



A National
Analysis of
Guardianship
Assistance
Policy and
Implementation

Research Brief

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This work is part of an ongoing collaboration with the Chapin Hall Center for Children at the University of Chicago. The collaboration seeks to understand whether and how state guardianship policies are associated with outcomes for children in the foster care system by describing a national overview of guardianship programs and assessing how variance in state guardianship policy may be associated with outcomes for children, including a child's length of stay in foster care and time to achieve permanency through guardianship.

Note on terminology: Multiple terms are used to refer to state guardianship assistance programs. In this report, we refer to federal IV-E Guardianship Assistance Program (GAP) as Federal GAP or Title IV-E GAP. We refer to state-funded programs that are separate from Title IV-E GAP and may have child and guardian eligibility criteria that differ from federal requirements as *state-funded guardianship* or *state guardianship assistance*. The terms *subsidized guardianship* and *guardianship assistance* are used interchangeably as more general terms for these overall guardianship programs.

Guardianship fulfills a vital role in the United States

One of the most pressing goals of public child welfare services is to ensure that children rapidly and safely achieve permanency; in other words, that children live with a safe and loving family until adulthood. For the majority of children, reunification with their parents is the primary goal. However, when reunification is determined to be unsafe or not in a child's best interest, adoption or kinship care and legal guardianship with a caring adult are the primary alternatives. In these situations, the child becomes a permanent member of the household of other relatives who rear them through adult life.¹ Today, relative kinship care or guardianship has become a preferred option for many child welfare systems and federal law has been clear that the preferred placement is with relatives when children cannot safely remain with their biological parents.²

Every year in the United States, approximately 702,000 children are confirmed as victims of child maltreatment.³ In 2015, nearly 428,000 children in the United States were living in foster care.⁴ Nine percent of the approximately 243,000 children exiting foster care in 2015 achieved permanency with a guardian, and exit to guardianship was a case plan goal for another 3 percent of the nearly 428,000 children in the child welfare population.⁵ Furthermore, for every child in the foster care system with relatives, another 20 children are being raised by grandparents or other relatives outside of formal foster care systems.⁶

Research findings consistently indicate that children in relative kinship care or relative guardianship experience improved outcomes over children placed in non-kinship foster care.⁷ These include greater placement stability, fewer school changes,^{8,9,10} higher levels of permanency,^{11,12} and better behavioral and mental health outcomes.^{13,14,15} However, recent meta-analyses of a wide range of studies have highlighted the methodological limitations of much of the existing research in this area, so these findings must be viewed with caution. We do not have strong evidence whether these benefits and positive outcomes are consistent for children and youth of all ages.^{16,17} We also do not know which guardianship policies are associated with the most positive outcomes for children and families. Additionally, more information is needed about rates of reunification and re-entry rates for children and young adults in kinship guardianship placements.

This research brief presents a summary of differences in state statutes and administrative codes, as well as interviews with state administrators on how guardianship programs are implemented. The brief includes recommendations for how to maximize the use of guardianship as a strategy to achieve stability and permanency for children in supportive environments. This work is part of an ongoing collaboration with the Chapin Hall Center for Children and Casey Family Programs to review state

guardianship policies and their associated impact on outcomes, such as timing to permanency, for children in the foster care system.

Guardianship as a legal permanency option

In 2008, Congress passed the *Fostering Connections to Success and Increasing Adoptions Act* (or *Fostering Connections Act*) to incentivize the use of relative guardianships to help children in foster care achieve permanency.¹⁸ The *Fostering Connections Act* established the Title IV-E Guardianship Assistance Program (GAP), which allows states to use federal funds to support state subsidies for relative guardians who are committed to caring permanently for their children and meet the following eligibility requirements:

- The guardian is a relative of the child (although the law does not define *relative*).
- The guardian has a strong commitment to caring permanently for the child, is a licensed foster parent, and has cared for the child in a licensed foster care home for at least six consecutive months.¹⁹
- The child meets eligibility requirements for receipt of Title IV-E foster care maintenance payments.
- If the child is 14 years or older, he or she must be consulted about the guardianship.
- Neither reunification nor adoption are appropriate permanency options for the child.
- The state will match federal funds with state dollars at the Medicaid matching rate.²⁰

The *Fostering Connections Act* allows states to pay relative guardians a subsidy up to the same rate as the state's monthly foster care subsidy but not more than this amount. If states are not willing or able to meet these requirements, or choose not to operate a Title IV-E GAP program, they may subsidize a relative guardianship assistance program with state funds.

Since state law generally determines the scope of a guardian's rights and responsibilities, definitions of *guardianship* and the contents of guardianship orders vary from state to state. Across all states, guardians are granted care and custody of a child and are responsible for providing the child with a safe and stable home, food, clothing and basic health care. Guardians also have the right to make certain decisions regarding the child, including consent to school enrollment and routine medical care.

Present study: Data collection and measures

Our research offers information for states interested in taking advantage of the optional provision of Title IV-E GAP of the *Fostering Connections Act*. By first analyzing state guardianship statutes and policies, and then following up with a brief implementation survey of state child welfare or guardianship assistance experts, we report how states are shaping the role of relative guardianship within their child welfare systems.

This research brief summarizes our review of state statutes, state administrative codes, and federal guardianship law that was conducted during the summer of 2016. Later that year we also interviewed an expert in each of the 49 states and Washington, D.C. State experts in guardianship were identified through Casey Family Programs' 50-state strategic consulting approach, which fosters and maintains relationships with child welfare agency leadership in every state.

Variance in source of guardianship funding and implementation

The primary means for supporting families who become guardians is through financial assistance. States may choose to allocate Title IV-E funds to guardianship cases in which children and their adult guardians meet Title IV-E qualifications, and states may use other state funds to subsidize guardianship in cases where the child or adult does not meet Title IV-E qualifications.

Use of Title IV-E to fund guardianship. Experts from states that choose to use federal Title IV-E to fund guardianship assistance programs report that they do so because (a) guardianship is the best option for children who cannot be adopted or reunified with their parents, (b) federal funding supports state programs, and (c) federally subsidized guardianship allows additional funding to be used to help move some children to permanency more quickly. This funding stream is for guardians and children who meet the federal eligibility criteria, which includes foster care licensure. It should be noted that foster parent licensing requirements are generally made by the child welfare agency and not dictated by federal requirements.

States that decline use of Title IV-E to fund guardianship. Despite the apparent benefits to children and families involved in the child welfare system as well as the financial benefits to the states, some states do not take up Title IV-E to fund guardianship assistance. There are four major reasons for this:

1. There is a belief that guardians and children in the state will not meet Title IV-E eligibility criteria due to licensure and other requirements.

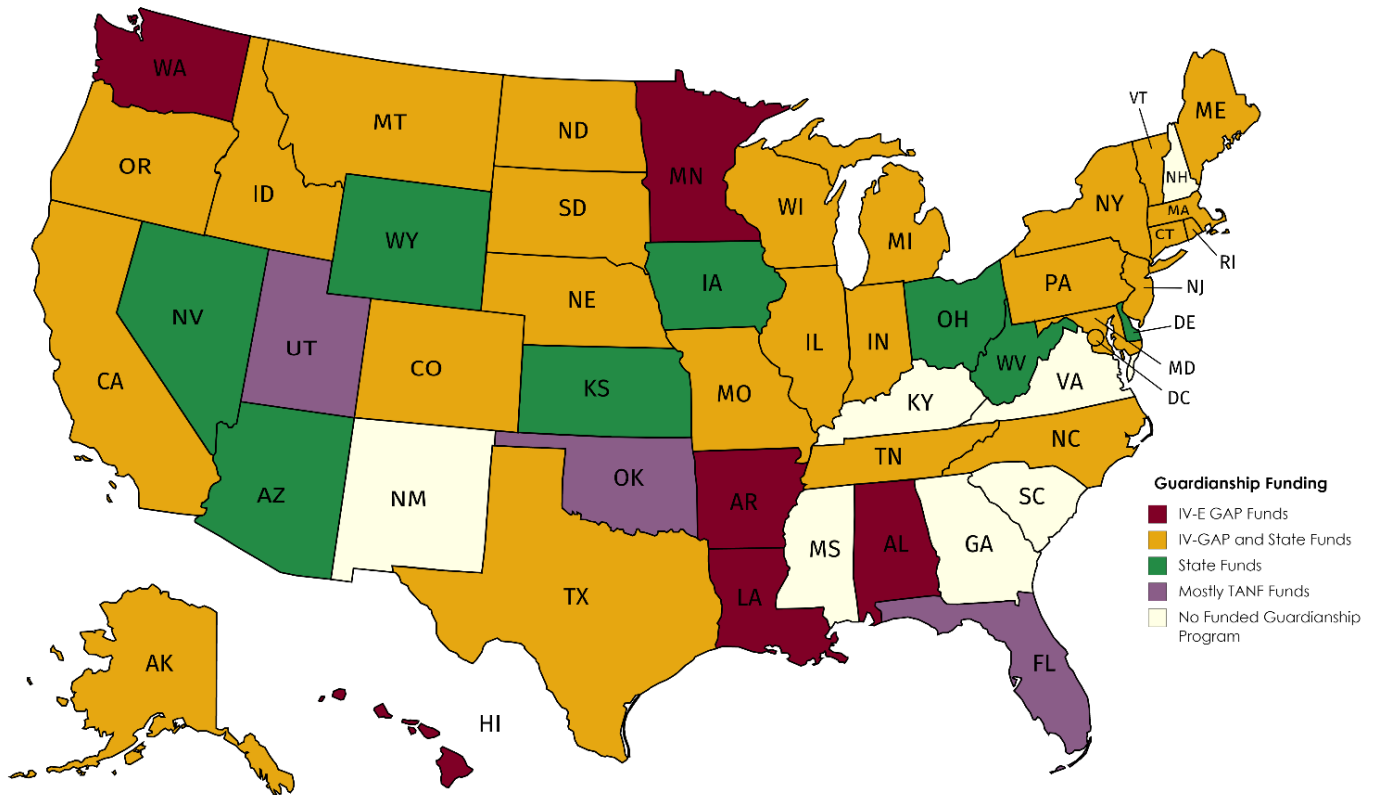
2. A lack of state legislature support and funding to administer Title IV-E guardianship.
3. Belief that guardianship is not considered a permanent option for children.
4. A perception that more flexibility is allowable when using state funds to support standards of guardianship licensure and child eligibility, but not when using Title IV-E dollars. The cost of obtaining licensure can discourage individuals from applying to be a guardian.²¹ Thus, when using state dollars to fund guardianship assistance, states have some discretion in determining whether a guardian should be licensed or whether there are acceptable waivers to licensing requirements. However, guardians in all states must pass criminal record or child abuse registry checks.

Summary of variation across states

Studies from Generations United, the Children’s Defense Fund, the American Bar Association, and the results from our state survey show that subsidized guardianship funding and use of a guardianship program varies across states. (See Figure 1.) It is important to note that not all states have funded guardianship assistance programs and that this report does not include data about American Indian tribal guardianship programs.

States using Title IV-E money for guardianship subsidy must follow the parameters of federal law. However, many states using Title IV-E funds to support subsidized guardianship have some flexibility to narrow or expand their guardianship assistance programs in the following domains: (1) eligibility criteria for guardianship, including the child’s maximum eligible age, the child’s age of input into the guardianship decision, and whether the state will allow fictive kin to serve as guardians; (2) the amount and types of financial support to families, including the maximum allowable and negotiated monthly subsidy; (3) post-guardianship management, including periodic guardianship eligibility review; and (4) parental rights and responsibilities, including whether parental rights are explicitly noted, whether child support requirements are stated, and whether family reunification is explicitly noted in state statutes and administrative codes.

Figure 1: Funding Sources for Guardianship Assistance Across States



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Table 1 presents a summary of state guardianship funding sources as well as statutes and administrative codes that either expand upon or narrow the eligibility, payment, management, and parental relationships surrounding guardianship assistance for states that have such programs in place. For a review of guardianship assistance statutes and administrative codes by state, see Appendix A.

Variation in eligibility criteria

We identified three federal eligibility criteria where states vary in their requirements:

1. Extension of eligibility for guardianship assistance beyond age 18

2. Age at which children must be consulted before a guardianship decision is determined
3. Eligibility to serve as guardians of different types of relatives and fictive kin

Extension of eligibility for guardianship assistance beyond age 18. Federal law states that Title IV-E GAP payments extend until the child reaches at least age 18. Under federal law, states may exercise their discretion to extend Title IV-E GAP eligibility to a maximum age of 21 for youth who were 16 or older when their guardianship subsidy became effective.

States vary in their implementation of guardianship eligibility criteria. (See Table 1.) The majority of states (32) have recognized that children and families need support beyond age 18 and have chosen to make guardianship more appealing to families by allowing for an extended period of support.

Table 1: National Summary of State Guardianship Statutes and Administrative Codes (for the 44 states with guardianship assistance programs and Washington, D.C.)

Funding	Eligibility Criteria			Payment	Post-Guardianship Management	Parental Relationship		
	Source of Guardianship Funding	Maximum Eligible Age	Age of Input			State Allows Fictive Kin as Guardian	Maximum Negotiated Monthly Subsidy (% of Foster Care Payment)	Periodic Case Review
IV-E GAP 6 states	Age 21 25 states	Age 12 8 states	Yes 35 states	100% Foster Care 32 states	Yes 25 states	Yes 23 states	Yes 25 states	Yes 19 states
IV-E GAP & State 27 states	Age 19 7 states	Age 14 30 states	No 9 states	<100% Foster Care 2 states				
State 8 states	Age 18 12 states			Other 4 states				
TANF 3 states								
		NA 6 states		NA 6 states	NA 19 states	NA 21 states	NA 19 states	NA 25 states

Data collected and analyzed from state statutes and codes are current as of July 2016. Fictive kin includes family friends and non-relatives that the child or parent considers “family.” TANF is Temporary Assistance for Needy Families. NA indicates that these guardianship terms are missing from state statutes and administrative codes identified in our findings.

It is important to note that in Title IV-E GAP cases where eligibility extends beyond age 18, the young adult must meet certain conditions for the subsidy to continue. These include completing high school or an equivalent program, being enrolled in a post-secondary or vocation education program, working or preparing for work, or having a medical condition that prevents engaging in these activities.

Age of children’s input into establishing guardianship. Title IV-E GAP law requires that children age 14 or older “be consulted regarding the guardianship arrangement.” States vary in their implementation of this federal policy. (See Table 1.) For example, eight states believe in consulting with younger children when deciding upon guardianship, while others are more cautious when involving younger children in the decision.

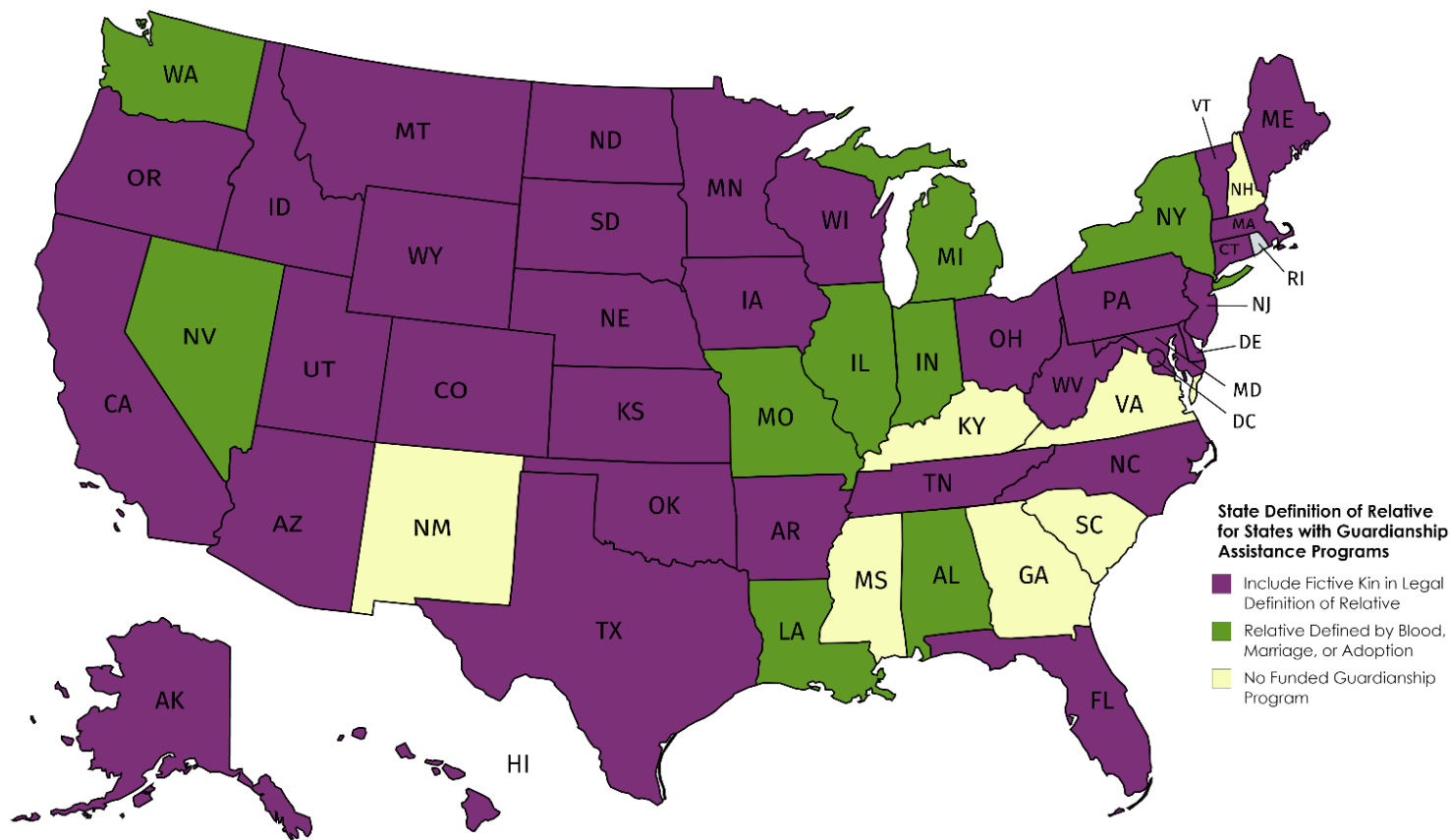
Fictive kin eligibility. While Title IV-E GAP law requires guardianship placement with a “relative,” only grandparents are explicitly mentioned; otherwise, the original legislation is silent on the definition of a *relative* so states have some discretion. Some states (9) limit the definition of relatives to those related by blood, marriage, or adoption. Alternatively, most states (35) have expanded their definitions to include fictive kin. Fictive kin are individuals with whom the child has a close relationship, such as close family friends. Federal law does not define *kin* in terms of tribal clan membership for Native American families but again leaves that to the states to address.

When states allow fictive kin to serve as guardians, they increase the pool of relatives eligible for guardianship who are able to provide a permanent and nurturing environment and receive financial support for doing so. Figure 2 shows which states include fictive kin as equivalent to relatives for guardianship purposes.

Variation in state financial support to guardians

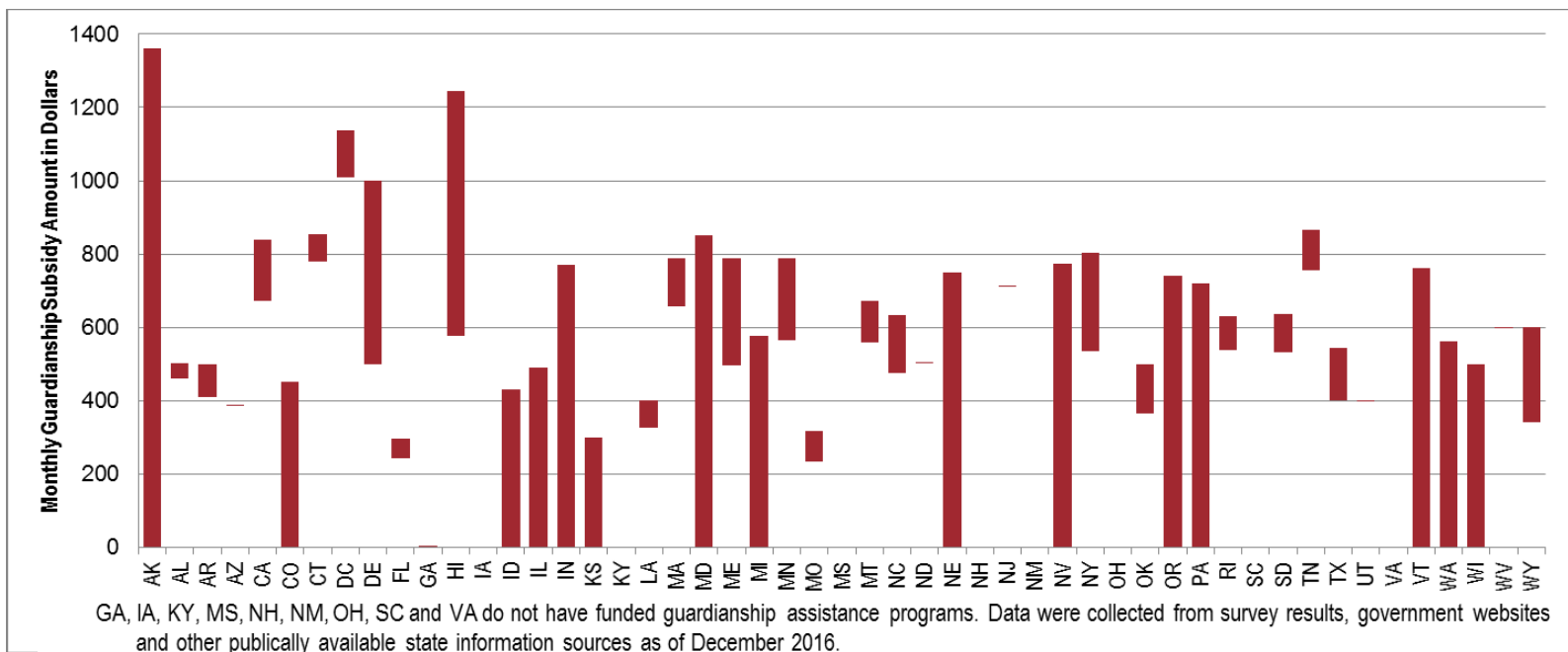
States who choose to administer a Title IV-E GAP program may receive federal support for funds they provide for a monthly maintenance payment as well as a one-time payment of up to \$2,000 to cover non-recurring expenses associated with establishing the guardianship.²² States have the discretion to expand eligibility requirements, and they also have the freedom to adjust the financial support provided to families. This adjustment is exercised by setting the monthly maintenance payment amount for each guardianship established. States determine the amount that an individual guardian will receive, up to the maximum allowable amount, by negotiating with the relative caregiver and entering into a guardianship agreement. Based upon the data found in state statutes and administrative codes, we determined that a majority of states (32) allow for monthly subsidy payments to be negotiated up to 100 percent of the foster care payment. Two states set the maximum negotiation rate below the monthly foster care payment. (See Table 1.) Thus, the amounts of the financial subsidies provided to guardians are diverse. In most states, the guardianship subsidy is negotiated between the caregiver and the child welfare agency based on assessment of need, where negotiations can begin at \$0 but the upper ceiling is the rate paid on behalf of the child in foster care. The overall variance in state guardianship subsidies is presented in Figure 3.

Figure 2: Variance in State Definition of Relative



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Figure 3: State Monthly Guardianship Subsidy Range in Dollars



Variation in post-guardianship management

Our study revealed sources of variation around post-guardianship management. These include (a) periodic eligibility review after a guardianship is established and (b) naming a successor if a guardian dies or cannot continue.

Eligibility review after establishment of guardianship. Most states (25) explicitly reference the need for regular review of guardianships. (See Table 1.) However, the process of this review varies. It may require an annual report to officials that attests to the child's continued residence in the guardian's home or the guardian may need to submit a full application annually in order to receive continued funding. Generally, the guardianship review helps to evaluate the guardian's ongoing need for financial subsidy.

Our research indicates that states customize the case review process and procedures to meet their needs, with some states choosing processes that are relatively simple and other states imposing a heavier burden on guardians. The ongoing review may provide the child and family with an opportunity to negotiate for additional programs and services, and the review provides a minimal check on the child's well-being.

Successor guardianship. Children's parents typically are responsible for indicating who will take custody of their child in the event of their death or incapacity. Federal Title IV-E GAP regulations indicate that a successor guardian must be named. The 2014 *Preventing Sex Trafficking and Strengthening Families Act* added a provision that allows for continued guardianship in the event of the guardian's death.²³

Experts from states using Title IV-E GAP funding to support guardianship indicated that successor guardianship provisions are in place, as is required. Yet the state requirements vary for the successor guardian and how the transfer of guardianship takes place varies. Most state experts indicated that in order to receive Title IV-E GAP the successor guardian must pass a home study, and all adults in the successor's home must clear criminal background checks (including finger-printing), and child abuse background checks. Interestingly, not all states require that the successor guardian be licensed as a foster parent to receive the guardianship subsidy, even if licensure was required for the initial guardian.

Variation in parental rights and responsibilities

The ongoing relationship between children and their parents after guardianship has been established is arguably the most distinctive feature of relative guardianship compared to

other permanency options for children. We focused on three issues addressed in state law and policy:

1. Parent visitation during guardianship
2. Parents' child support responsibility during guardianship
3. Possibility for reunification with parents after guardianship is established

Parental visitation during guardianship. Parents' rights do not need to be terminated in order to establish a legal guardianship relationship. In fact, the absence of the need to terminate parental rights may be one of the primary benefits of guardianship. Parents retain certain rights to their children following guardianship, such as the right to consent to adoption and the right to ongoing contact. It is not surprising then that most states with guardianship assistance programs (23) address parental visitation in their legal materials. (See Table 1.)

These states indicate that the terms of visitation should be set out in guardianship orders. This is a typical approach because each case is unique, and it requires judicial review and determination, although the law does not specify these terms.

Parents' child support responsibility during guardianship. Just as parents may have the right to visit their children following guardianship, they may also have continuing responsibilities for them. Our analysis of state materials found frequent references to parents' legal obligation for child support payments. States make clear that this obligation is distinct from the subsidy payment to guardians, meaning that parents do not owe child support to the guardians but must pay support to the state. Most states (31 states) explicitly refer to parents' child support obligations. (See Table 1.) The remaining states do not mention child support in their codes and statutes.

Reunification with parents after establishing guardianship. Legal and policy language in 23 states suggests that parental reunification may be sought after establishing a guardianship. Parents may bring a legal action to end guardianship and seek reunification with their children when there has been an improvement in their circumstances and they are better able to care for the child. As with other legal procedures pertaining to children, considering the child's best interest is the ultimate standard for determining whether parental reunification is appropriate, and the guardianship is terminated. The remaining states did not mention reunification in codes and statutes, which does not necessarily imply that it is not a possibility.

Innovations and strategies to maximize the effectiveness of guardianship programs

Respected child welfare administrators and practitioners who are well versed in guardianship programs were identified by Casey Family Programs strategic consultants who work with representatives in each state. Those administrators and practitioners shared their knowledge of how to maximize the effectiveness of state guardianship assistance programs. The strategies below reflect their suggestions, a number of which warrant further research and exploration of their impact on guardianship rates and outcomes for these children:

- Build a community of support so that the public child welfare agency can develop strong relationships and referral processes with organizations that provide services to guardians and their children.
- Educate state policymakers, judges, parents, guardians, child welfare staff, practitioners, and leaders on the benefits of guardianship (e.g., termination of parental rights is not required) and why this option may be best for some children and families.
- Train child welfare staff on the unique needs of adults and children entering guardianship and how best to meet those needs.
- Consider enacting agency standards by regulation for case-by-case waiver of non-safety licensure requirements, such as those related to physical space within the home.
- Maintain child welfare agency standards that guardianship subsidy rates are equal to foster care or adoption rates, as some states already do.
- Create concise and colorful state-specific pamphlets with brief checklists to help relatives and fictive kin understand legal guardianship, adoption, and foster care and the implications of each for children, birth parents, prospective guardians, and for provision of services.
- Encourage the use of multi-faceted funding sources to increase the resources available to support guardians and children. States with a Title IV-E GAP may consider supplementing with state funds, as needed, to support guardianship.
- Use both Title IV-E GAP funds and state funds (as needed) to support guardians and children as multi-faceted funding can increase the resources available.

Recommendations

The following recommendations are drawn from our findings from our 50-state and federal GAP and guardianship assistance policy review, and implementation information gathered in the state survey of experts:²⁴

- 1. Support state policies that develop subsidized guardianship.** Develop written policies and protocols that reflect the needs of children and families with respect to guardianship assistance, and recognize their unique circumstances. This includes early identification and frequent engagement of relative guardians and ensuring that caseworkers, supervisors, judges, guardians ad litem, parent counsel and others are informed about the benefits and availability of subsidized guardianship as a permanency option. This re-examining of funding structure is designed to ensure that both the caretakers and children in guardianship homes receive all the financial and other supports they may need to address multiple key domains, including child emotional and behavioral functioning, resiliency, protective factors, and overall sense of self.

- 2. Conduct additional research to determine if protocols that reflect equity and the unique circumstances of children and families receiving guardianship assistance result in improved use of guardianship and better child outcomes.** We currently lack research regarding the impact of guardianship rates. However, child welfare agencies and court systems that value guardianship assistance align their policies and practices to ensure that children have the needed services and supports for permanency. These policies and practices include:
 - Defining roles and expectations for all stakeholders, including agency leadership and staff, guardians and care providers, family, and legal and judicial representatives.
 - Identifying and continually engaging relatives and fictive kin who may serve as child guardians. Making relative search, engagement, and education of guardianship status and benefits a priority.
 - Ensuring that caseworkers, supervisors, judges, guardians ad litem, parent counsel, and others are informed about the availability and benefits of subsidized guardianship as a permanency option.
 - Making licensing relative caregivers a priority and examining state barriers to guardianship licensure to determine if licensure can be simplified and streamlined for relative caregivers.^{25,26}
 - Supporting widespread understanding in written materials and information that for some cultural groups or families, termination of parental rights (TPR) is *not* an acceptable option, and that guardianship with planning for

beyond age 18 is a viable permanency option that can lessen child trauma and family conflict.

Recommendations derived from our review of guardianship assistance and child welfare literature include the following:

- 1. Collect and analyze child outcome data to support subsidized guardianship as a safe and stable permanency option for children.** Guardianship is often considered a more fragile permanency option than adoption or family reunification. Better data on the prevalence and causal factors of guardianship disruptions or terminations are needed so that proactive steps can be taken to increase the success of this option. State and local child welfare agencies may collect and analyze data on subsidized guardianship or guardianship assistance, including: the extent to which guardianship is being used, child well-being outcomes, service needs, and disruption rates. Ideally this would also include cost savings, if any, from reduction in foster care usage. More empirical data are needed on the relative permanence of guardianship in comparison to adoption and family reunification to support policies that enhance services to children and guardians.
- 2. Clear and consistent communication from leadership about the value of guardianship can make a difference.** Agency executives can communicate that positive engagement with relatives who may consider becoming guardians is valued. Leadership is key to developing a positive organizational climate, and dedicating staff and resources to supporting children in guardianship placements.²⁷ Organizations can also identify within-agency champions who have the authority to implement policies and promote practices consistent with support for guardians and guardianship placements. Training on the value of relative guardians, their unique needs, and on how to best meet these needs should be provided to agency staff.
- 3. Create a strong community network to support guardianship.** Child welfare agencies can focus on developing strong relationships and referral processes with organizations that provide relevant services to children, parents, and guardians. State agencies can educate community providers about the importance of services for achieving stability and permanency for children. Agencies may also seek to build community networks and opportunities for guardianship families to network through mentoring, support groups, and leadership development. These organizations can work together to address such issues as the transition from guardianship to adulthood, and designing the transition to preserve as many of the benefits and as much security as possible for youth as they reach age 18.

4. **Work quickly with the courts.** As soon as local child welfare agencies are aware that guardianship is the best permanency option they should work quickly to gain court approval of the relative guardianship. Taking this step helps ensure that the guardianship approval is quick and less burdensome for guardians and caseworkers.
5. **Continuously review open cases.** Agencies might consider reviewing the cases of older youth who have been assigned the permanency goal of *another planned permanent living arrangement* (APPLA) to determine if relative guardianship is a more appropriate permanency option.

Conclusion

This study found that states have used their discretion to create diverse legal frameworks to support guardianships in their jurisdictions. This approach to legal permanency for a child is generally viewed as a valuable alternative when family reunification or adoption is not possible or not in the child’s best interest. When viewed together, the federal law and the state guardianship laws, policies, procedures, and supports provide a rich source of innovations for states to consider.



Appendix A: Overview of Title IV-E Guardianship and Guardianship Assistance Legal Statutes and Administrative Codes by State ¹

Eligibility Criteria					Funding			Post-Guard. Mgmt.	Parental Relationship		
State	Source of Guardianship Funding ²	Maximum Eligible Age for Subsidy/ Conditional	Age of Child's Input	State Allows Fictive Kin as Guardian	Maximum Negotiated Monthly Subsidy (% of Foster Care Payment)	Minimum Subsidy Monthly Payment (\$)	Maximum Subsidy Monthly Payment (\$)	Periodic Eligibility Review	Parental Visitation Rights Explicitly Noted	Child Support Required	Possibility for Family Reunification Explicitly Noted
Alabama	IV-E GAP	21	14	No	100%	460	501	Yes	Yes	Yes	Yes
Alaska	IV-E GAP & State	18	14	Yes	100%	0	1360	NA ³	NA	NA	NA
Arizona	State	21	NA	Yes	Other ⁴	389	389	Yes	Yes	Yes	NA
Arkansas	IV-E GAP	21	14	Yes	100%	410	500	Yes	NA	NA	NA
California	IV-E GAP & State	21	12	Yes	100%	671	838	NA	NA	NA	NA
Colorado	IV-E GAP & State	18	12	Yes	100%	0	450	Yes	NA	NA	Yes
Connecticut	IV-E GAP & State	21	12	Yes	100%	779	855	Yes	NA	Yes	NA
Delaware	State	18	14	No	NA	500	1000	NA	Yes	Yes	Yes
District of Columbia	IV-E GAP & State	21	14	Yes	100%	1010	1137	Yes	Yes	Yes	Yes
Florida	TANF	18	NA	Yes	82%	242	298	Yes	Yes	Yes	Yes
Georgia ⁵	NA	19	14	Yes	80%	0	0	Yes	Yes	Yes	Yes
Hawaii	IV-E GAP	21	14	Yes	100%	576	1246	Yes	NA	NA	Yes



Eligibility Criteria					Funding			Post-Guard. Mgmt.	Parental Relationship		
State	Source of Guardianship Funding ²	Maximum Eligible Age for Subsidy/ Conditional	Age of Child's Input	State Allows Fictive Kin as Guardian	Maximum Negotiated Monthly Subsidy (% of Foster Care Payment)	Minimum Subsidy Monthly Payment (\$)	Maximum Subsidy Monthly Payment (\$)	Periodic Eligibility Review	Parental Visitation Rights Explicitly Noted	Child Support Required	Possibility for Family Reunification Explicitly Noted
Idaho	IV-E GAP & State	18	14	Yes	100%	0	431	Yes	NA	Yes	NA
Illinois	IV-E GAP & State	21	14	No	100%	0	491	Yes	Yes	NA	NA
Indiana	IV-E GAP & State	19	14	No	Other	0	769	Yes	Yes	Yes	Yes
Iowa	State	19	14	Yes	100%	N/A	N/A	Yes	Yes	Yes	Yes
Kansas	State	21	NA	Yes	Other	0	300	Yes	Yes	Yes	NA
Kentucky	NA	18	NA	No	100%	N/A	N/A	Yes	NA	Yes	NA
Louisiana	IV-E GAP	18	14	Yes	80%	325	400	Yes	Yes	NA	Yes
Maine	IV-E GAP & State	21	14	Yes	100%	495	788	Yes	Yes	Yes	Yes
Maryland	IV-E GAP & State	21	14	Yes	100%	0	850	Yes	NA	Yes	Yes
Massachusetts	IV-E GAP & State	21	14	Yes	100%	679	679	NA	NA	NA	NA
Michigan	IV-E GAP & State	21	14	No	100%	0	577	NA	NA	NA	NA
Minnesota	IV-E GAP	21	14	Yes	100%	565	790	NA	Yes	Yes	NA
Mississippi	NA	NA	NA	Yes	100%	N/A	N/A	NA	Yes	Yes	NA

Eligibility Criteria					Funding			Post-Guard. Mgmt.	Parental Relationship		
State	Source of Guardianship Funding ²	Maximum Eligible Age for Subsidy/ Conditional	Age of Child's Input	State Allows Fictive Kin as Guardian	Maximum Negotiated Monthly Subsidy (% of Foster Care Payment)	Minimum Subsidy Monthly Payment (\$)	Maximum Subsidy Monthly Payment (\$)	Periodic Eligibility Review	Parental Visitation Rights Explicitly Noted	Child Support Required	Possibility for Family Reunification Explicitly Noted
Missouri	IV-E GAP, State, & TANF	18	14	No	100%	234	316	NA	NA	NA	NA
Montana	IV-E GAP & State	19	12	Yes	100%	560	671	NA	NA	NA	Yes
Nebraska	IV-E GAP & State	19	14	Yes	100%	0	750	Yes	NA	Yes	NA
Nevada	State	18	14	No	100%	0	773	NA	NA	NA	Yes
New Hampshire	NA	NA	NA	No	NA	N/A	N/A	Yes	Yes	NA	NA
New Jersey	IV-E GAP & State	18	12	Yes	100%	713	713	Yes	Yes	Yes	Yes
New Mexico	NA ⁶	18	14	Yes	NA	N/A	N/A	NA	Yes	Yes	Yes
New York	IV-E GAP & State	21	14	No	100%	535	802	Yes	Yes	NA	NA
North Carolina	IV-E GAP & State	18	NA	Yes	NA	475	634	NA	NA	Yes	NA
North Dakota	IV-E GAP & State	18	14	Yes	NA	503	503	Yes	Yes	Yes	NA
Ohio	State & TANF ⁷	19	NA	Yes	NA	Time Limited		Yes	NA	Yes	NA
Oklahoma	TANF & IV-E GAP	19	14	Yes	100%	365	498	NA	Yes	Yes	Yes

Eligibility Criteria					Funding			Post-Guard. Mgmt.	Parental Relationship		
State	Source of Guardianship Funding ²	Maximum Eligible Age for Subsidy/ Conditional	Age of Child's Input	State Allows Fictive Kin as Guardian	Maximum Negotiated Monthly Subsidy (% of Foster Care Payment)	Minimum Subsidy Monthly Payment (\$)	Maximum Subsidy Monthly Payment (\$)	Periodic Eligibility Review	Parental Visitation Rights Explicitly Noted	Child Support Required	Possibility for Family Reunification Explicitly Noted
Oregon	IV-E GAP & State	21	14	Yes	100%	544	741	NA	NA	NA	NA
Pennsylvania	IV-E GAP & State	21	12	Yes	100%	0	720	NA	Yes	Yes	Yes
Rhode Island	IV-E GAP & State	21	14	Yes	100%	538	630	NA	Yes	NA	Yes
South Carolina	NA	19	NA	Yes	NA	N/A	N/A	Yes	Yes	Yes	Yes
South Dakota	IV-E GAP & State	21	14	Yes	100%	531	638	NA	NA	NA	NA
Tennessee	IV-E GAP & State	21	12	Yes	100%	756	867	Yes	Yes	Yes	Yes
Texas	IV-E GAP & State	21	14	Yes	100%	400	545	NA	NA	NA	NA
Utah	TANF	NA	NA	Yes	NA	400	400	NA	Yes	Yes	NA
Vermont	IV-E GAP & State	21	12	Yes	100%	0	762	NA	Yes	Yes	NA
Virginia	NA	21	NA	Yes	100%	N/A	N/A	Yes	NA	Yes	Yes
Washington	IV-E GAP	21	14	No	80%	0	562	NA	Yes	NA	Yes
West Virginia	State ⁸	21	14	Yes	100%	600	600	Yes	NA	NA	NA



Eligibility Criteria					Funding			Post-Guard. Mgmt.	Parental Relationship		
State	Source of Guardianship Funding ²	Maximum Eligible Age for Subsidy/ Conditional	Age of Child's Input	State Allows Fictive Kin as Guardian	Maximum Negotiated Monthly Subsidy (% of Foster Care Payment)	Minimum Subsidy Monthly Payment (\$)	Maximum Subsidy Monthly Payment (\$)	Periodic Eligibility Review	Parental Visitation Rights Explicitly Noted	Child Support Required	Possibility for Family Reunification Explicitly Noted
Wisconsin	IV-E GAP & State	21	14	Yes	Other	0	499	Yes	NA	Yes	NA
Wyoming	State	18	14	Yes	100%	340	600	Yes	Yes	Yes	NA

¹ Data collected and analyzed from state statutes and administrative codes are current as of July 2016. Data collected and analyzed from survey results, government websites, and other publicly available state information are current as of December 2016.

² State experts informed the source of state guardianship funding.

³ NA (not available) indicates the frequency with which these guardianship terms are missing from state statutes and administrative codes or state guardianship funding information identified in our findings. Not all of the terms and provisions analyzed are addressed by all 50 states and the District of Columbia.

⁴ Other indicates that the guardianship payment is equal to the adoption subsidy.

⁵ The Georgia state expert informed us that in January 2014, Georgia stopped allowing relative care subsidies and removed “custody to relatives” as a legal permanency option.

⁶ New Mexico recently received approval for a Title IV-E GAP program. At the time of our survey, New Mexico did not have a subsidized guardianship or guardianship assistance program.

⁷ Ohio does not have a formal guardianship assistance program. At the time of our survey, the state expert indicated that Ohio does have some locally funded programs for guardians. Funding is provided by the state for a limited time.

⁸ Although West Virginia has received federal approval to use Title IV-E GAP, at the time of our survey the state expert indicated that 100% of guardianship assistance funds are from the state.



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