

The Kinship Care Paradox: Changing Systems to Leverage Support for Children in the Placements Where They Thrive



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Today's Presentation



- Introduction
- Overview of Kinship Care
- What We Mean When We Talk About Poverty – The Elder Index
- Understanding Kinship Care Funding
- The Problem with **Federal** Foster Care Funding for Youth in Formal Care
- Exploring Different State Approaches to Supporting Youth in Kinship Care
- Supportive Permanency
- When There is Not Much There There – Leveraging Other Supports
- Putting it All Together: Policies and Best Practices
- Sharing/Questions

Acronyms



- **AAP:** Adoption Assistance Program
- **AFDC-FC:** Aid to Families with Dependent Children-Foster Care (ie: state-only or federally funded “foster care benefits”)
- **NREFM:** Non-Related Extended Family Member
- **Kin-GAP:** Kinship Guardianship Assistance Payment Program
- **SSI:** Supplemental Security Income
- **TANF:** Temporary Assistance to Needy Families
- **Title IV-E:** Federal foster care benefits

Overview of Kinship Care



Caregivers Share Their Stories

Types of Kinship Care We Will Be Discussing

Voluntary Kinship Care (informal)

- Child welfare system is/was involved, but no formal foster care case opened
 - Child could be with relative through a Probate Court Guardianship or informal arrangement

Kinship Foster Care (formal)

- Child placed in foster care with a relative either through court removal or Voluntary Placement Agreement

Relative Placement... It's the Law!



- Federal law requires relatives to be given preference in the placement of foster children:
 - States must “consider giving preference to an adult relative over a nonrelated caregiver when determining placement of a child, provided that the relative caregiver meets all of the relevant state child protections standards.” [42 USC §671\(a\)\(15\)\(A\)](#)
 - States must “within 30 days after the removal of a child from the custody of the parent or parents of the child, the State shall exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of the child (including any other adult relatives suggested by the parents)...” [42 USC §671\(a\)\(29\)](#)

Relative Caregivers Support Child Well-Being

- Research has shown that children in kinship care have:
 - fewer prior placements
 - more frequent and consistent contact with birth parents and siblings,
 - felt fewer negative emotions about being placed in foster care than children placed with non-relatives

Demographics of Kinship Caregivers

- **Senior Citizens:** 15 – 20% of relative caregivers are over the age of 60
- **Fixed Incomes:** 39% of kinship households live below the federal poverty line
- **Disabled:** 38% of kinship caregivers have a limiting condition or disability
- **Limited advanced training:** Kinship foster parents receive little, if any, advanced preparation in assuming their role as caregivers. No training required by the state.

Amount of Funding to Kinship Foster Parents Impacts Child Outcomes

- Children who grow up in poverty are likely to have
 - Lower earnings
 - Less education
 - Poorer health as adults
- These risks are compounded for children who experienced abuse or neglect
- The current TANF grant in CA for a single child is equal to 37% of the poverty line. ***In many states, it's even lower.*** See <http://www.cbpp.org/files/10-14-10tanf.pdf> and <http://www.gao.gov/assets/590/585649.pdf> (appendix III)

What We Mean When We Talk About Poverty: The Elder Index



Current Poverty Measure: Outdated!



Federal Poverty Guidelines

- Developed in 1963-1964
- Based on 1955 Food Survey
- Poverty = USDA Thrifty Food Plan x 3
 - temporary/emergency use only
- No variation by age or where you live
- Used for:
 - Eligibility determinations
 - Prioritizing funding
 - Tracking trends over time

2013 FPL

1 person = \$11,490

4 people = \$23,550

Measuring Economic Security Instead of Poverty

Poverty Measures Fall Far Short of Needs for All California Seniors

Average California
Elder Index 2011
(single renter):
\$23,317

Median California
Supplemental
Poverty Measure
2011(single renter):
\$14,268

Federal Poverty
Guidelines 2011:
\$10,890

*Elder Index Data Source: UCLA Center for Health Policy Research.
The Supplemental Poverty Measure (SPM) is the weighted median threshold for single elderly renters in California.
SPM Data Source: Stanford Center on Poverty and Inequality and Public Policy Institute of California, based on US Census' methodology.*

Cost of Meeting Basic Needs: Grandparents Raising a Grandchild

Elder Index: Basic Expenses

Senior Renter Raising a Grandchild | CA Average

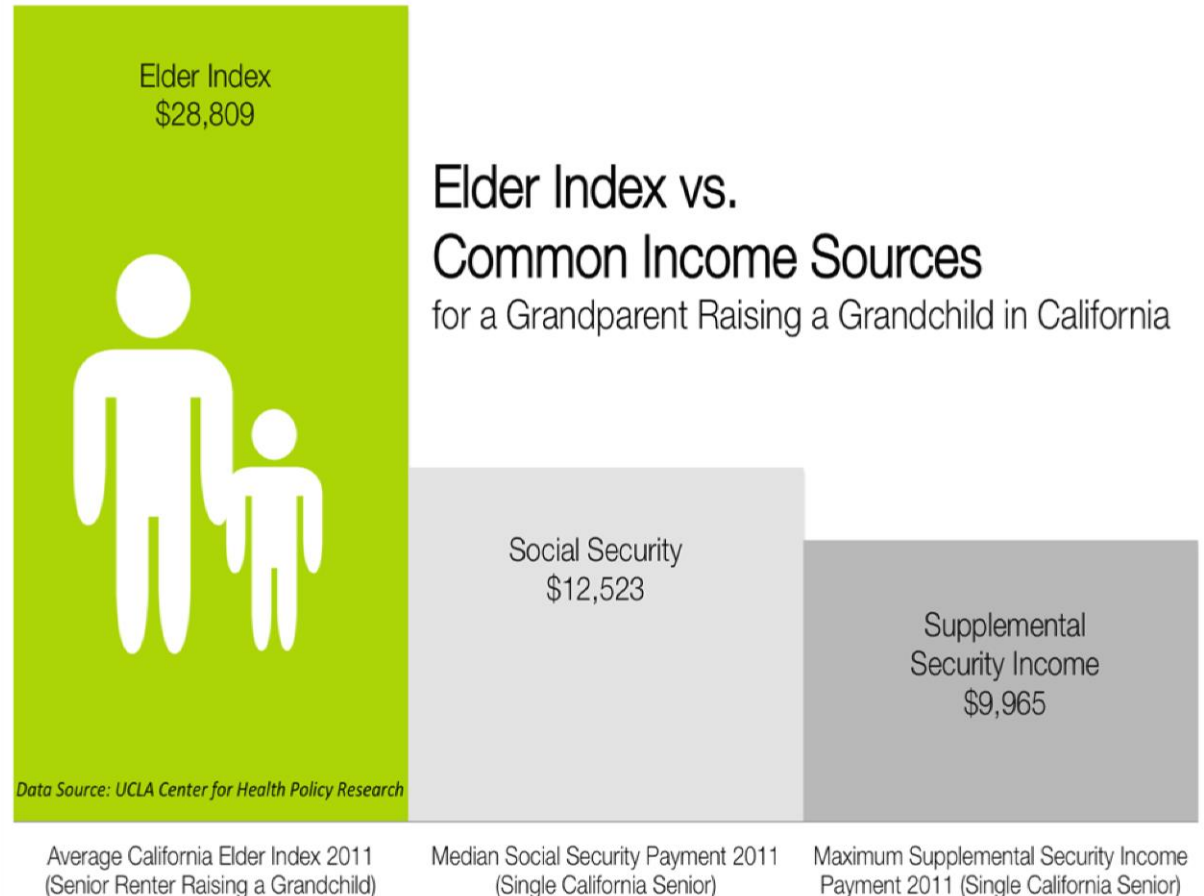
The California Elder Index is a county-specific measure of the minimum income necessary to cover all of a senior's basic needs.

Rent (one bedroom apt.)	\$864
Food	\$474
Healthcare	\$334
Transportation	\$368
Miscellaneous	\$361

Monthly Total **\$2,401**

ANNUAL TOTAL **\$28,809***

*Annual total may not equal the sum of monthly totals due to rounding.



Grandparents Raising Grandchildren: How Many?



What Seniors Need to Make Ends Meet

First-Ever Elder Index for Grandparents
& Updated California Data



- 300,000+ in California, more than 2.4 million nationally
- 65,000 over age 65 in CA, 25% are over age 65 nationally
- About 40% don't have enough to get by

Understanding Kinship Care Funding



The Story of Naomi and Farrah



Naomi

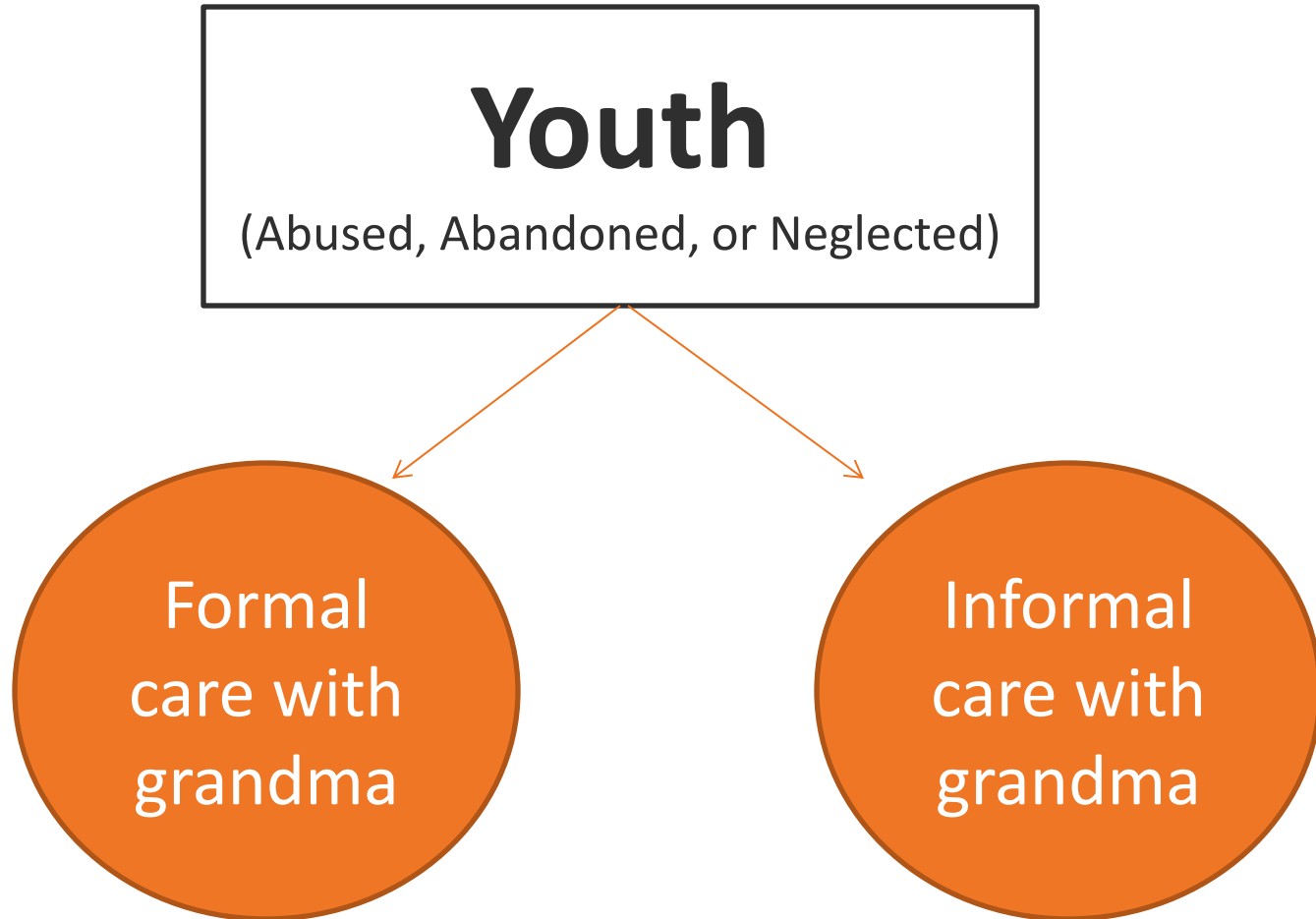
- Aspires to be a chef.
- Has experienced severe abuse and neglect. Multiple calls made to child protective services since she was 12
- Now age 15, **Naomi's grandmother has taken her in at the urging of a social worker.** There is no foster care placement.



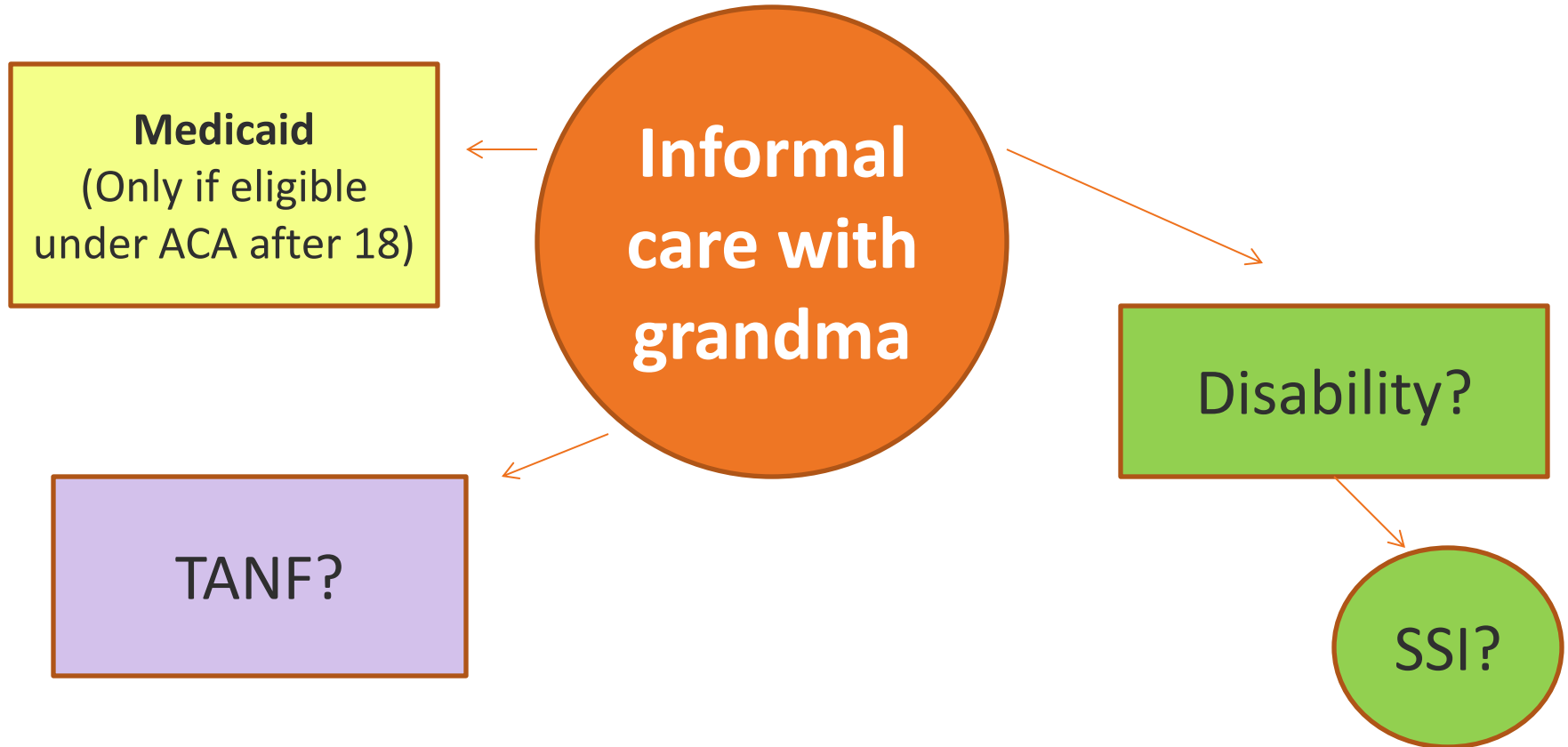
Farrah

- Aspires to be a chef.
- Has experienced severe abuse and neglect. Multiple calls made to child protective services since she was 12
- Now age 15, she is removed from her home and formally **placed into foster care with her grandmother.**

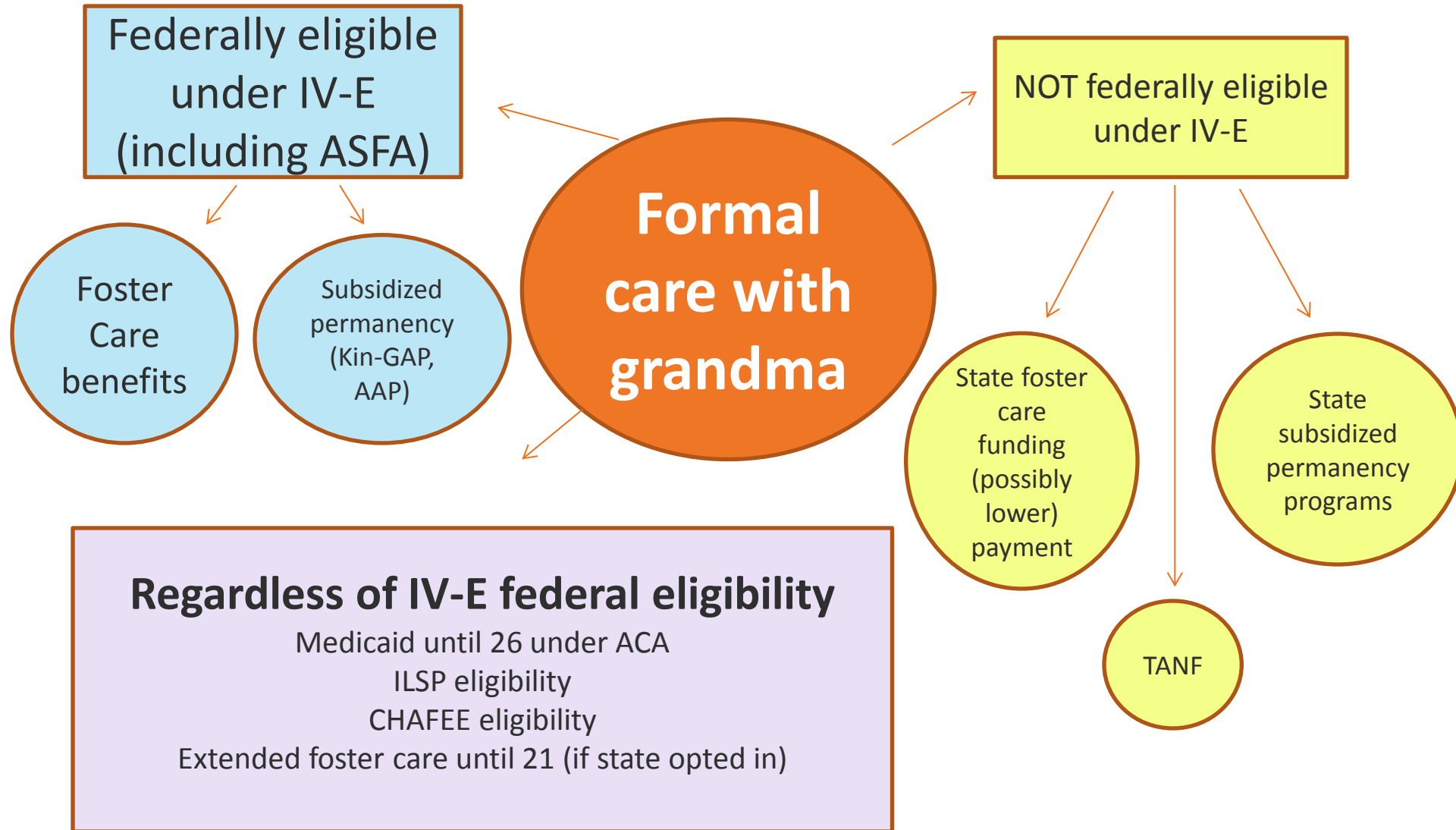
Fiscal Structure of Supports for Youth with Relatives



Fiscal Structure of Supports for Youth with Relatives



Fiscal Structure of Supports for Youth with Relatives



The Problem with **Federal** Foster Care Funding for Youth in Formal Care



Federal Foster Care Benefits:

Basic Eligibility



1. Categorical requirements of the child
Age, residency, immigration status, deprivation
2. Conditions of removal from the home and placement into approved/licensed facility (ASFA)
- OR - **Voluntary Placement Agreement**
3. Financial eligibility

Federal Foster Care Benefits: Financial Eligibility

To receive **federal** foster care benefits, the youth must meet the 1996 AFDC criteria **in the home of removal** in the month of removal or one of the six months prior to removal

- In 1996, income limit for a family of 3 to qualify for AFDC was \$723**
 - **BY CONTRAST:** The income limit for the same family to qualify for cash assistance today is \$1,169**

What that means: a child can be removed from a parent receiving welfare benefits and STILL not qualify for federal foster care benefits

IMPORTANT: Federal test has **nothing** to do with the needs of the child or the needs of the relative where the child is placed

** California income eligibility limits

Little Known Facts re **Federal** Eligibility

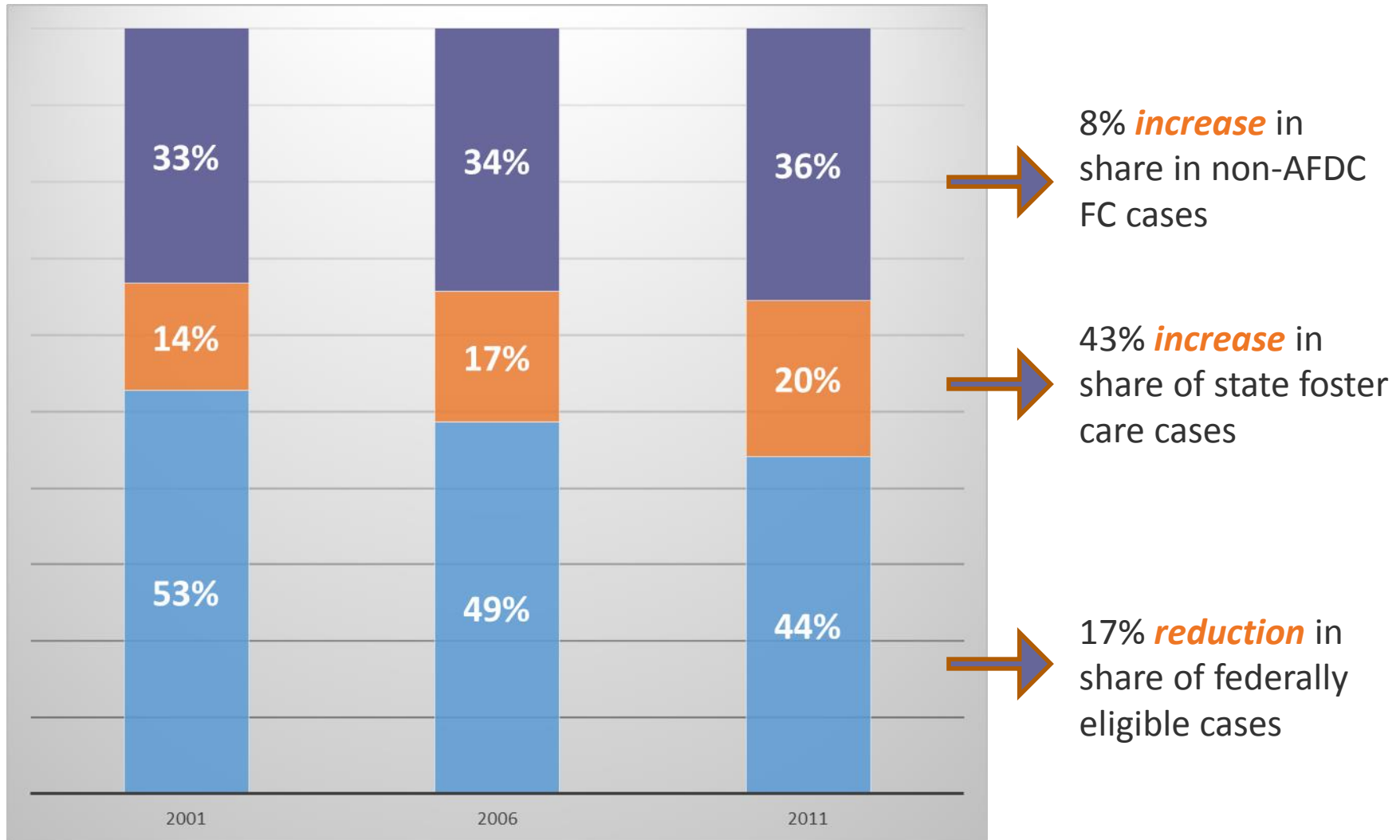
- Federal eligibility is a **one-time determination** done at removal
- Federal eligibility does not depend on the type of placement
 - A youth who is not federally eligible in a relative home, is also not federally eligible in a group home
- Eligibility for federal foster care benefits is distinct from meeting federal home approval standards
 - A relative in California who meets federal home approval standards is still denied foster care benefits when the child does not meet the 1996 welfare standards
- 56% of California's foster youth are NOT federally eligible

Federal Foster Care Benefits vs. Child-Only TANF

Benefits for Farrah and Naomi vary greatly depending on if the child receives foster care funding vs. child-only TANF

Farrah: placed in foster care with a fully approved relative	\$820 (CA foster care benefit) \$511 (U.S. average foster care)
Farrah: placed in foster care with a relative approved under separate process	\$369 (CalWORKS aka TANF) \$249 (U.S. average child-only grant) Note: some states pay more than the child-only grant
Naomi: living with relative outside foster care	\$369 (CalWORKS aka TANF) \$249 (U.S. average child-only grant)

Fewer Youth are Federally Eligible Every Year (CA example)



Huge Expense When Non-Federally Eligible Children Are Placed in Congregate Care (California Example)

Placement Type	Monthly Benefit	County cost
Relative Home	<ul style="list-style-type: none"> • \$369 (max for one child. Remember, payment DECREASES per child) if county doesn't opt into funding program • \$820 if county opts into state program 	TANF -- or -- 100% state funding of base caseload
Foster Family Home	<ul style="list-style-type: none"> • \$640- \$820 (basic rate) • Specialized Care: \$18 - \$1,413 • Dual Agency Rate: \$2,006 - \$3,006 	100% state and/or county dollars
Foster Family Agency	<ul style="list-style-type: none"> • \$640 - \$799 (non-treatment) • \$1,697 - \$1,956 (treatment rate**) <p>**NOTE: Foster family does <u>not</u> receive this full amount</p>	100% state and/or county dollars
Group Home	<ul style="list-style-type: none"> • Average cost is \$8,529/month 	100% state and/or county dollars

Failure to Support of Children With Relatives: Penny Wise, Pound Foolish

- In California, a level 12 group home costs \$102,348/year for 1 youth (**52% of youth in group homes placed in this level**)
 - Monthly costs of congregate care can be six to ten times higher than foster care and two to three times higher than treatment foster care (Barth, R. P. (2002). Institutions vs. foster homes: The empirical base for a century of action)
- **BY CONTRAST** – in CA it costs \$9,840/year for a 15-year old to be supported with basic foster care benefits (nationally, the average costs is \$6,132/year)
 - **Relatives who only receive CalWORKs get maximum of \$4,428/year in CA (\$2,988 nationally through child-only TANF)**

**EXPLORING DIFFERENT STATE
APPROACHES TO SUPPORTING YOUTH
IN KINSHIP CARE**

FORMAL KINSHIP CARE:

Full Licensure/Approval

- All states offer some kind of foster care benefits to Kinship Foster Parents when they meet the same standards imposed on non-kin foster parents
- California Example:
 - California “approves” (as opposed to licenses) Kinship caregivers. BUT - the approval process imposes the **same assessments, home visits, background checks**, etc., that are required of licensed non-kin caregivers
 - In California, approved Kinship Foster Parents receive foster care benefits if either:
 - Child is federally-eligible – OR -
 - County opts to provide state foster care benefits (state-only foster care benefit limited to basic rate)

FORMAL KINSHIP CAREGIVER:

Licensure With A Modification Or Waiver

- Many states waive ***non safety*** standards for kin on a case by case basis as allowed under federal law
- Non safety standards, i.e. # of kids in a bedroom, square footage, training hours, or criminal background dating back several years
- If federally eligible, usually only eligible for basic foster care rate
- The caregiver usually still receives state-funded foster care benefits, but only basic rate

FORMAL KINSHIP CAREGIVER:

Separate Approval Process for Kin (unlicensed care)

- Approximately 20 States have a kin-specific approval process that is totally distinct from the non-kin licensing requirements (less restrictive than ASFA)
- Eliminates the burden of full licensure up front, but families only eligible for TANF Child-only
- Tension: lower barrier to placement, but less support and same responsibilities
- Outstanding question: is there full disclosure of the option to be a licensed foster parent?

Youth with special needs; kin families often ineligible for specialized payments

EXAMPLE: CALIFORNIA SPECIALIZED RATES

Foster care funding is utilized by states to address specific needs of children

TANF funding is not linked to the needs of the child and the amount does not change to address the needs

	Farrah (placed in foster care with grandma – federally eligible)	Naomi (kept out of foster care by grandma)
If the youth has severe emotional disturbance and qualifies for Specialized Care Increment in LA County	\$1,220	\$369
Youth with autism who is a regional center consumer	\$2,162 - \$3,162	\$369
Youth who is parenting	\$1,210	\$738

State Innovation: Treatment foster care with kinship families

- Youth with therapeutic needs should be able to have those needs met in kinship families
- 24/7 crisis stabilization, respite care, specialized training and intensive case management
- FFTA Kinship TFC Initiative is supporting states and private agencies to remove barriers to kinship TFC

INFORMAL KINSHIP CARE: MAKING TANF WORK FOR KIN FAMILIES

- If TANF is the only option, it is generally not sufficient to meet the child's needs
 - In 17 states, the one-child TANF benefits as of 2010 were so low that they fell below 38 percent of poverty.
- States can make TANF modifications to support kin families
 - @ 8 states have a more generous TANF child only grant for relative caregivers
 - A few states broaden the definition of “relative” to include fictive kin
 - For family grants – increase asset limitations and exemptions from time limits

NATIONAL FOSTER PARENT LICENSING STANDARDS – *address barriers to licensing and inconsistencies in standards across states*

- Drafted by ABA Center on Children and the Law, Generations United, and National Association of Regulatory Authorities (to be released SOON!)
- Adopted as NARA standards
- If adopted by states, new standards should help with all foster parent licensing, with a special eye toward helping increase placement with kin

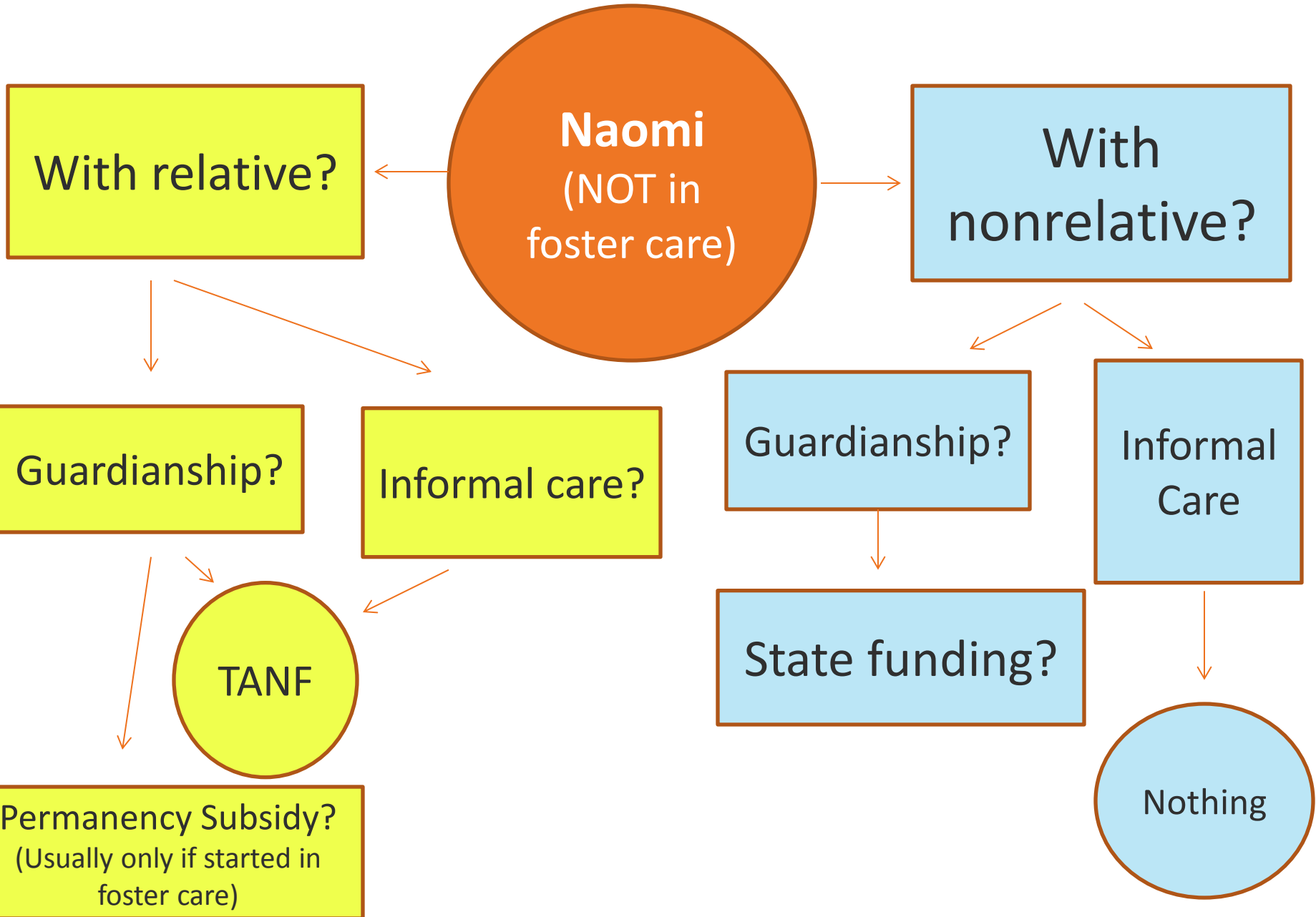
PROBLEMATIC LICENSING STANDARDS FOR KIN

Examples of problematic standards include

- Upper age limits
- Education and literacy requirements
- Discrimination based on disability
- Income requirements
- Requirements to own a vehicle
- Discrimination against rural families

Draft Model Standards Categories

- Definitions
- Basic Eligibility
- Physical and Mental Health
- Home Study
- Capacity
- Sleeping
- Other living space
- Fire safety/evacuation
- Additional health & safety
- Criminal history records check
- Abuse and neglect records check
- Assurances
- Pre-license training
- Emergency placement





With relative?

Farrah
(IN foster care)

With non-relative?

Federally eligible (ASFA & lookback)

NOT federally eligible

Full licensure / approval

Full licensure / approval?

Approval Under Separate Process for Relative Caregivers

Foster Care Benefits

AFDC-FC
Youakim

State foster care funding
(May be **lower** than foster care payment)

TANF?

Supportive Permanency



What About Guardianships?

AFTER a formal foster care placement

- Youth placed in foster care with a relative who later obtains guardianship through juvenile court receive Kin-GAP once the dependency/delinquency case is closed
 - Must be with relative in foster care for a **minimum** of 6 consecutive months before exiting to Kin-GAP
 - Relative caregiver has no control over when the court is willing to order guardianship and close the dependency case

What About Guardianships?

- If there was NO PRIOR foster care involvement
 - Most states do not offer support outside of TANF (only available to relatives)
 - There are some models for supported diversion to keep youth out of foster care
 - California: Youth with a non-related legal guardian established by the *juvenile court* (i.e., foster care or delinquency) OR **probate court** (i.e., diverted from foster care) are eligible for AFDC-FC benefits without ever entering foster care



Relative vs. Non-Relative Guardianships – the California Model

Relatives diverted to probate court guardianships get CalWORKs benefits

- They NEVER have access to Kin-GAP

Non-relatives who are diverted to probate court guardianships get **foster care benefits**

- These children were NEVER in foster care

	Never in foster care (ie: diversion)	Guardianship after foster care
Guardianship with a relative	CalWORKs (\$369)	Kin-GAP (\$820) Note: must be in foster care placement with relative for at least 6 consecutive months before exiting to Kin-GAP
Guardianship with a non-relative	AFDC-FC (\$820)	AFDC-FC (\$820) Note: no timelines for when the youth can exit and still be eligible for AFDC-FC

What About Adoptions?

- Youth who are diverted from foster care and adopted by relatives are often not eligible for AAP unless the youth meets an exception (e.g., meets SSI eligibility)
 - NOTE: AAP can be paid when child is “at risk” of foster care, but this standard is rarely utilized
- Relatives have no control over the timelines for adoption. Family reunification and termination of parental rights can take many months and even years.
- Even though relatives often provide long-term, stable care, they are less likely to adopt.

LEVERAGING BENEFITS TO SUPPORT YOUTH WITH RELATIVE CAREGIVERS

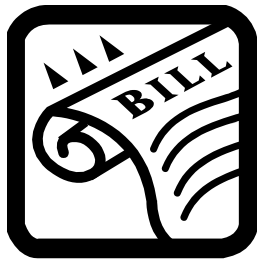


Make Sure Child is Properly Assessed for AFDC-FC Eligibility

- Ensuring that foster children receive sufficient support promotes child well-being and ensures a more successful placement
- Look out for potential pitfalls in assessing federal eligibility
 - Income determination of home of removal
 - Deprivation standard (ie: unemployment and/or disability standards)
 - Opportunity to meet full licensure/approval
 - Linkage (six-month rule)
- Opportunities for state foster care funding

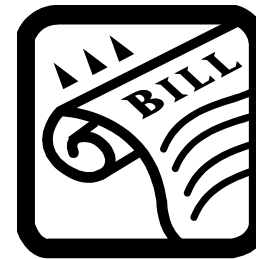
Best Practices to Assist Foster Youth with Disabilities – SSI Screenings and Applications

AB 1633



- (1) Development of best practice guidelines
- (2) Counties manage benefits in youth's best interests
- (3) Assist youth in receiving direct payment of finding payee
- (4) Inform youth of process of maintaining eligibility as adults

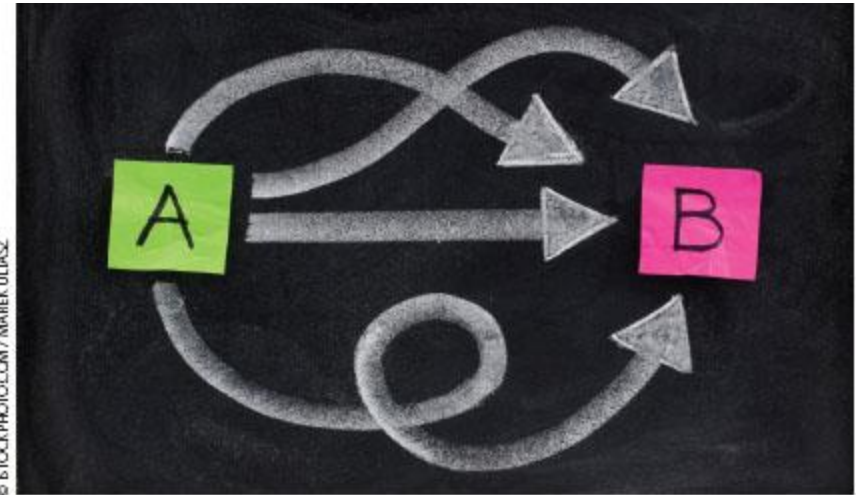
AB 1331



- (1) Screen every youth for SSI eligibility between age 16.5 and 17.5
- (2) Make an SSI application on behalf of likely eligible youth
- (3) Goal to have SSI in place by age 18!

Applying for SSI for Foster Youth – Income Eligibility

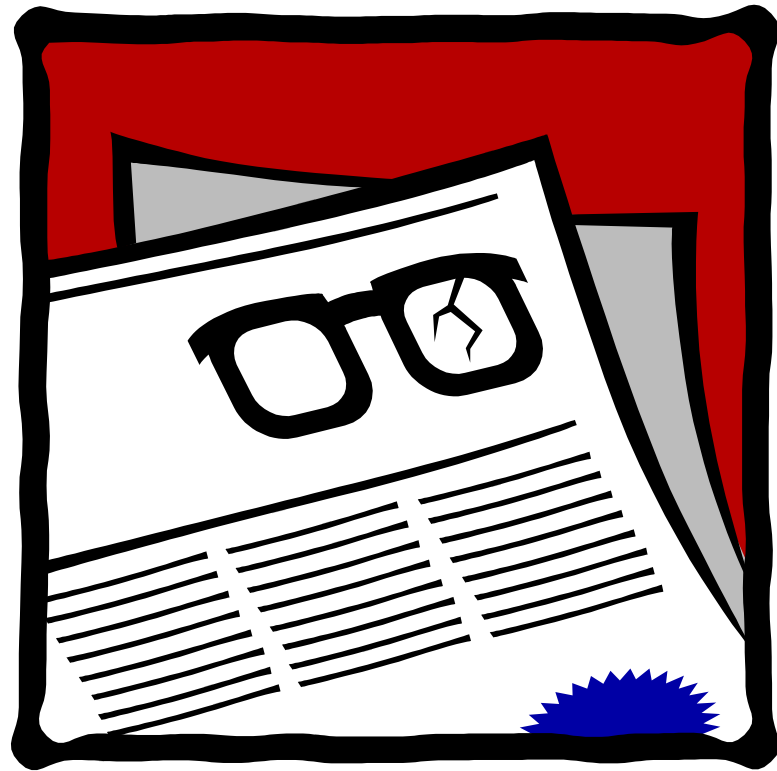
- State must switch federally eligible youth to state only funding for the month of application and one month over every twelve to maintain SSI funding



Medicaid and EPSDT Mental Health

- Medicaid / EPSDT services can provide important mental health services for youth in both informal and formal care
 - System of Care – child focused, family driven, and community based
 - Wraparound services, such as: in-home therapy, respite for kin caregivers, in-home crisis intervention, and mentors.
- *Katie A. v. Bonta* – federal class action lawsuit filed on behalf of California foster youth and children at risk of out-of-home placement
 - Settlement provides Intensive Home-Based Services and Intensive Care Coordination to eligible children under Medicaid

POLICY PERSPECTIVE



“Kinship caregivers are often required to provide the same nurturance and support for children in their care that non-kin foster parents provide, with fewer resources, greater stressors, and limited preparation. This situation suggests that kinship care policies and practices must be mindful of and attentive to the many challenges kin caregivers face.”

-- Rob Geen, “The Evolution of Kinship Care Policy and Practice”

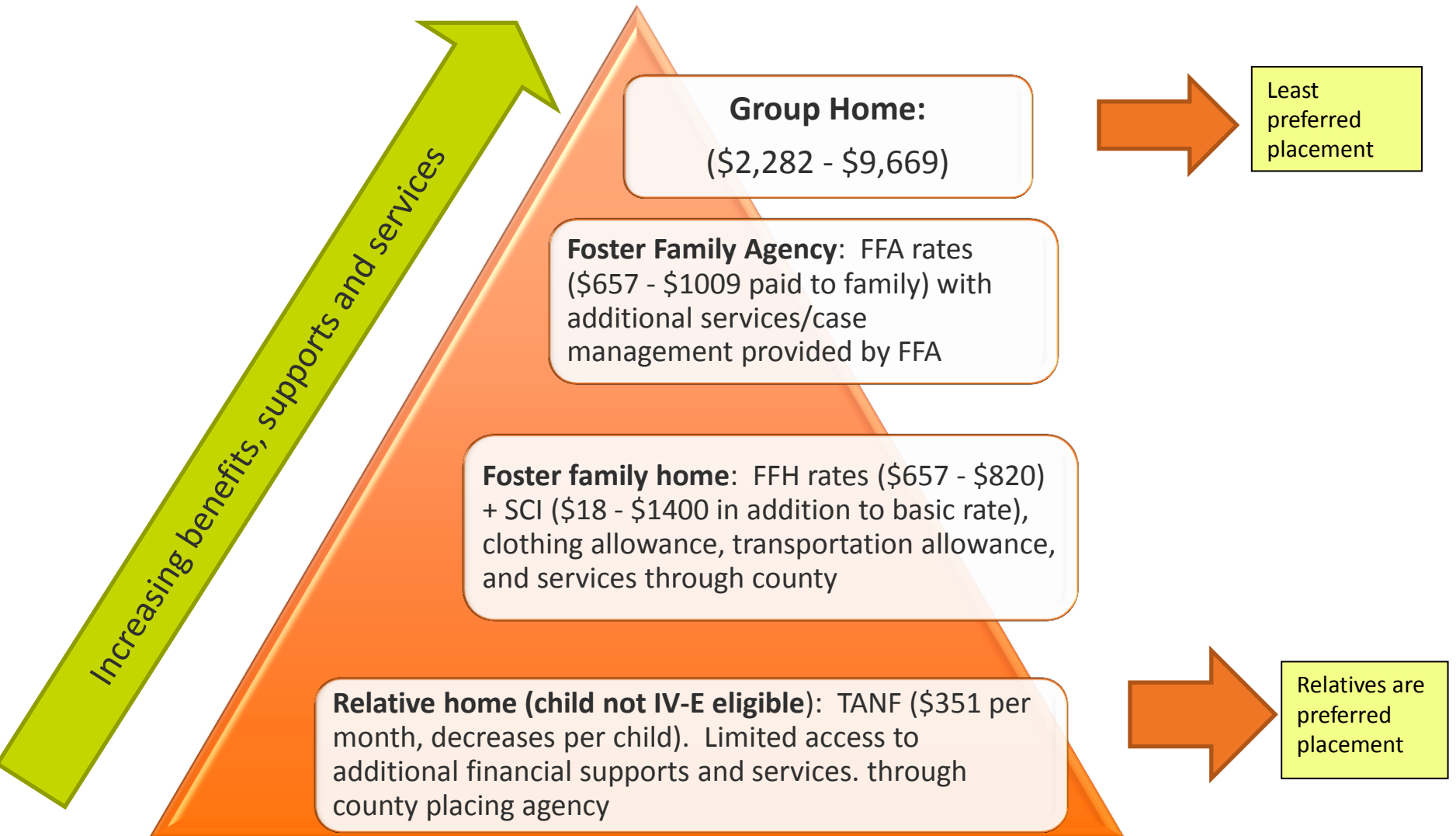
Adequately Supporting Relatives Strengthens Our Child Welfare System

- Relatives are the backbone of our child welfare system – both in supporting children that come into care and enabling children to avoid foster care
- Adequately supporting relatives is critical to the health of our system:
 - Improves child well-being
 - Increases placement stability
 - Reduces reliance on restrictive congregate care settings
 - Enhances permanency
 - Improves child safety

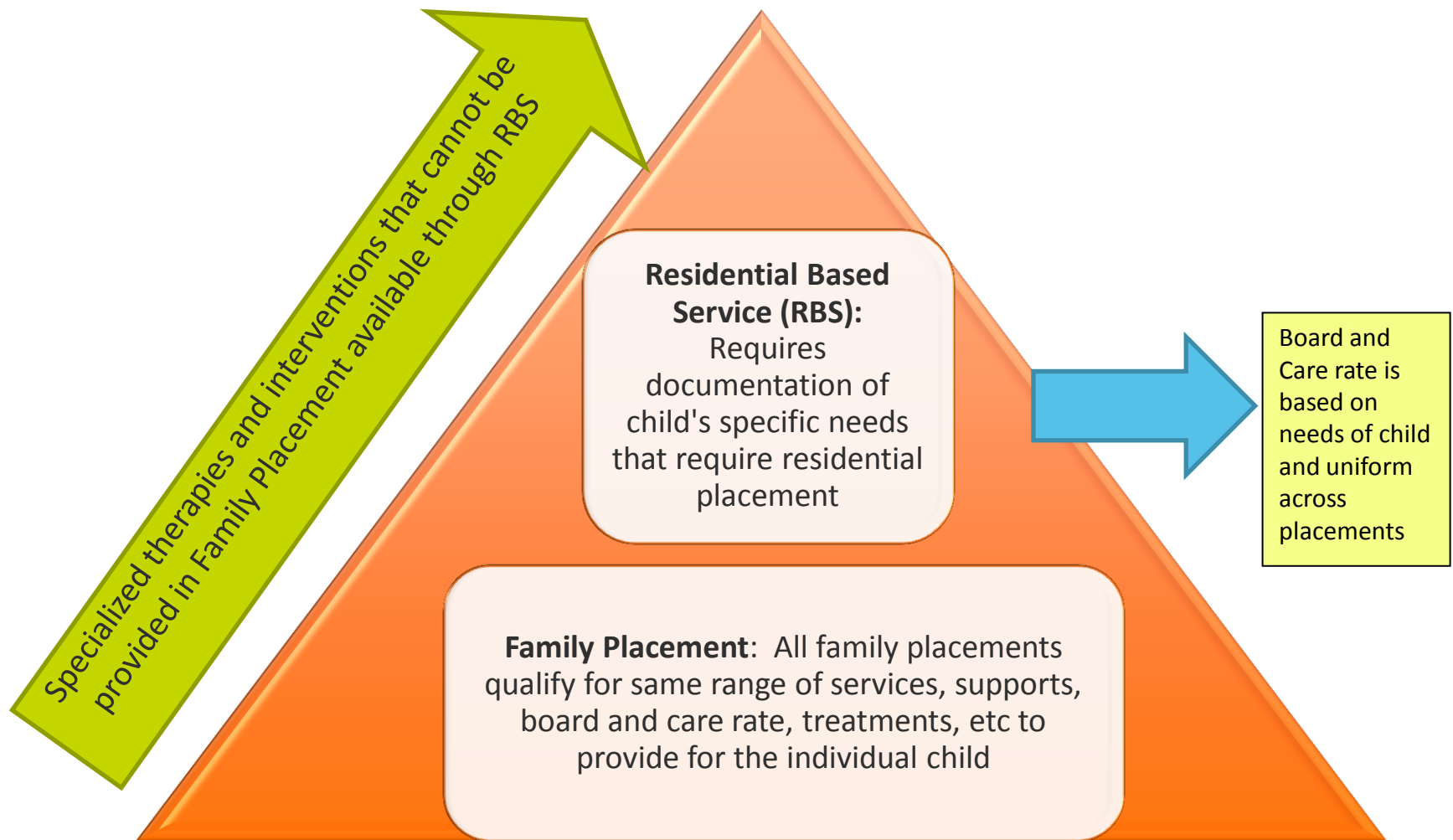
Federal Financing Reform

- Current federal funding structure is inadequate and resulting in greater disinvestments in child welfare every year
- BUT - recent reform proposals are moving in the wrong direction (ie: time limitations on funding and/or block grants)
- Key elements to federal financing reform:
 - Invest in placements where youth do best (ie: eliminate look-back for family placements, reinvest savings from other reforms into families)
 - Need a broader definition of permanence to support the full-range of family settings and need

Move Away From Existing Continuum of Care



Move Towards a Child-Centered Continuum of Care



Develop a seamless system to leverage available funding for relatives

- There are many underutilized funding streams that could support youth with relatives
- Securing available funding often requires state action systems be put in place
 - SSI Workaround
 - EPSDT
 - Special Education Services
 - Extended Medi-Cal

Develop Fiscal Structures to Support Appropriate Diversion

- Federal funding available for supported diversion
 - Youth with relative adoptive parents eligible to receive AAP even if they never enter foster care
 - Expanded use of Voluntary Placement Agreements
- Look to other state models for supported diversion
 - EX: California allows youth with a non-related legal guardian to receive foster care benefits even if they never entered foster care

SHARING & QUESTIONS?



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