

Guardianship Assistance Program (GAP) Regional Convenings

June 9, 2021, 2 to 5 ET
Federal Regions 1 - 3



children's
defense fund
Leave No Child Behind®



Housekeeping

- ▶ **To hear the presentation:**
 - Listen through your computer speakers
 - Or call in using through audio options in zoom
- ▶ **Please add your jurisdiction to your name in zoom (use the “rename” feature)**
- ▶ **Chat:**
 - Feel free to introduce yourself in the chat
 - Please add any questions or resources in the “chat” box too
- ▶ **A post survey, the PowerPoint slides, and resources** will be shared via email to the team leader after the convening

Vision and Agenda

- ▶ **Goal:** Learn promising practices and other solutions from regional peers to increase the use of GAP so more children can exit foster care into a permanent family
- ▶ **Vision:**
 - Facilitate conversations
 - Learn from peers
 - Continue the connections built today
- ▶ **Agenda:**
 - Hear from Children's Bureau
 - Overview of Guardianship Assistance Program (GAP) from national partners
 - Jurisdictional leaders share promising practices
 - Participate in three peer learning sessions:
 - 2 topic based
 - 1 with your jurisdiction partners
 - Resources/Action Steps



Today's Speakers and Facilitators

- ▶ **Gail Collins**, Children's Bureau
- ▶ **Desiree Weisser**, Pennsylvania Office of Children, Youth, and Families (OCYF)
- ▶ **Pam Wagner**, Pennsylvania Statewide Adoption Network (SWAN)
- ▶ **Carol McCarthy**, New York Office of Children and Family Services (OCFS)
- ▶ **Natalia Liriano**, Connecticut Department of Children and Families (DCF)
- ▶ **Ana Beltran**, Generations United, National Center on Grandfamilies
- ▶ **Heidi Redlich Epstein** and **Emily Peeler**, ABA Center on Children and the Law
- ▶ **Steven Olender** and **Sierra Campbell**, Children's Defense Fund
- ▶ **Cindy Santos** and **Nicole Dobbins**, Casey Family Programs

Gail E. Collins

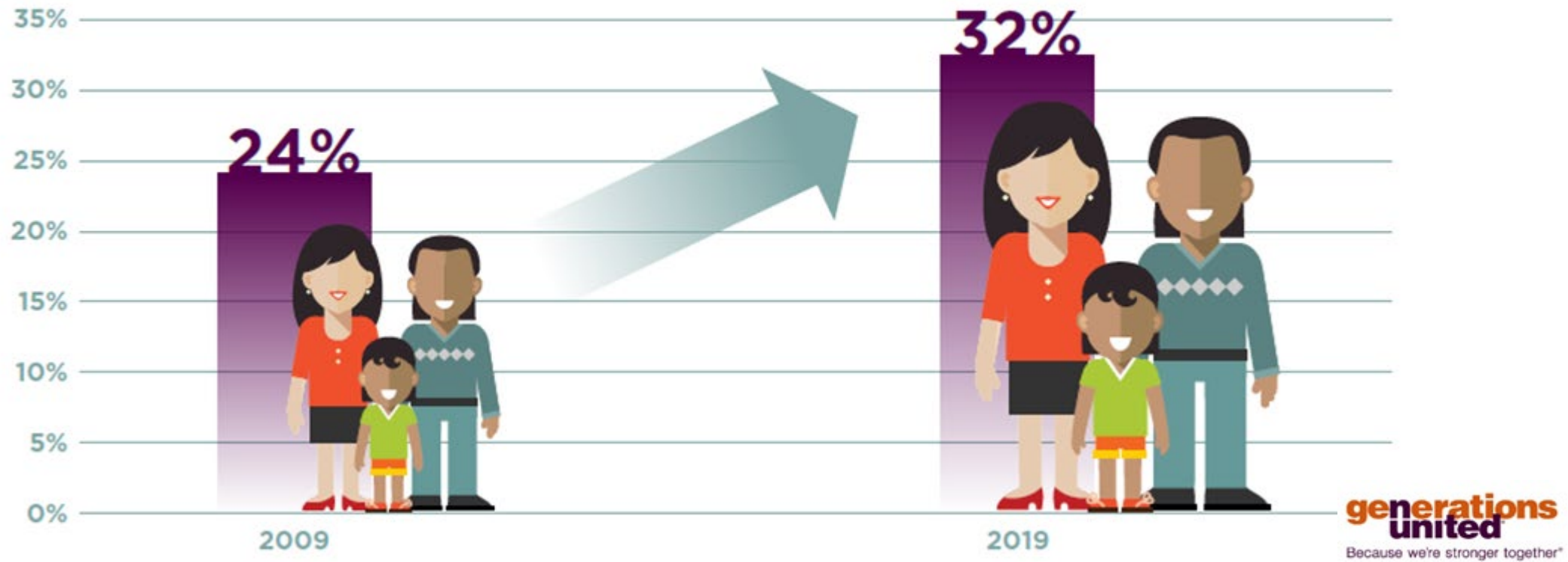
Director, Division of Program Implementation

Children's Bureau

Federal Support for Kinship Care



Percentage of Children in Foster Care Being Raised by Relatives



Guardianship Assistance Prior to 2008

- ▶ Prior to the Fostering Connections Act:
 - 38 states and the District of Columbia had some form of subsidized guardianship, primarily paid for using state or local funds
 - Some states had waivers from the Children's Bureau that specifically allowed use of Title IV-E funds for subsidized guardianships
- ▶ The lessons learned and successes of these early programs paved the way for passage of the GAP (Guardianship Assistance Program)* option in the Fostering Connections Act

**GAP called different things in different jurisdictions*

Findings from Federal Guardianship Assistance Waivers Prior to 2008

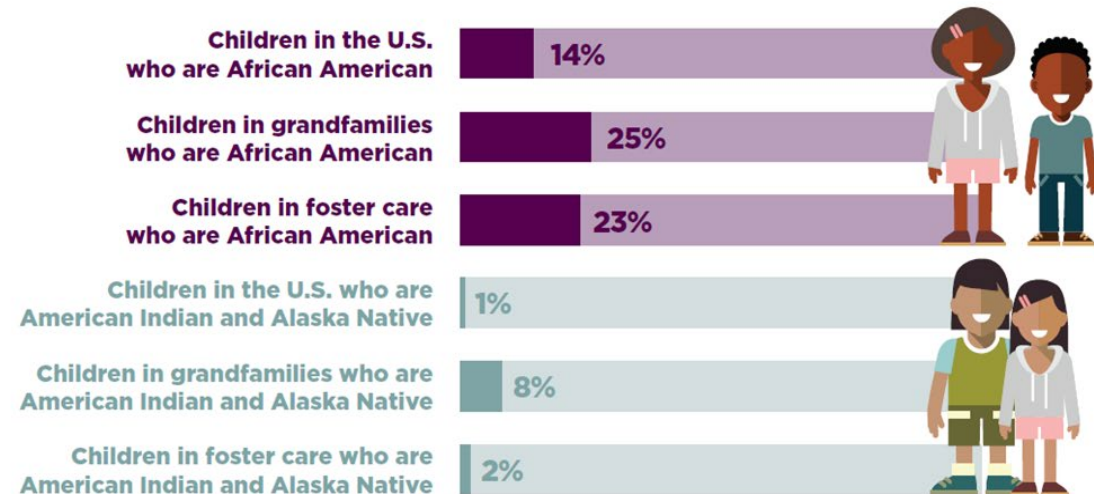
- ▶ **Permanency Rates:** Significant boosts in permanency rates ranging from 7% in Illinois to an increase of 18% in Wisconsin
- ▶ **Placement Duration:** Decreased average length of time in out-of-home placement by 22% in Illinois and 32% in Wisconsin
- ▶ **Maltreatment Recurrence:** Children placed with guardians at least as safe or safer from repeat maltreatment than children in other permanent settings
- ▶ **Child Well-Being:** Children fared as well or better than children in foster care or other permanent settings with respect to factors such as school performance and engagement in risky behaviors

Source: <https://www.acf.hhs.gov/cb/resource/subsidized-2011>. See also [ACYF-CB-IM-20-08](#)

Kinship: Strategy for Race Equity

- Honors tradition of communities of color
- Prevents family separation, a process that disproportionately harms low-income families and families of color and is often triggered by poverty related neglect
- Halts group care placement and overrepresentation for youth of color
- Tribal cultural adoption is a good example of cultural considerations while achieving permanency

Racial Overrepresentation in Grandfamilies



Guardianship Assistance is Responsive to Family Dynamics

- ▶ GAP is sensitive to family concerns that may prevent a child from being adopted
- ▶ Adoption forever changes family dynamics – e.g., grandma becomes mom and mom becomes sister
 - Kin who do not want the parental rights of the parents permanently terminated
 - Children who want to maintain a relationship with their parents
 - Parents with physical or cognitive disabilities who may be unable to care for children on a daily basis, but want to remain parents
- ▶ GAP keeps siblings together

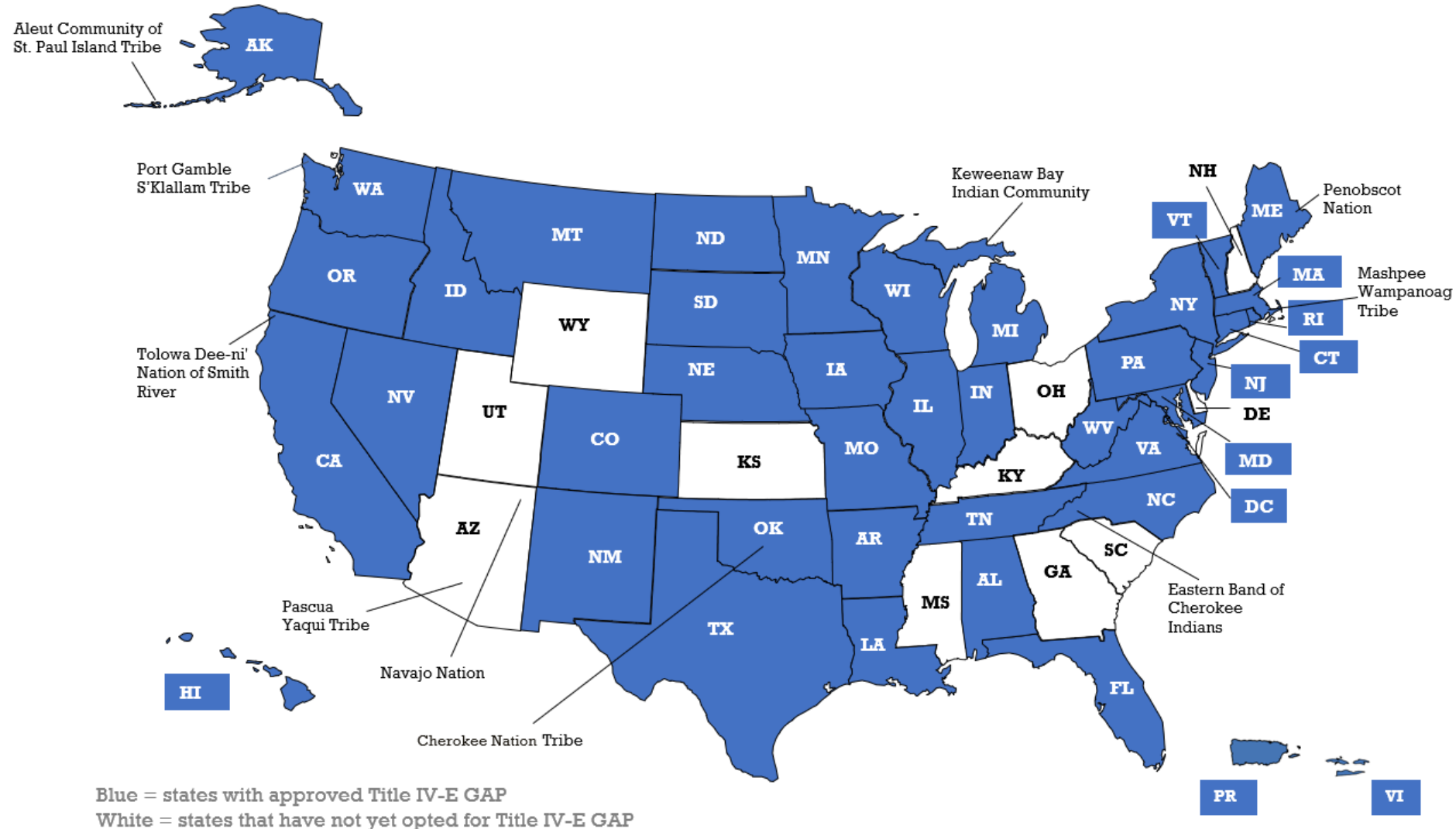
Guardianship Assistance Programs (GAP)

- ▶ Federal funding for GAP under the Fostering Connections Act of 2008 was a huge victory for the kinship care community
- ▶ GAP acknowledges the research showing positive outcomes for children
- ▶ Allows for permanency when reunification and adoption are not viable options
- ▶ Provides a path for children in the care of licensed relatives to exit foster care with ongoing monthly assistance and automatic Medicaid
- ▶ The guardianship agreement remains in effect even if the guardian moves to another state
- ▶ If a child is eligible for federal adoption assistance when placed with a guardian, the child continues to be eligible if the guardian wants to adopt the child later



13

10 tribes as of April 2021



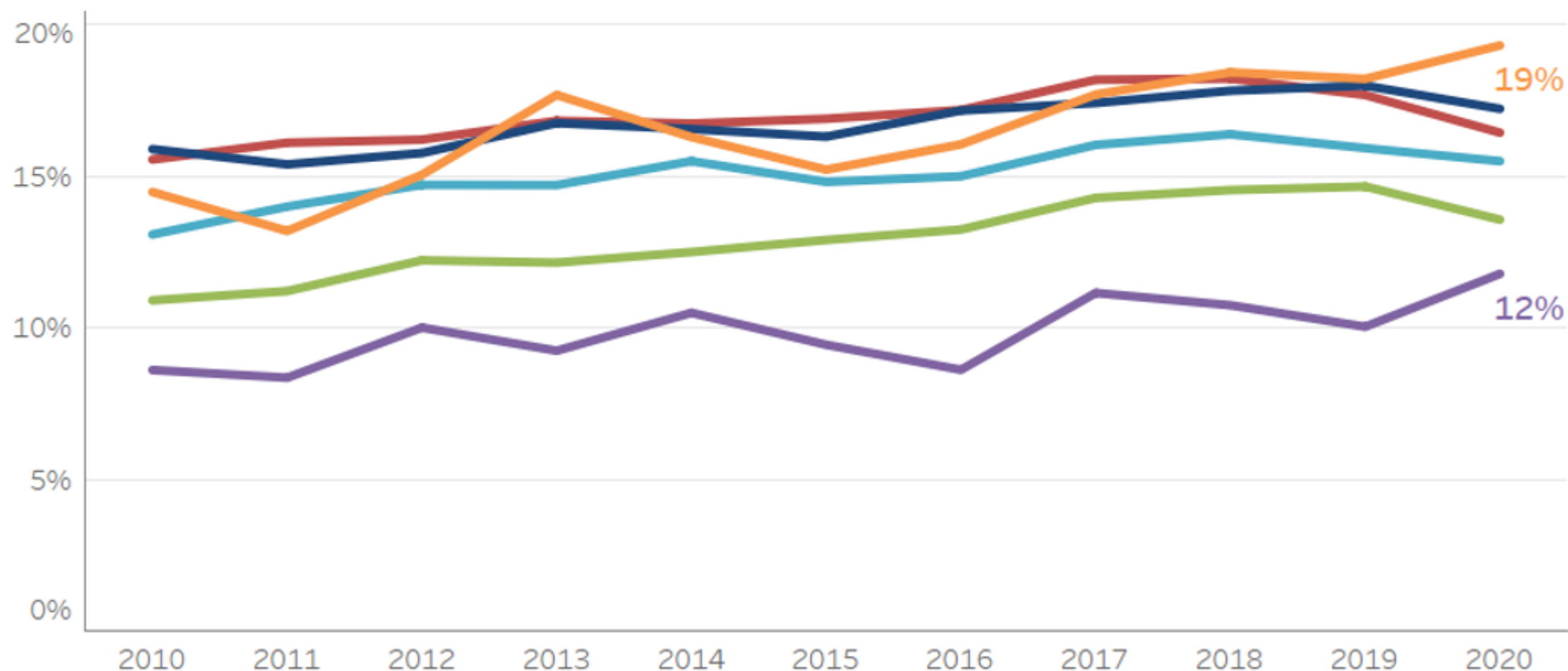
Approved IV-E Agencies Not Making Full Use of GAP

- ▶ The average monthly number of children receiving Title IV-E GAP nationally was about **35,000 in FY 2019**
- ▶ Some agencies approved to operate the program reported serving no or very few children
- ▶ “CB encourages all states to review their policies and practices to ensure effective operation of the [guardianship assistance] program, thereby providing better support to kinship caregivers.” [ACYF-CB-IM-20-08](#)

What **percent** of children exiting care during the fiscal year exited to guardianship, by race/ethnicity?

15

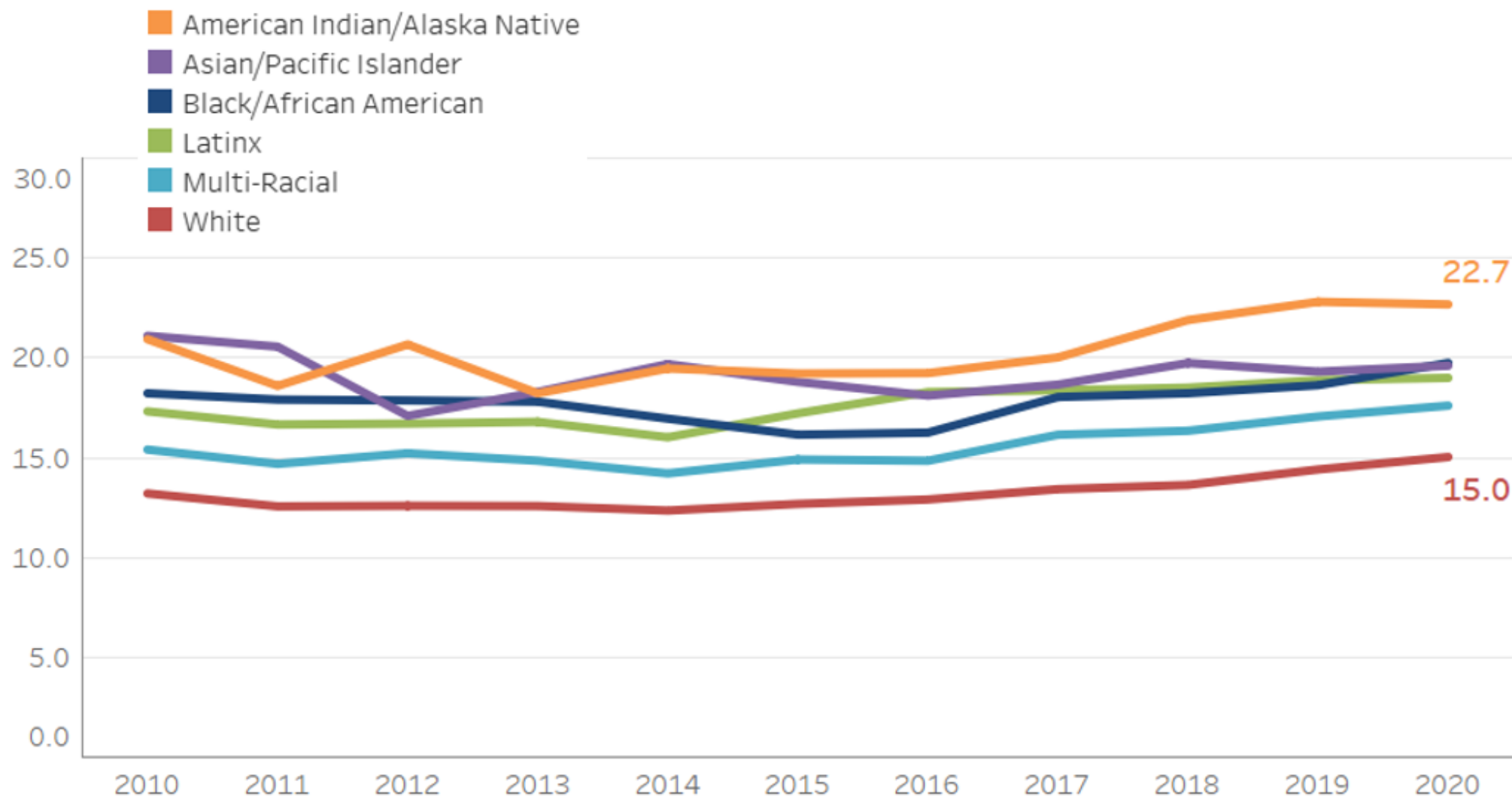
- American Indian/Alaska Native
- Asian/Pacific Islander
- Black/African American
- Latinx
- Multi-Racial
- White



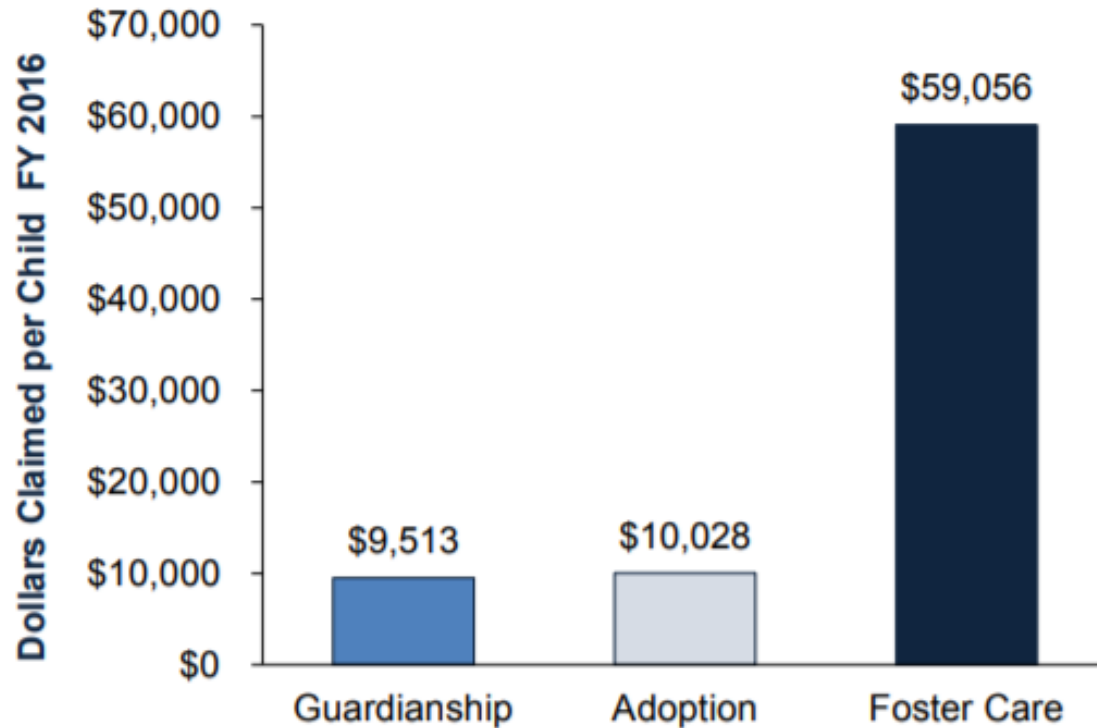
Not GAP specific
—
All exits to guardianship with kin and non-kin

Of children who exited care to guardianship during fiscal year, how many months (average) did it take to exit, by race/ethnicity?

16



Annual Costs per Child in the GAP Program Resemble Those in the Adoption Assistance Program



- In states with GAP programs, adoptions and guardianships each cost about \$10,000 per child per year, compared to nearly \$60,000 per child per year for a child in foster care. These figures include both maintenance payments and the various categories of administrative and training costs.

Source: <https://aspe.hhs.gov/pdf-report/title-iv-e-gap-programs-work-progress>

Strategies to Increase Numbers of Children Benefiting from GAP

- ▶ Conduct outreach to stakeholders with clear materials and trainings
- ▶ Address licensing practices/standards/use of federal authority to waive “non safety” licensing standards
- ▶ Define “sibling” broadly and make use of flexibility to provide GAP to siblings who are not independently eligible
- ▶ Expand definition of “relative” to include “fictive kin” and ensure that licensing policies align
- ▶ Do not further restrict eligible population, e.g., older youth only
- ▶ Provide state funded GAP programs for those children not IV-E eligible
- ▶ Increase the monthly subsidy amount to be identical to what the child would receive in foster care
- ▶ Provide post-guardianship support services and connect families to kinship navigators and community-based services

Peer Learning Session 1:

Problem Solving GAP Challenges

1. **Lack of value on support for kin placements:**

- Ineffective family finding and engagement
- Failure to recognize GAP as a viable permanency option
- Fiscal concerns
- Limited post guardianship services

2. **Ineffective information:**

- No or lack of written materials
- No or lack of understanding and training about GAP
- No staff charged with being expert in GAP

3. **Licensing barriers for kin:**

- Problematic/old licensing standards
- Limited or no use of waivers for “non-safety” standards
- No provisional/emergency licensing for relatives
- Lack of specialized staff or extra assistance to help license kin

4. **Limitation of IV-E GAP eligibility requirements:**

- Policies or practices that restrict eligibility beyond federal requirements (e.g., to older youth only)
- Children not meeting Title IV-E income requirements
- Requirement that children be placed with licensed kin for 6 months prior to GAP

5. **Lack of clear GAP policies and processes:**

- No or unclear policies for how to decide/document adoption and reunification are not appropriate options
- Unnecessary requirement going beyond federal law that requires “rule out” of adoption and reunification

Peer Learning Session 2: Sharing Effective Strategies

1. **Eligibility standards:**

- Interpreting IV-E requirements
- Sibling groups
- Expanded definition of relative and sibling

2. **Financial decisions:**

- Data and cost savings to make the story to use GAP
- Rate of monthly subsidy
- Post guardianship services
- State-funded GAP

3. **Licensing:**

- Practices
- Standards
- Waivers

4. **Building a kin-first culture:**

- Commitment from leadership
- Value of kin
- Authentically engaging kin
- Family finding and engagement

5. **Local implementation:**

- Training
- Materials
- Procedures

Peer Learning Session 3:

Jurisdiction Action Planning

1. What are up to three action items you plan to do?
2. What would be necessary for your jurisdiction to achieve it?
3. What could you use help with?

A photograph of an older man and a woman in a library. The man, wearing a light blue button-down shirt, is holding a red book and pointing at it. The woman, wearing glasses and a grey patterned sweater, is looking at the book. They are standing in front of tall bookshelves filled with books. The text "Additional Resources" is overlaid in white on the bottom left of the image.

Additional Resources

NEED HELP?

See State Fact Sheets to obtain important state specific kinship resources, information and data.

LEARN MORE



Search Laws

A searchable database of laws and legislation affecting grandfamilies both inside and outside the foster care system for all 50 states and the District of Columbia.

Read More



Resources

Free and online legal resources in support of grandfamilies within and outside the child welfare system.

Read More



Publications

View our publications that support grandfamilies including: Model Family Foster Home Licensing Standards, Using the Guardianship Assistance Program (GAP), and Relative Foster Care Licensing Waivers in States.

Read More

A collaboration of the
ABA Center on Children and the Law,
Generations United and Casey Family Programs

GAP Resources

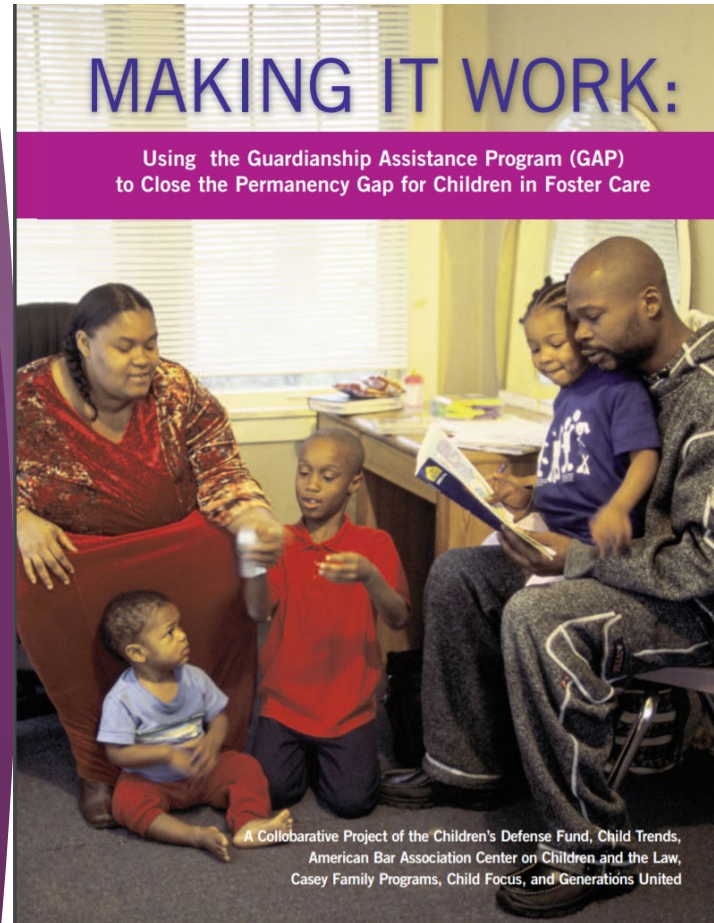
GAP Checklist and Toolkit:

Scroll to bottom of -

www.grandfamilies.org/Resources/Subsidized-Guardianship

Kinship Guardianship Brief:

www.casey.org/kinship-guardians-overview/



24



Guardianship Assistance Program (GAP) Implementation Checklist

Yes	No	Pending (describe)	Activity
Submit Plans to the Regional Children's Bureau			
			Submit state plan amendment to regional Children's Bureau for GAP.
			If necessary (discuss with regional Children's Bureau), submit Medicaid state plan amendment (children eligible for Title IV-E GAP are categorically eligible for Medicaid).
Conduct Fiscal and Data Analysis			
			Conduct fiscal analysis of how many children are potentially eligible.
			Finalize cost allocation plan.
			Include GAP in SACWIS, including tracking the number of children benefitting from GAP and the impact it is having on permanence for children.
Create Kinship Guardianship Agreement Form			
			Agreement form should include: Amount the guardian will receive for the child up to the foster care maintenance rate the child would have/could have received if remained in a foster family home.
			Manner in which the payment will be made.
			How the amount can be adjusted periodically in consultation with the guardian based on the circumstances of the caregiver and needs of the child.
			Information about the additional services and assistance the child and guardian will be eligible for.
			How the guardian can apply for additional services.
			That the state will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship, not to exceed \$2,000. (These costs include travel expenses to the court and/or attorney, legal fees, and court filing fees.)
			The name of a successor guardian in the event of the guardian's death or incapacitation (The successor does not have to be a relative or licensed as a foster parent.)

Family First Prevention Services Act and GAP

www.grandfamilies.org/Portals/0/Documents/FFPSA/Title%20IV-E%20GAP%20Brief.pdf



Leveraging the Family First Prevention Services Act to Improve Use of Title IV-E GAP

The Family First Prevention Services Act (Family First Act), enacted in February 2018, makes historic reforms to the child welfare system to better support children, families, and relative caregivers. Many of the reforms have significant implications for connecting children to relative caregivers and further promoting permanency through relative guardianships. States and tribes operating a federal Title IV-E Guardianship Assistance Program (GAP) can use these new reforms to further strengthen their programs. For states and tribes that have not yet taken the GAP option, new opportunities in the Family First Act may encourage them to apply. Currently 35 states, the District of Columbia, and 11 tribes operate Title IV-E GAP (see map, p. 2).



Resources

For more information on:
Family First Act and kinship care:

- [New Opportunities for Kinship Families: Action Steps to Implement the Family First Prevention Services Act in Your Community](http://www.grandfamilies.org/Portals/0/Documents/FFPSA/new-opportunities-kinship-families.pdf)
(www.grandfamilies.org/Portals/0/Documents/FFPSA/new-opportunities-kinship-families.pdf)

This brief highlights provisions in the Family First Act related to kinship families and federal Title IV-E GAP (GAP). It suggests how states and eligible tribes can build on these provisions to promote use of assisted guardianship for children in kinship foster care.

Family First helps remove barriers to licensure:

Provision:

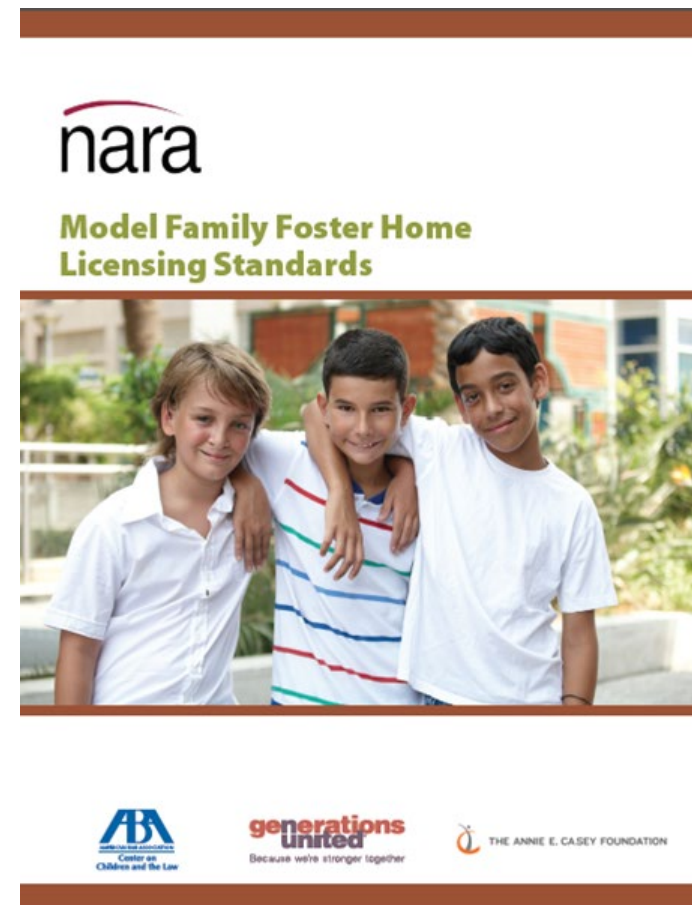
The Family First Act encourages states and eligible tribes to improve their standards and procedures for licensing foster parents, with the goal of removing unnecessary barriers to licensure for relatives who want to become licensed foster parents. The Family First Act requires the U.S. Department of Health and Human Services (HHS) to develop model family foster home licensing standards, which HHS released in February 2019, and requires states and eligible tribes to compare these model standards against their own to identify potential barriers in licensing relatives. If state or tribal licensing standards are not consistent with the model standards, the Act requires states and tribes to report the reasons for a specific deviation from the model standards and why a standard is not appropriate for their jurisdiction.

Impact on GAP:

To qualify for a federal Title IV-E GAP subsidy from the state, the relative must be the licensed foster parent of the child for six consecutive months before receiving GAP. However, many relative caregivers have struggled to meet state licensing requirements for foster family homes. While states and eligible tribes can waive nonsafety licensing standards for relatives, this does not always happen, and relatives struggle to become licensed foster parents.

NARA Model Family Foster Home Licensing Standards

- ▶ NARA Model was the main source for the Children's Bureau National Model, includes:
 - a purpose statement
 - ten guiding principles
 - the model standards
 - an interpretive guide
 - a crosswalk tool
- ▶ See [FAQ](#) on [NARA Family Foster Home Licensing Standards](#) and [National Model](#)



Comparing Adoption and Guardianship Options

CHART Adoption and Guardianship for Children in Kinship Foster Care: National Comparison Chart

This chart is designed to help kinship foster parents compare adoption and guardianship as two options that you and the children in your care can pursue to exit foster care and create permanent families. It provides a broad, national overview of these legal pathways. Adoption and guardianship laws are developed and implemented at the state, tribal and local levels, so the details of these legal relationships differ in important ways. You should review those differences when deciding which option to pursue. You can get initial information about your specific state's laws at www.grandfamilies.org/Search-Laws.



While this chart is directed at kinship foster parents, it is also intended as a tool to help child welfare and other case workers assist kinship foster parents. Birth parents and older children may also find it helpful to review as part of their decision-making.

Generations United welcomes jurisdictions to either share the chart as is or tailor it to your own specific laws and policies. A related brief on *Adoption and Guardianship for Children in Kinship Foster Care* is available at www.grandfamilies.org.

ADOPTION

GUARDIANSHIP

Rights and Responsibilities

What are my legal rights and responsibilities for the child?	You will become the parent in the eyes of the law forever. You have all rights and responsibilities for the child.	You will have most of the rights and responsibilities that come with caring for a child until the child reaches adulthood or the guardianship is ended.
What are the birth parents' rights and responsibilities for the child?	The birth parents' rights are terminated.	Birth parents keep the rights to visit the child and to consent to adoption and/or name change. Birth parents keep the obligation to financially support the child and pay child support.
Do I have authority to access services for the child?	As an adoptive parent, access to services for the child is the same as for any birth parent.	Guardians access to services for the child is typically the same as for any birth parent.

- ▶ **National chart** – Adoption and Guardianship for Children in Kinship Foster Care
- ▶ **State specific charts** – for NM, NY, PA, VA and WA
- ▶ **Brief** – Adoption and Guardianship for Children in Kinship Foster Care
- ▶ Thanks to Dave Thomas Foundation for Adoption for supporting the creation of these resources.

All available at:

www.grandfamilies.org/Resources/Care-Custody

GrandFacts State Fact Sheets for Grandfamilies

www.grandfactsheets.org

28

GRANDFACTS

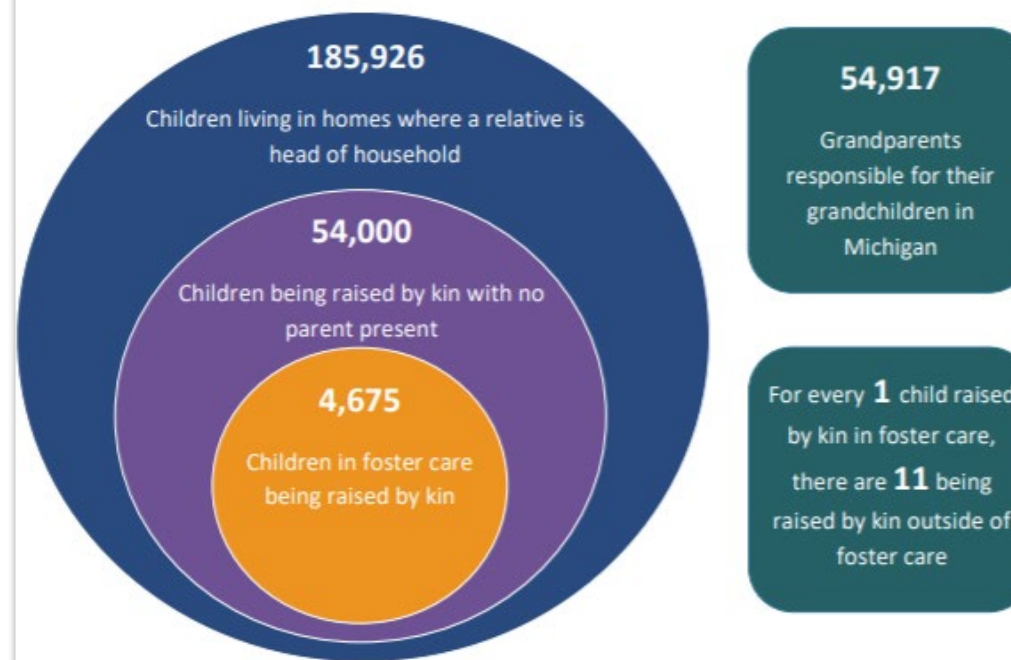
STATE FACT SHEETS FOR GRANDFAMILIES



The GrandFacts state fact sheets for grandfamilies include state-specific data and programs as well as information about public benefits, educational assistance, legal relationship options and state laws. Visit www.grandfamilies.org to find this and all GrandFacts state fact sheets.

Michigan

Grandfamilies Data



Contact Information

29

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