



QUESTIONS AND ANSWERS ABOUT THE KINSHIP CAREGIVER SUPPORT ACT (S. 661/H.R. 2188)

What is the Kinship Caregiver Support Act?

The Kinship Caregiver Support Act (S. 661/H.R. 2188) is bipartisan legislation introduced in both the Senate and the House to assist the millions of children who are being raised by their grandparents and other relatives because their parents are not able to care for them. Original sponsors of the Act are: S. 661: Sens. Hillary Rodham Clinton (D-NY), Olympia Snowe (R-ME), and Thad Cochran (R-MS); and H.R. 2188: Reps. Danny Davis (D-IL) and Timothy Johnson (R-IL).

What does the Kinship Caregiver Support Act do?

The Kinship Caregiver Support Act takes four major steps to assist children being raised and cared for by grandparents and other relatives. The Act:

- Establishes a Kinship Navigator Program;
- Establishes a Kinship Guardianship Assistance Program to provide federal assistance to states for subsidized guardianship programs to assist relative caregivers and their children;
- Ensures notice to relatives when children enter foster care; and
- Allows states to establish separate licensing standards for relative and non-relative foster parents.

Each of these steps, described in more detail below, helps children being raised by different groups of grandparents and other relatives.

The Kinship Navigator Program

How will the Kinship Navigator Program help kinship care families?

The Kinship Navigator Program will link grandparents and other relative caregivers to support groups, respite care programs, and special services for incarcerated parents. It will also provide information about education, family support services, mental health and substance abuse treatment, child support, housing assistance, child care, and legal assistance, as well as a range of federal benefits such as Medicaid, TANF, and others. Program funds also can be used to link caregivers to training and legal assistance to help them get the support they need and perform their caregiver activities. The program also will promote partnerships among agencies to help them more effectively and efficiently serve kinship care families. It builds on kinship navigator programs being implemented now in Ohio and New Jersey, as well as a number of other states.

Why is there a need for a Kinship Navigator Program?

Kinship caregivers report that one of their greatest challenges in raising children is getting accurate information about the benefits and services that are available to their families. Kinship Navigator Programs will help link kinship caregivers with the support and services they need, many of which they may already be eligible to receive.

Who will the Kinship Navigator Program help?

It will help grandparents and other relatives raising children both outside of and within the child welfare system. It will help relatives raising children get the support they need to keep them out of foster care. It will also help relatives caring for children in foster care to get the help they need for the children they are raising and to learn how they can get the assistance they need to care for the children permanently outside of the child welfare system.

How can the Kinship Navigator Program funds be used?

The Kinship Navigator Program funds *must be used* to connect caregivers with services by:

- Establishing and maintaining toll free hotlines, resource guides and other information and referral services to link kinship caregivers and others working with them to local kinship care service providers; federal, state and local benefits; relevant legal assistance; and training to assist caregivers in obtaining needed services and benefits;
- Providing outreach to link families to the navigator program; and
- Promoting partnerships to help agencies more effectively and efficiently meet the needs of kinship care families, understand their special needs, and make policies more responsive to them.

In addition, the funds *may be used* for:

- Establishing a kinship care ombudsman to help kinship caregivers get the services they need and for which they are eligible; and
- Supporting training and other activities to help caregivers to obtain benefits, services, and activities to enhance their caregiving.

In awarding grants, preference will be given to agencies or organizations that will offer all of the activities described above. Those receiving grants may offer services directly or may partner with other public or private non-profit agencies, including community-based or faith-based organizations that have experience in connecting kinship caregivers with appropriate services and assistance.

Who can apply for the Kinship Navigator Program grants?

State agencies, agencies serving large metropolitan areas, and Indian tribal organizations or consortia of tribal organizations may apply for the grants. Those applying for the competitive grants must have experience in addressing the needs of kinship caregivers or children and connecting them with appropriate assistance and services. At least 50 percent of the funds are reserved for state agencies.

In their applications, applicants must describe:

- Steps they will take in the first six months to identify existing services and service gaps, convene partners, and conduct outreach to caregivers about the kinship navigator program and how to access it.
- Activities they will provide and the number of children and caregivers they will serve.
- How they will engage kinship caregivers, youths raised by kin, and others in the planning and operation of the kinship navigator program.
- How the kinship navigator program will coordinate its work with those of other organizations that promote similar activities and how it will encourage regional cooperation among agencies, particularly in communities bordering other states.

Applicants will also be required to provide annual reports and a final report on the kinship navigator program, who it has served, the outcomes achieved, barriers identified, and lessons learned. Technical assistance will be provided to those who receive the grants.

Who will administer the program?

The Assistant Secretary for Children and Families within the Department of Health and Human Services (HHS) will administer the Kinship Navigator Program and is required to consult periodically with the Assistant Secretary for Aging within HHS.

How much money is authorized for the Kinship Navigator grants?

This grant program is authorized for three years. \$25 million in federal funds is authorized for FY 2008, \$50 million for FY 2009, and \$75 million for FY 2010. No matching funds will be required for the first year of the grant, but, where applicable, a 25% match is required the second year and a 50% match the third year. Half of the matching funds must be provided in cash, but the remainder may be provided in kind. The jurisdictions getting grants the first year will get three year grants and those applying in later years will get two and one year grants respectively. It is hoped that the experience with the Kinship Navigator Program during this period will help to convince Congress to make funds available in the future so each state can establish a kinship navigator program.

When will the funds be available?

Congress must appropriate the funds authorized under the bill, once it is enacted, before funds can be made available.

Kinship Guardianship Assistance Program

How will the Kinship Guardianship Assistance Program (KinGAP) help relative caregivers and the children they are raising?

KinGAP would give states the option to use federal funds to help provide subsidized guardianship payments to relative caregivers on behalf of the children they are raising in foster care, so that the children would no longer have to remain in foster care. Currently 39 states and the District of Columbia have subsidized guardianship programs.

When the Adoption and Safe Families Act, ASFA, was enacted in 1997, it established placement with a fit and willing relative or with a legal guardian as a permanency option, along with return home and adoption. However, unlike adoptions, the federal government makes no federal funds available on an ongoing basis to help these relatives meet the children's needs. The KinGAP Program will help states offer ongoing assistance to these families so that they can care permanently for the children. It builds on recommendations made by the Pew Commission on Children in Foster Care in its report and on legislation introduced in the past in both the House and Senate.

Who will KinGAP help?

KinGAP will help a portion of the grandparents and other relatives who are caring for children in foster care and who have or want to get legal guardianship of the children and commit to caring for them permanently. Both the House and Senate bills will help those relative caregivers providing foster care to children who have been in care for at least 12 months. The Senate bill requires that the relative foster family be eligible for federal Title IV-E foster care payments. The House bill reaches more broadly to cover children in foster care with relatives who meet state safety standards but do not qualify for IV-E only because they are not formally licensed.

What are the eligibility requirements for the children and caregivers who receive assistance under KinGAP?

KinGAP payments may be made on behalf of a child who is eligible for IV-E foster care payments, or in the House bill, would have been eligible if the relative had been licensed; has been in foster care for at least 12 months; and is under 18; or, if a full time student in a secondary school or a vocational or training program, under 19; or if the child has a mental or physical disability that warrants continuation of the subsidy payment, under 21. In addition, return to birth parents or adoption must be determined not appropriate for this child and the child must demonstrate a strong attachment to the prospective relative guardian, and the relative guardian must have a strong commitment to caring for the child. If the child is 14 or older, the child must also have been consulted about the kinship guardianship arrangements. A child's minor siblings may also be placed with him or her, regardless of whether they meet the above requirements.

What other protections are in place to try to assure that the KinGAP placements are appropriate?

The state agency must describe in the case plan for the child for whom a kinship guardianship assistance payment is being considered: the steps it has taken to rule out return to birth parents or adoption; the reasons why this relative placement is in the child's best interest; how the child meets the eligibility requirements for the program; the efforts it has made to discuss adoption as a more permanent alternative and the reasons why the relative has chosen not to pursue adoption; and the efforts made by the state agency to secure consent of the child's parent or parents to the kinship guardianship assistance agreement or the reasons why the efforts were not made. The House bill also requires that states inform case workers and families considering guardianship of all permanency options and eligible services for children and guardians.

What other services and assistance will these children in KinGAP be eligible for?

Each child in KinGAP (including siblings where applicable) will be automatically eligible for a KinGAP payment that is equal to the amount of the foster care maintenance payment for which the child would have been eligible if the child had remained in foster care. The child will also be eligible for non-recurring legal and other expenses associated with obtaining legal guardianship and for Medicaid, just as children are who are adopted with assistance from the federal Title IV-E Program. Individual states may offer additional services and assistance.

What if my state does not want to take the KinGAP option, but another entity located in my state does?

The Kinship Caregiver Support Act authorizes funding for a KinGAP demonstration program to cover these situations. Both bills authorize the funding to be given to any entity that the Secretary determines is qualified to conduct a demonstration. In addition, S. 661 specifies that a large metropolitan agency may conduct a demonstration. The House bill further specifies that the demonstration may be conducted by a state or local agency, a tribal organization or a consortium of these. Whatever the entity, it must operate the subsidized guardianship program using the various eligibility requirements applicable to states that elect to use Title IV-E funds to subsidize guardianships. The Secretary of HHS also must submit a report to Congress at the end of each fiscal year on the KinGAP demonstration programs that are conducted.

Notice to Relatives When Children Enter Foster Care

What does this notice requirement do?

State child welfare agencies are required, as a condition of receiving federal foster care funding, to provide notice, within 60 days of the removal of the child from the custody of the child's parent(s), to all adult grandparents and other relatives of the child. The relatives to be notified must include those recommended by the child's parents. Exceptions are to be made in the situations of family or domestic violence. The notice must specify that the child has been or is being removed from the custody of the child's parent(s) and explain the options available to the relative to participate in the child's care and placement. It must also include any options that may be lost by failing to respond to the notice. The Act leaves the details of the notice to the discretion of the state.

To which children does the notice requirement apply?

It applies to all children who enter foster care regardless of whether they are eligible for assistance under the Title IV-E Foster Care Program.

How will the notice provision benefit children and relative caregivers?

The notice requirement increases the likelihood that grandparents and other relatives will get involved as soon as a child has to be removed from his or her parents. Sometimes relatives do not know that a child has been taken into custody and do not get involved until the child has already been living with and bonded with foster parents. Providing notice to grandparents and

other relatives immediately allows them to decide early on whether and to what extent they can be involved in caring for the child. Even when relatives cannot provide a home for the child, their involvement may help maintain connections that help ease the child's sense of loss. When the grandparent or other relative is able to care for the child, early notice can help minimize the number of moves a child has to make and if the child cannot be returned to his birth parents, the early involvement of relatives can help the child find a permanent home more quickly.

State Option to Create Separate Standards for Relative Foster Homes

What does this option do?

Under current law, states can receive federal support for foster care room and board payments on behalf of children living with grandparents or other relatives only if those relatives are licensed according to the same standards as non-relative foster parents. The Act would give states the option to set up separate licensing standards for relative and non-relative foster parents, provided that both standards protect the safety of the children and include the criminal records checks. States then would be able to get federal support for eligible children living with relatives licensed under either standard.

Why is the licensing option important?

There are a number of important licensing standards that make sense for non-relative foster parents that may be less important when the foster parent is a relative. For example, many state licensing standards require that the homes of the foster parents be of a certain size (e.g., they may require a separate bedroom for each child or a certain number of square feet per person living in the home). While these requirements may be good policy when unrelated children are being placed in a home, they may make less sense when a grandmother wants to put two grandsons in bunk beds in her second bedroom. In such circumstances, a state may decide it is better for children to live with kin than unknown foster parents, even if the children will have to share a room. The Act would allow states to develop separate licensing standards that recognize the differences between relative and non-relative foster placements.

Prepared by the Child Welfare and Mental Health Division of the Children's Defense Fund. For further information, please contact the Division at 202-662-3568, or check the Division's website at <http://www.childrensdefense.org>.