_docs/All/Operating/N00B\\_-\\_DHR\\_Child\\_Welfare.pdf](http://mlis.state.md.us/2008RS/budget_docs/All/Operating/N00B_-_DHR_Child_Welfare.pdf)>.
- x Ibid.
- xi Vestal, Christine. States expand kinship care programs. Stateline.org, 2006. 5 June 2008  
<<http://www.stateline.org/live/details/story?contentId=115131>>.
- xii Child Welfare League of America. Funding Resources for Child Welfare. 2003. 16 May 2008  
<<http://www.cwla.org/advocacy/financingfunding.htm>>.
- xiii Vestal, Christine. States expand kinship care programs. Stateline.org, 2006. 5 June 2008  
<<http://www.stateline.org/live/details/story?contentId=115131>>.
- xiv Conway, T. & Hutson, R. Q. Mar. 2007. *Is Kinship Good for Kids?*. Center For Law and Social Policy (CLASP). Washington, D.C.
- xv Ibid
- xvi *A Child Welfare Research Agenda for the State of Illinois*. 1999. Urbana, IL: The Children and Family Research Center, University of Illinois at Urbana-Champaign.
- xvii Maryland Department of Human Resources. Title IV-E FOSTER CARE & SUBSIDIZED ADOPTION PROGRAM. n.d. 2 June 2008 <<http://www.dhr.state.md.us/ssa/pdfs/4eone.pdf>>.

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