

Guardianship Assistance Program (GAP) Regional Convenings

June 28, 2021

12 to 3 MT, 11 to 2 PT, 10 to 1 AKDT, 8 to 11 AM HST
Federal Regions 8-10 and IV-E Tribes



**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



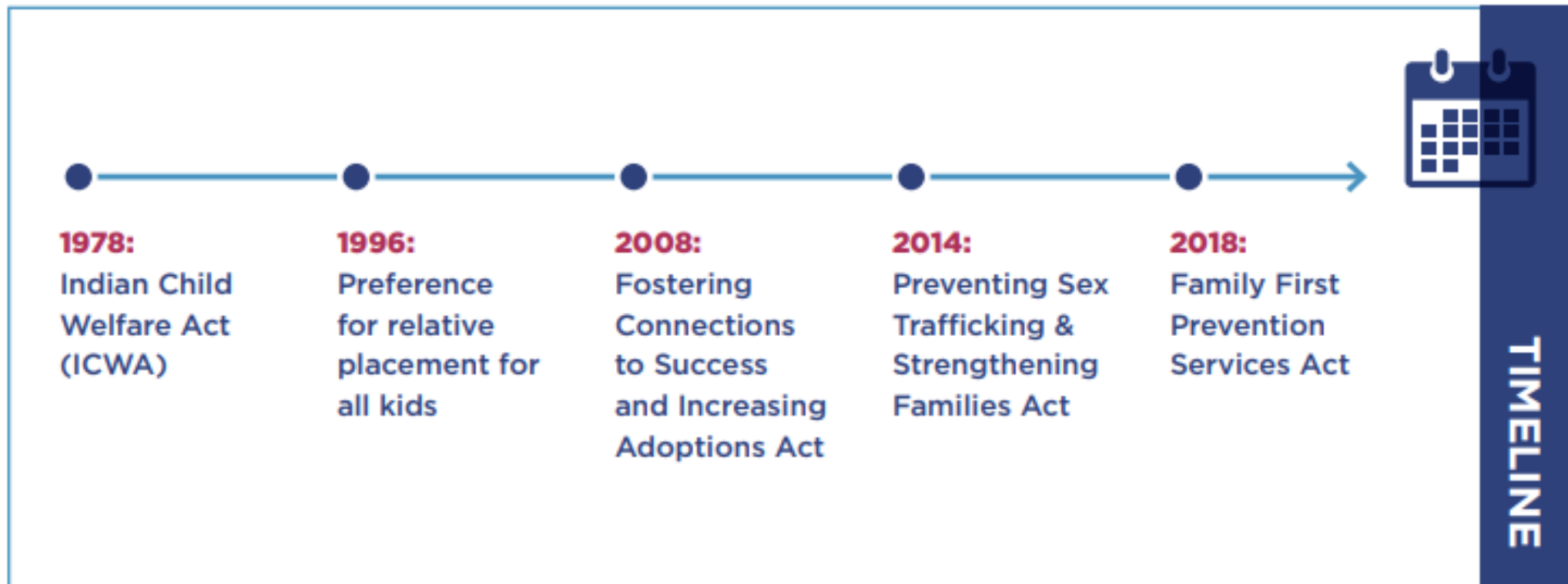
Today's Speakers and Facilitators

- ▶ **Gail E. Collins**, Children's Bureau
- ▶ **Estella Swain**, **Esther Ortega**, **April Kateri Chavez**, New Mexico's Children, Youth and Families Department (CYFD)
- ▶ **Dorothy Wait**, Tolowa Dee-ni' Nation
- ▶ **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



Guardianship Assistance Programs (GAP)*

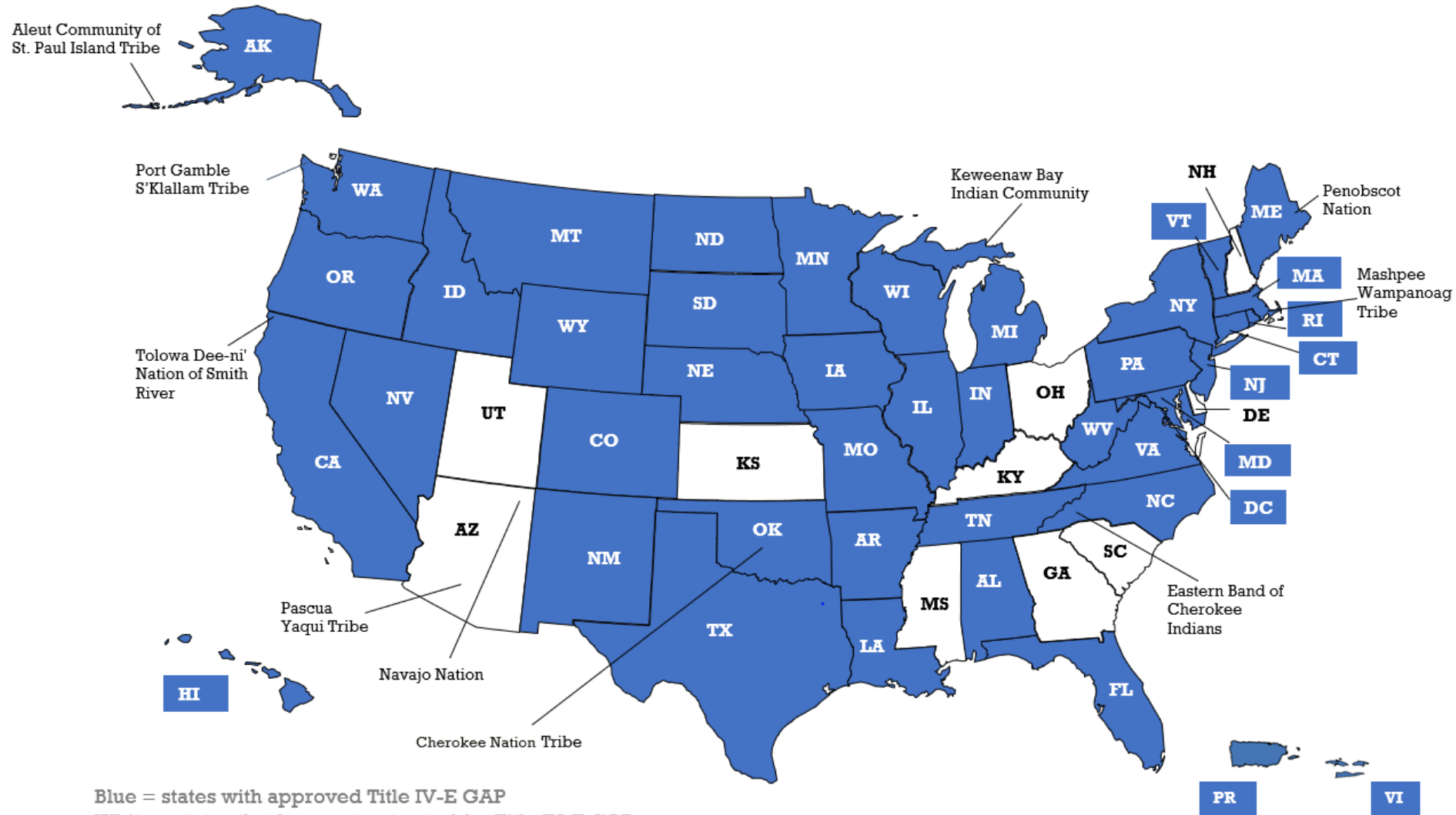
- ▶ Basic Federal eligibility requirements:
 - Adoption and reunification are not appropriate options for the child
 - Child must be Title IV-E eligible
 - Child must live with a licensed “relative” foster parent for 6 consecutive months prior to guardianship
 - Ineligible “siblings” can qualify if sibling in the same home is eligible
- ▶ Jurisdictions have flexibility to define “relative” and “sibling” as they wish
- ▶ The guardianship agreement remains in effect even if the guardian moves to another jurisdiction
- ▶ 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

**GAP is called different things in different jurisdictions*

Approved Title IV-E Guardianship Assistance Programs

40 states, the District of Columbia, Puerto Rico, the Virgin Islands
and 10 tribes as of June 2021

8



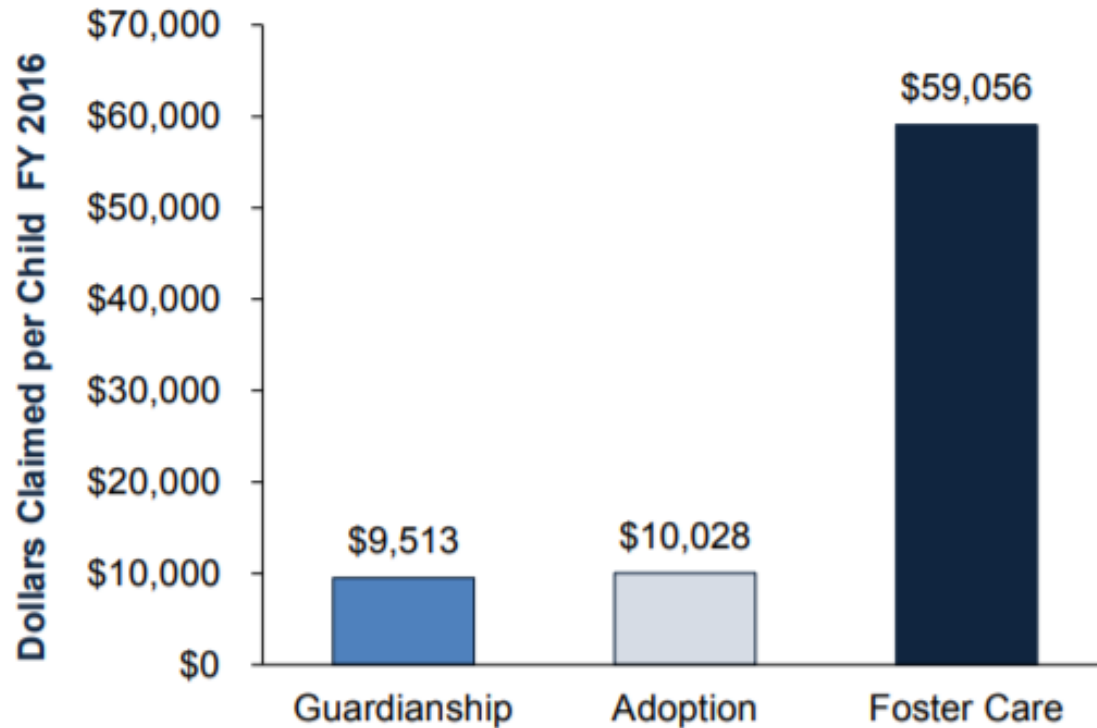
Poll Question #1

- ▶ What does your jurisdiction provide to stakeholders to understand the legal and financial ramifications of guardianship and GAP, as compared to other permanency and financial options? *Please check all that apply.*
 - Charts comparing the options
 - Trainings to stakeholders
 - Pamphlets/brochures
 - Guides developed specifically for kinship caregivers
 - Not applicable – nothing has been developed yet

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](#)

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



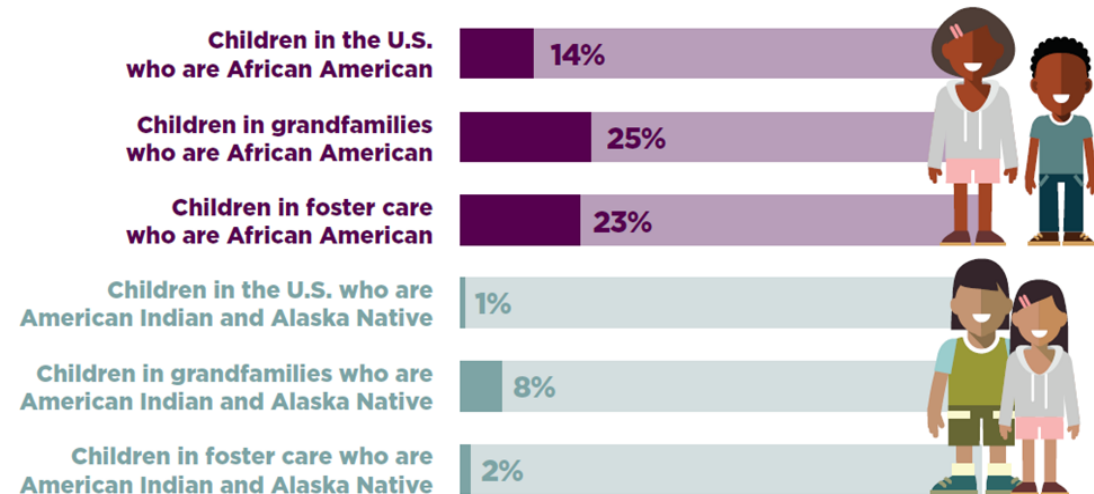
- In states with GAP programs, adoptions and guardianships each cost about \$10,000 per child per year, compared to nearly \$60,000 per child per year for a child in foster care. These figures include both maintenance payments and the various categories of administrative and training costs.

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

Kinship and GAP: Strategies for Race Equity

- Honors tradition of Black, Indigenous and People of Color (BIPOC)
- Prevents family separation, a process that disproportionately harms low-income and BIPOC families and is often triggered by poverty related neglect
- Decreases group care placement and overrepresentation for youth of color
- Tribal adoption is a good example of a practice that considers culture and achieves permanency

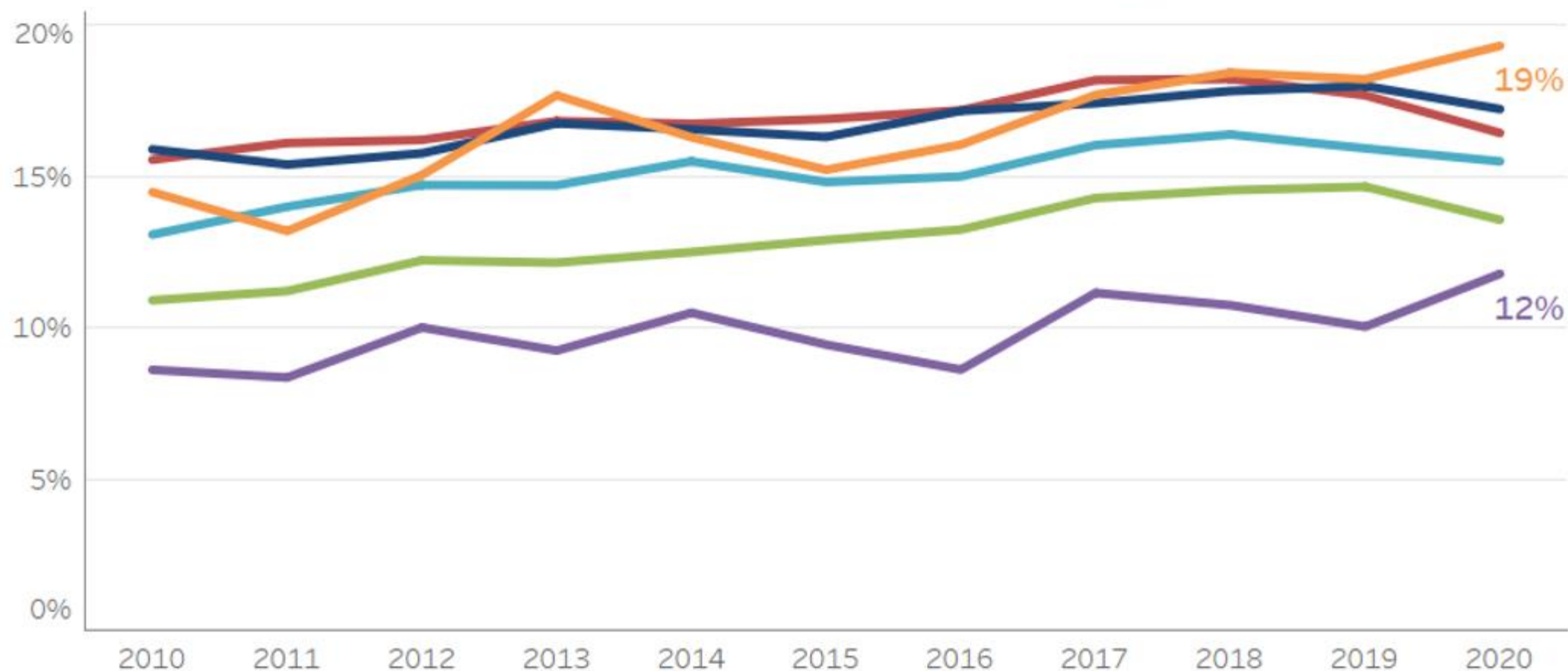
Racial Overrepresentation in Grandfamilies



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

13

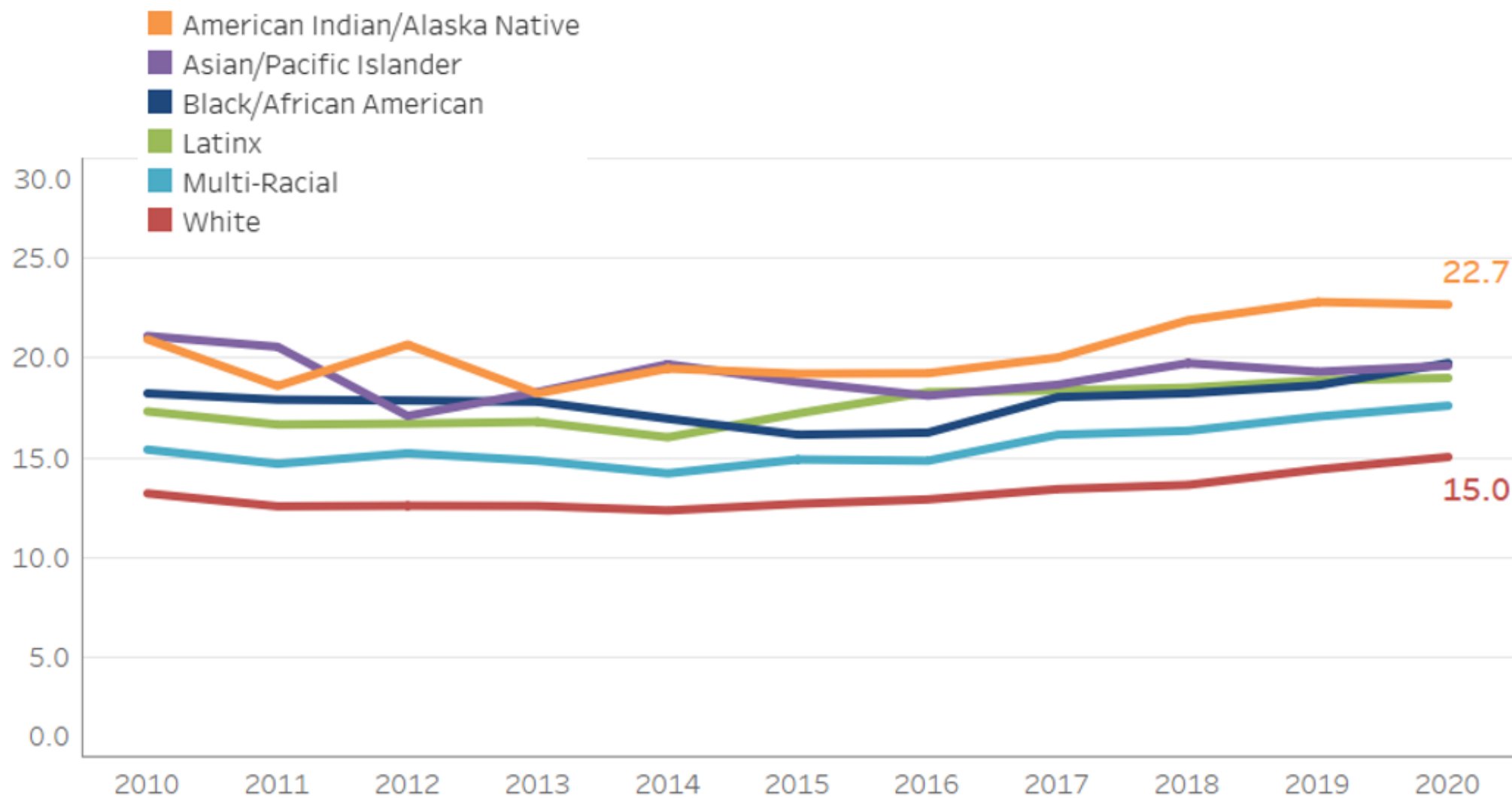
- American Indian/Alaska Native
- Asian/Pacific Islander
- Black/African American
- Latinx
- Multi-Racial
- White



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?

14



GAP 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

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 or tribe 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
- ▶ Collect robust data on kinship and GAP and disaggregate by race to better understand the population being served

Poll Question #2

- ▶ Does your jurisdiction take advantage of federal flexibility to provide GAP to non-GAP eligible “siblings” in the same home as their GAP eligible sibling?
 - Yes
 - No
 - Don't Know
 - Not applicable, as my jurisdiction doesn't have GAP yet

New Mexico Guardianship Assistance Program (GAP) & Kinship Unit

ESTELLA SWAIN, ACTING BUREAU CHIEF

NICOLAS NJUA, KINSHIP AND ADOPTIONS SUPERVISOR

ESTHER ORTEGA, KINSHIP SPECIALIST

APRIL KATERI CHAVEZ, KINSHIP SPECIALIST



Our Strategies:



Law & Policy

- CYFD established ICWA and Kinship Unit to keep New Mexico families together
- Flexibility in updating Licensing Standards, Policy and Procedures to be more kin-friendly.
 - Established provisional approval and licensing of kin who are not US citizens.
 - Now include the sibling of a child who meets the criteria for guardianship.
 - Remove age limits for child to be eligible for GAP
 - Offers state funding for families who are not Title IV-E eligible
- CYFD established close statewide partnerships
 - Court systems/ attorneys
 - UNM School of Law
 - Stakeholders including resource parents, case workers, tribes, etc., which have resulted in many more people understanding this permanency option

Inter-departmental

- Enforce procedure to require relative placement as FIRST placement. Non-relative placements are now the exception. Use “Been Verified” and Seneca for all children in care for kinship searches
 - Seeking contracts for family finding agencies
- Require genograms to be completed for all investigations and uploaded in the case record
- Conduct bi-weekly state-wide Targeted Staffing for children in a relative placements
- Develop kinship training, committees and workgroups for all CYFD staff
- Created a chart comparing adoption and guardianship in NM which raised awareness among stakeholders and explains the differences between the two options.

Community

- Work with tribal communities and rural areas to develop tools for kinship care
 - Rio Arriba County Pilot Program
- Train community providers in completing the Initial Relative Assessment (IRA) to increase cultural reflectiveness of resource families.
- Contract with statewide legal agencies and relative success centers to provide services to kinship caregivers
 - Southwest Guidance Center-Kinship Navigator
 - Pegasus Legal Services for Children, NM Legal Aid, Dinébe'iiná Náhiłna be Agha'diit'ahii (DNA) Legal Services
- Create an engagement plan for families that cannot commit to being a resource family but CAN commit to being a support for the child in foster care, the resource family or biological family
 - Visit Host Program

cyfd



Children Youth & Families Department

Ahé héé!



Nihtra!

Thank you!

Peer Learning Session 1: Sharing Effective Strategies

1. Building a Kin First Culture

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

2. Local GAP Implementation

- Procedures
- Materials
- Training

3. Licensing Kin

- Practices
- Standards
- Waivers

4. GAP Eligibility

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

5. State or Tribe Funded GAP & Other Fiscal Decisions

- State or tribe funded GAP
- Rate of monthly subsidy
- Post guardianship services

6. Kinship Data

- Collect and report data to monitor use of GAP
- Disaggregate data by race
- Use data to illustrate advantages of GAP



BREAK
TIME!!!

Dorothy Wait
Tolowa Dee-ni' Nation

Peer Learning Session 2: Sharing Effective Strategies

1. Building a Kin First Culture

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

2. Local GAP Implementation

- Procedures
- Materials
- Training

3. Licensing Kin

- Practices
- Standards
- Waivers

4. GAP Eligibility

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

5. State or Tribe Funded GAP & Other Fiscal Decisions

- State or tribe funded GAP
- Rate of monthly subsidy
- Post guardianship services

6. Kinship Data

- Collect and report data to monitor use of GAP
- Disaggregate data by race
- Use data to illustrate advantages of GAP

Peer Learning Session 3: Jurisdiction Action Planning

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

A photograph of an older man and a younger woman in a library. The man, wearing a light blue striped shirt, is holding a red book and pointing at it. The woman, wearing 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

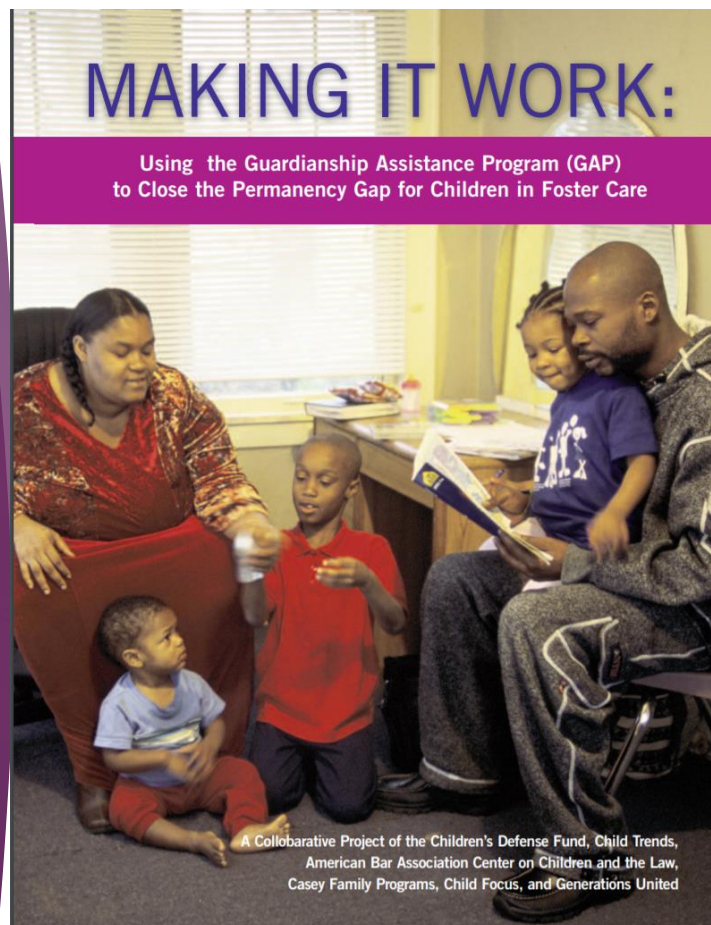
GAP Checklist and Toolkit:

Scroll to bottom of -

www.grandfamilies.org/Resources/Subsidized-Guardianship

Kinship Guardianship Brief:

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



32



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:

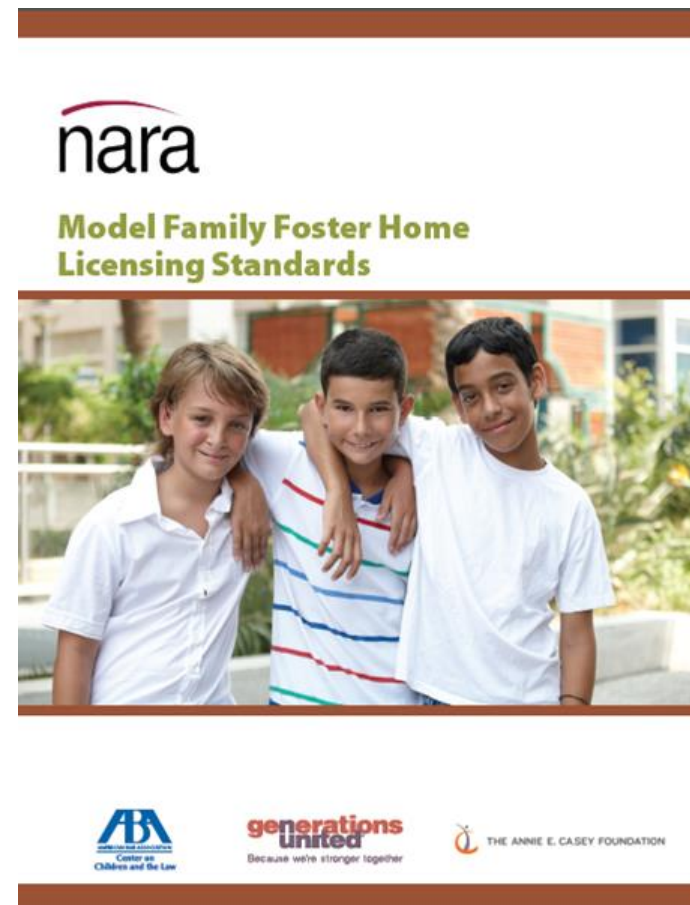
The Family First Act encourages states and eligible tribes to improve their standards and procedures for licensing foster parents, with the goal of removing unnecessary barriers to licensure for relatives who want to become licensed foster parents. The Family First Act requires the U.S. Department of 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

36

GRANDFACTS

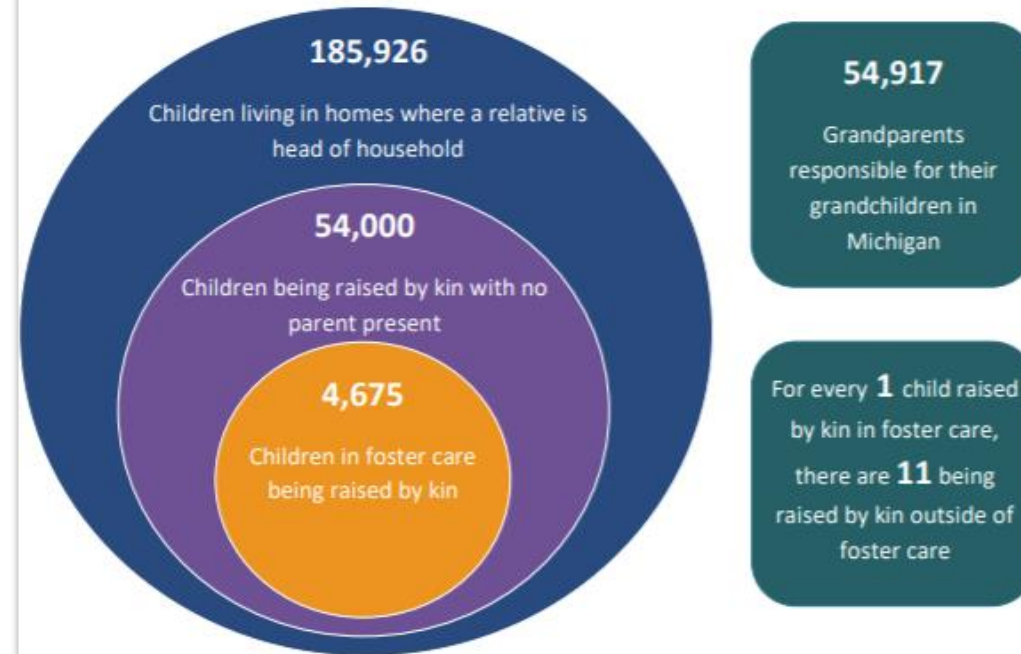
STATE FACT SHEETS FOR GRANDFAMILIES



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

Heidi Redlich Epstein

ABA Center on Children and the Law

Heidi.Epstein@americanbar.org

37



Ana Beltran

Generations United

National Center on Grandfamilies

abeltran@gu.org



Steven Olender

Children's Defense Fund

solender@childrensdefense.org

