The Value of Kinship Caregiving and Honoring Family Connections in Trying Times

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• Mission: promote access to justice for children and families
• Structure:
  • 15-person team of attorneys and core staff
  • Grant projects across the country focused on:
    • improving legal representation, and
    • improving legal systems that impact children and families’ lives
  • Connect child welfare and other legal topics (e.g. immigration, education access, kin caregiving)
• Approach:
  • Collaboration and coalition building
  • local, state and national levels

www.americanbar.org/child
Generations United

• Generations United’s mission is to improve the lives of children, youth, and older adults through intergenerational collaboration, public policies and programs
• Since 1998, Generations United’s National Center on Grandfamilies:
  • Guided by GrAND Voices – a network of caregiver advocates
  • Leads an advisory group of organizations, caregivers and youth that sets the national agenda
  • Advocates for policy reforms
  • Provides technical assistance to states and other providers
  • Raises awareness through media outreach, weekly communications and events
  • Provides information and resources at www.gu.org and www.grandfamilies.org
• GRAND Voices aim to have kinship caregiver voices front and center
• Advocate on behalf of kinship caregivers both inside and outside the child welfare system
• GRAND Voices now has 71 members around the country - in New Mexico, 43 other states, the District of Columbia and 11 tribes
• Federal government in August 2019 (IM ACYF-CB-IM-19-03) emphasizes importance of “integrating family and youth voices into all aspects of child welfare system design and operation”
Poll Question

Please tell us the reason you are here today. Which of the following roles do you have? *Please check all that apply.*

- Non-kin resource parent/foster parent
- Kin resource parent/foster parent
- CYFD staff
- Other
Children in Kinship Families

United States:

69,310 children who live with a relative who is head of the household

29,000 children raised by kin with no parent in home

633 children in foster care with kin

New Mexico:

7.9 million
Number of children who live with a relative who is the head of the household

2.7 million
Number of children who are being raised by a relative or close family friend and do not have a parent living in the household

139,004
Number of children being raised by relatives in the child welfare system

Grandfamilies.org
Many more relatives raising children outside of the child welfare system

United States:

For every 1 child in foster care with relatives there are 19 children being raised by grandparents or other relatives outside of the foster care system.

New Mexico:

For every 1 child in foster care with relatives there are 46 children being raised by grandparents or other relatives outside of the foster care system.
GRANDPARENTS RESPONSIBLE FOR GRANDCHILDREN (2018)

2,400,000 Grandparents are responsible for grandchildren

- 55% 55 percent of them are in the workforce
- 19% 19 percent of them live below the poverty line
- 25% 25 percent of them have a disability
- 45% 45 percent of them have provided care for 5 years or more
- 46% 46 percent of them are over age 60
Kinship Foster Care and Children Exiting Foster Care

Over the past four years, of the 3.1% of exits to guardianship:
- 53.5% were subsidized
- 46.5% were not subsidized
# Parental Causal Factors Creating Kinship Families

<table>
<thead>
<tr>
<th>Substance use</th>
<th>Death</th>
<th>Child abuse and/or neglect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teenage pregnancy</td>
<td>Deportation or detainment</td>
<td>Military deployment</td>
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<tr>
<td>Unemployment</td>
<td>Incarceration</td>
<td>Physical and cognitive disabilities</td>
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<tr>
<td>Mental health challenges</td>
<td>Family violence</td>
<td>Poverty</td>
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More than **1/3** of all children placed in foster care because of parental substance use are placed with relatives.*

*Generations United: Because we're stronger together*
The Value of Kinship Care
Kinship Families Strengths: Children Thrive

Being placed in kinship care has been found to decrease the risk of disruption.

"Research demonstrates that placement with kin supports a number of improved outcomes for children and we must continue to prioritize that."

ACYF-CB-IM-20-06

Children placed into kinship care had fewer behavioral problems three years after placement than children who were placed into foster care.

Children initially placed in kinship care as compared to family foster care were more likely to reunify or exit to guardianship.
Mr. Chad Dingle
Adult raised by a kinship caregiver

“...most people go to grandma’s house and get spoiled but for me it was the only safe place I had...getting to live with grandma was like ‘going to grandma’s house’ all the time. I had more love there than anywhere else in my life.”
Challenges Faced by Kinship Families Inside and Outside Child Welfare

- Limited financial assistance
- Establishing a legal relationship
- Consent to health care, education and other services for children
- Affordable housing
- Caregivers: social isolation, grief
- Children: Trauma and often have special needs
<table>
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<tr>
<th></th>
<th>Outside the Foster Care System or Not Licensed Kinship Foster Care</th>
<th>Licensed Kinship Foster Care</th>
<th>Kinship Guardianship and Adoption Assistance</th>
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<tr>
<td></td>
<td>Temporary Assistance for Needy Families child-only grants</td>
<td>Foster Care Maintenance Payments</td>
<td>Guardianship or Adoption Subsidy</td>
</tr>
<tr>
<td>One Child</td>
<td>$266/month</td>
<td>One Child Minimum foster care maintenance payment $408/month</td>
<td>One Child Up to foster care rate $408/month</td>
</tr>
<tr>
<td>Two Children</td>
<td>$357/month</td>
<td>Two Children Minimum foster care maintenance payment $816/month</td>
<td>Two Children Up to foster care rate $816/month</td>
</tr>
<tr>
<td>Three Children</td>
<td>$447/month</td>
<td>Three Children Minimum foster care maintenance payment $1224/month</td>
<td>Three Children Up to foster care rate $1224/month</td>
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Although these numbers are old, it demonstrates the inequity.

There is almost no publicly available information on TANF child only grants in New Mexico, which demonstrates another issue.
Child Welfare Strategies to Support Kinship Families
Challenges

Feelings of Guilt & Shame

Complicated and Changing Family Relationships

Myths & Assumptions - apple doesn’t fall far from the tree

Concerns about ability to care for child due to age and perceived safety issues

Solutions

Peer support groups

Icebreaker & family team meetings with a neutral facilitator
Tips in ACYF CB JM 20-06

Culture shift
• Trainings
• Conversations

Increased sensitivity and tailored supports to address unique issues
Challenges

- Physical & Mental Health of Caregiver
- Lack of Resources
- Access to Accurate Information & Fear of “Systems”
- Unexpected Responsibility of Caring for Additional Children

Solutions

- Referrals for Services
  - Respite Care
- Kin-specific supports
  - Access to trainings, education
- Trained Kin Staff
  - Written Materials
  - Help navigating options
- Identify supports and services
  - Prompt responses and attention to needs
Challenges

- Housing
  - Limited Access to Legal Representation for Caregivers
  - Unique Barriers Foster Care Licensure

Solutions

- Collaboration with local housing authority
- Referral to legal services
- Local collaboration
- Kin-specific training
  - Waiver process for non-safety standards
Discussion: is kin always the best choice?

• Differing perspectives on placement:
  • The parent
  • The child
  • The kinship caregiver
  • The caseworker

• Competing interests in finding the best placement, what is more important?
  • Siblings
  • Kin
  • School
  • Special needs
  • Proximity to parents

• Need individual assessment of each case
• Role of the court in deciding placement
Kinship Guardianship
Federal Title IV-E Guardianship Assistance Program

• Option under *Fostering Connections to Success and Increasing Adoptions Act of 2008* to use federal funds (Title IV-E) for eligible children who leave foster care for legal guardianship with a “relative”

• GAP acknowledges the research showing positive outcomes for children and gives permanency to children in relative foster care placements
  • Allows for permanency when reunification and adoption are not viable options
  • Provides a path to exit foster care with ongoing monthly assistance and automatic Medicaid
Eligibility Criteria

- Child has been **removed** from his/her parents or under a **voluntary placement agreement**
- Adoption and reunification are **not appropriate permanency options** for the child
- Child must demonstrate a **strong attachment** to the prospective kinship guardian
- Kinship guardian must have a **strong commitment** to caring permanently for the child
- **Kinship guardian is defined** to include:
  - A relative of the child,
  - A godparent,
  - A member of the child's tribe or clan, or
  - An adult with whom the child has a significant bond
- Child must be **Title IV-E eligible** and live with a **licensed** kinship foster parent for **six consecutive months** prior to guardianship
- Child 14 or older must be consulted
- **Sibling of an eligible** child may also be eligible
Additional Kinship Guardianship Provisions

• Guardianship assistance agreement must be in place before the legal guardianship is granted by the court
• Nonrecurring expenses available up to $2,000 per child
• Relative guardian has responsibility to monitor child’s relationship and contact with birth parents
• Must name a successor guardian in the guardianship assistance agreement to provide care for child if guardian dies or becomes incapacitated
  • Successor guardian does not need to be a relative
  • Successor guardian does not need to be licensed as a foster parent
  • May be eligible to receive guardianship assistance payments
Weighing the Options: Choosing the Right Permanency Goal

• Must be decided on case by case basis
• Engage all stakeholders in decision, include parents and children
• Must give caregivers all information on permanency options from the beginning
• Assess permanency hierarchy, with reunification as first goal
• Weigh benefits for child – inheritance, education assistance
• Ultimately what is best for the child?
Other Federal Efforts to Support Kinship Care
Decades of Federal Child Welfare Law Improvements

- 1978: Indian Child Welfare Act (ICWA)
- 1996: Preference for relative placement for all kids
- 2008: Fostering Connections to Success and Increasing Adoptions Act
- 2012: Preventing Sex Trafficking & Strengthening Families Act
- 2018: Family First Prevention Services Act
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<td>Most federal money supports children in foster care—not preventing their entry into care</td>
<td>New federal child welfare funds for prevention services</td>
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<td>Home of removal income tests to qualify for foster care funds</td>
<td>No income test required</td>
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<td>Limited prevention services funded by different sources, often not child welfare funding</td>
<td>Services provided based on what children and families need to prevent entry into foster are including mental health and substance use treatment and prevention, and in-home parent skill based services</td>
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<td>Federal child welfare funds for up to a full 12 months of prevention services to keep children out of foster care</td>
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<td>No federal funds for preservation services to kin</td>
<td>Pregnant and parenting youth in foster care have access to these services</td>
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<td>Foster Care Licensing</td>
<td>Helps states identify barriers and best models for licensing kin</td>
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<td>Kinship Navigator Programs</td>
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<td>Group Settings</td>
<td>Family engagement, including parents, siblings and extended families, required for all critical decision-making</td>
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- **Before Family First**
  - No federal funds for prevention services to help the entire kinship triad simultaneously (child, parent and kin)
  - Many state-specific barriers to licensure for kin
  - Six-month time limit after a child's removal from parents' home to qualify for federally funded foster care payments
  - No ongoing federal funds for Kinship Navigator Programs
  - Family engagement not required for critical decision-making
  - Aftercare services not required

- **After Family First**
  - Federal funds for prevention services available to help the entire kinship triad simultaneously (child, parent and kin)
  - Helps states identify barriers and best models for licensing kin
  - Six-month time limit no longer applies if receiving prevention services—kin may pursue licensure after provision of prevention services
  - Ongoing federal funds for Kinship Navigator Programs
  - Family engagement, including parents, siblings and extended families, required for all critical decision-making
  - Family-based aftercare supports required for at least six months after the child leaves group care
Family First: Improving Licensing Standards for Relatives

• Family First requires states and tribes to compare their licensing standards with a new National Model to eliminate barriers for relatives.

• The National Model “relied heavily” on the NARA Model – created by the National Association for Regulatory Administration (NARA), ABA Center on Children and the Law and Generations United with support from the Annie E. Casey Foundation.

• An FAQ explains the two models and reporting requirements – [www.grandfamilies.org](http://www.grandfamilies.org)

• New Mexico has new foster care licensing standards that closely mirror the NARA Model and were drafted to follow national best practices and allow for more flexibility and to safely license more kin.
COVID-19 and Kinship Families
Poll Question

What challenges are you facing (or are you seeing the resource parents you work with facing) related to the COVID-19 pandemic? *Please check all that apply.*

- Access to food and supplies
- Legal assistance, including secondary planning for the children in the event the resource parent dies or become disabled
- Schooling and working from home/internet access issues
- Health issues
- Lost jobs/declining savings
- Parental and other family visitation
- Becoming licensed as a resource parent
## Kinship & COVID-19

<table>
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<tr>
<th>Food and Supplies</th>
<th>Financial Assistance</th>
<th>Technology and Virtual Support</th>
<th>Child Welfare Issues</th>
<th>Alternative Care Plans</th>
</tr>
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<tbody>
<tr>
<td>• Can’t shop safely</td>
<td>• Lost jobs and retirement savings are plummeting</td>
<td>• Learning, health care, social outlets are all virtual</td>
<td>• Safely complying with visitation orders with parents and other family members</td>
<td>• Legal help is expensive and hard to find</td>
</tr>
<tr>
<td>• No-touch pick-up and delivery of health care supplies, food and other necessities</td>
<td>• Need help to meet the needs of the children</td>
<td>• Access needed to the internet and technology for tele-health needs, children’s distance learning, and to connect with others to reduce social isolation</td>
<td>• Home visits and other challenges to licensing</td>
<td>• Plans are needed for the children in the event of the caregiver’s disability or death</td>
</tr>
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</table>

Grandfamilies.org
New Mexico’s efforts to respond to COVID-19

• See https://cyfd.org/news/covid-19 for an array of response relief
  • NM approved for more SNAP resources
  • Free meals for children and senior food
  • $175 more each child per month in foster care maintenance payments and videoconferencing for home visits and visitation, see https://cyfd.org/docs/Caregiver_Resource_Letter_041020_Signed.pdf
• Child care and other resources at https://newmexicokids.org
• Educational tools at https://nmost.org/
• Mental health supports available at 1-855-NMCRISIS (662-7474)
National efforts to respond to COVID-19

• Federal child welfare money can now be used to pay foster care maintenance payment rates during provisional licensing – See ACYF-CB-PI-20-10
• Additional federal money for National Family Caregiver Support Program and other relevant programs
• Many tools and resources at www.gu.org/covid-19/ and www.grandfamilies.org/covid-19/
  • Stimulus payment guide
  • CARES Act Summary
  • Leave behind advocacy tool for local decisionmakers
• Federal advocacy underway to ensure additional funds for kinship navigators, TANF and other supports
• Education, Foster Care and COVID-19 Tools:
  • Courtroom Questions to Address Education During COVID-19
  • Tip Sheet for Local Education Agencies: Foster Care, Education & COVID-19
Additional Resources
New Mexico’s Kinship Navigator Program

- A collaborative effort among CYFD, Pegasus Legal Services for Children and SHARE New Mexico
  - Statewide, toll-free help line, 855-546-1212 (855- KIN-1212) with bilingual English-Spanish navigators
  - Website at https://sharenm.org/kinship-navigation that provides information for the caregivers and families, including a statewide, searchable resource directory
- Relative Success Centers
A collaboration of:
ABA Center on Children and the Law
Generations United
Casey Family Programs
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.

New Mexico

The Children
- 29,000 (6%) children live with a relative with no parent present.
- 64,130 (12.7%) children under 18 live in homes where householders are grandparents or other relatives.
  - 51,001 (10.1%) of these children live with grandparents.
  - 13,129 (2.6%) of these children live with other relatives.

The Grandparents
- 26,241 grandparents are householders responsible for their grandchildren who live with them. Of these:
  - 8,686 (34.1%) do not have parents present.
  - 15,875 (60.5%) are under age 60.
  - 14,957 (57.0%) are in the workforce.
  - 5,694 (21.7%) are in poverty.
  - 6,586 (25.1%) have a disability.
  - 7,584 (28.9%) are unmarried.
  - Race/Ethnicity:
    - 6,272 (23.9%) are white (not Hispanic or Latino)
    - 604 (2.3%) are black or African American
    - 14,233 (54.2%) are Hispanic or Latino origin
    - 157 (0.6%) are Asian
    - 4,960 (18.9%) are American Indian or Alaska Native
    - 0 (0.0%) are Native Hawaiian or other Pacific Islander
    - 551 (2.1%) are multiracial
    - 3,805 (14.5%) are some other race
Comparing Options of Adoption and Guardianship

- Chart includes:
  - Rights and Responsibilities
  - Financial and Legal Assistance
  - Public Benefits
  - Health Insurance
  - Federal and State Tax Credits
  - Caregiver Successor Planning and Death Benefits for Children
  - College and Independent Living

- Available at: www.grandfamilies.org/Portals/0/Documents/2017/Grandfamilies-Adoption-Guardianship-Chart-Final%20%282%29.pdf
New Opportunities for Kinship Families:
Action Steps to Implement the
Family First Prevention Services Act in Your Community

The federal Family First Prevention Services Act (Family First Act), enacted in February 2018, includes many child welfare system reforms that support children, parents, and kinship caregivers. This tool highlights provisions that help kinship families, along with steps caregivers, advocates, and other leaders can take to help implement the Family First Act.

How the Family First Act Benefits Kinship Families

- Provides prevention services to children, kinship caregivers, and parents to help keep children safely out of foster care.
- Reduces licensing barriers to increase the use of kinship foster homes.
- Encourages kinship navigator programs to assist kinship families.
- Promotes family engagement for children who live in group settings.

How to Help Your Jurisdiction Receive the Full Benefits of the Family First Act

Help your state, territory or one of the 14 tribes that operate a Title IV-E child welfare agency receive the full benefits of the Family First Act by taking the following action steps:

Ensure your jurisdiction is taking advantage of the Family First Act.

- Learn your jurisdiction’s policies and approaches to placing children with relatives. Do relative caregivers receive support and services? Can they become licensed foster parents or are they caring for children outside the formal child welfare system?
- Read all materials your jurisdiction has produced about this law and share national materials with community leaders (see www.grandfamilies.org/Resources/Federal-Tools for national materials).
- Find out if your jurisdiction has a Family First Act implementation working group, get involved, and advocate to include individuals representing the kinship point of view.
- Use this tool to share the benefits of this law.

Offer services to prevent foster care entry.

The Family First Act provides funds to jurisdictions that choose to offer proven (‘evidence-based’) prevention services to eligible children at “imminent risk” of entering foster care, their birth parents, and relative caregivers, so children can stay safely with family and not enter foster care. Services may include mental health and substance use treatment and prevention, and in-home parent skill-based services.
Supporting Grandparents Raising Grandchildren Council

- Created by a 2018 law of the same name
- First meeting of the Council took place in late August 2019 and most recent in April 2020
- Invited Council members include relative caregivers, subject matter experts, and federal agencies that impact grandfamilies
- Will work to better coordinate federal resources and support grandfamilies
National Grandfamilies Resources*

American Bar Association
Center on Children and the Law
www.americanbar.org/groups/child_law.html

Annie E. Casey Foundation
www.aecf.org

The Brookdale Foundation Group – Relatives As Parents Program (RAPP)
www.brookdalefoundation.org

Casey Family Programs
www.casey.org

ChildFocus Partners
www.childfocuspartners.com

Children’s Defense Fund
www.childrensdefense.org

Generations United
www.gu.org

Grandfamilies: The Contemporary Journal of Research, Practice and Policy
https://scholarworks.wmich.edu/grandfamilies/about.html

Grantmakers in Aging
www.giaging.org/issues/grandfamilies/

*There are many other excellent national groups who strive to support grandfamilies, and this list is not exhaustive.
Questions– Contact Us

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Post-training survey

Please take a moment to let us know how we did, and complete the following short survey:

https://swrtc.nmsu.edu/survey