



STRATEGY BRIEF

STRONG FAMILIES

How can guardianship be better utilized to **promote permanency and well-being?**

Tania never had met her brother's daughter, Naomi, when she found out the 4-year-old had been placed in foster care.¹ A single mother with one adult son, Tania recently accepted a promotion at work and had not been thinking about raising another child. Nevertheless, she felt called to reach out to Naomi. The two bonded instantly and Tania became Naomi's foster parent, later becoming her permanent guardian.

Naomi, now 8, is one of about [2.7 million children](#) who live with grandparents, aunts and uncles, other relatives, or close family friends (collectively referred to as *kin*). The vast majority of these kin support their families outside of the child welfare system. Two [primary goals](#) have emerged to improve the well-being of children: (1) reduce the need for formal intervention with the child welfare system through primary prevention, and (2) keep children connected to their extended families and communities when removal from the home may be necessary. Guardianship, as part of a strong [kin-first](#) continuum, can support both of these goals. This brief provides an overview of the different types of guardianship arrangements, shares the benefits of placing children with kin, and offers some considerations for improving the use of guardianship as a permanent placement option for children.²



How can guardianship be better utilized to promote permanency and well-being?

A range of definitions

When children are removed from their families, federal law requires they be placed in the [least restrictive, most family-like setting](#) possible, and placement with kin is considered less restrictive than non-kin foster care. Guardianship practice and policy is complex, given the inconsistent definitions and approaches across the country and whether guardianship is obtained as an exit from child welfare or privately without child welfare involvement.

Definitions of guardianship and terms for guardianship orders [vary by state](#). Most states use the term *guardianship*, while others use the term *legal custody*, and some use both depending on circumstances. At a minimum, guardians in all states provide care and protection, and are able to make decisions about schooling and routine medical care. Guardianships can be obtained privately outside of child welfare system involvement or as a way to exit the foster care system. To exit the system and obtain monthly assistance through federal Guardianship Assistance Programs (GAP), a child needs to have been living with a licensed kinship foster parent for six months before guardianship can be considered a permanent placement.³ States [vary in their monthly subsidies](#) to guardians and in policies on who can be considered a guardian. As of 2018, [11 states](#) did not include fictive kin in their definition of relative for purposes of GAP (fictive kin are close family friends who are not related by blood).

Positive impact

Guardianship provides numerous benefits to children and families, including:

Connection to kin: Guardianship offers children the stability of a permanent home while maintaining connections to family or fictive kin. Because

guardianship does not sever parental rights and responsibilities, it can provide permanency when [adoption](#) and [reunification](#) are not feasible, and it allows for continued bonds between children and their birth families. As such, guardianship is a critical option for children who do not want to sever ties to their birth family, for caregivers who do not want to legally change their relationship to the child and become their “parents,” and for birth parents who want to maintain connections to their children but may be unable to care for them due to illness or disability. Further, guardianship can promote permanency in communities where [termination of parental rights](#) violates cultural norms.

For Tania’s niece Naomi, guardianship allowed for the stability of permanency without losing connections with her birth mother. Naomi and her mother recently spoke on FaceTime. “Naomi was so happy,” Tania said. “She was so, so happy. Naomi loves her mom.”

Permanency: The [benefits of placement with kin caregivers](#) are well understood and, while more research is needed, evidence suggests that subsidized guardianship (GAP) leads to improved permanency. An [evaluation](#) of a federal subsidized guardianship waiver demonstration project in Illinois (conducted before GAP became a federally funded option for all states) found that subsidized guardianship not only increased the percentage of children achieving permanency, it also sped up the rate of permanency, particularly for children ages 6 to 13.

Well-being: The vast majority of children (92%) who were in a [subsidized guardianship](#) in Illinois felt “like part of the family” most or all of the time. Another [evaluation](#) of subsidized guardianship as part of child welfare waiver demonstrations found that children in guardianship appreciated “shedding the social stigma”

Our favorite phrase is, ‘We’d rather have a kid sleep on grandma’s couch than in a bed at a stranger’s home.’

— PAM BOOKHART,

SOCIAL WORKER SUPERVISOR, CATAWBA COUNTY GOVERNMENT, N.C.

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of being in foster care, increased stability, and greater freedom to participate in normal childhood activities.

Financial supports for caregivers: Compared to non-kin foster parents, [kin caregivers](#) are generally older, less educated, more likely to have chronic health issues or disabilities, and more likely to live in single-parent households. The extra expenses incurred caring for children can be difficult for kin caregivers to manage. Providing subsidies to guardians helps them afford to care for children long-term. Further, GAP allows children to maintain eligibility for Medicaid, which is an important benefit for families.

Cost savings: Permanent guardianship, even when subsidized, costs significantly less than foster care due to savings in court and agency supervision and intervention, thereby allowing those resources to be used to support other families. The average [annual cost per child](#) served by GAP in fiscal year 2016 was \$9,513, while the annual cost of a child living in foster care was \$59,056.

Federal policies and programs

[Subsidized waiver demonstration projects](#) — which showed that subsidized guardianships increased permanency (without negatively impacting [reunification rates](#)), increased placement stability, and decreased agency costs — informed the development of legislation expanding federal support for guardianship.

States have offered subsidies to guardians since the early 1980s, but federal assistance was not available until passage of the [Fostering Connections to Success and Increasing Adoptions Act](#) in 2008. (In contrast, federal adoption assistance has been available since 1980.) The Title IV-E Guardian Assistance Program (GAP), authorized through the Fostering Connections Act, incentivizes the use of relative guardianship for children in foster care, permitting states and tribes to use federal Title IV-E child welfare funds to subsidize relative guardianship up to the same rate as the state's foster care subsidy.

The Administration for Children and Families developed an [information memorandum](#) with instructions for states on how to implement and operate GAP, which

GUARDIANSHIP AS A PREVENTION STRATEGY

For every child living with a relative in foster care, [19 children](#) live with relatives without child welfare involvement. Kin caregivers who take care of children outside of the child welfare system, even those who are court-ordered guardians, receive relatively few supports. Given their important role in preventing children from experiencing the trauma of entering foster care, more resources should be directed to these caregivers and guardians.

Washington, D.C., established the [Grandparent Caregivers Program](#) in 2005 to provide a monthly subsidy to low-income residents who are raising grandchildren, great-grandchildren, great nieces, or great nephews. In 2018, the program served 900 children, with only four entering foster care. In addition, the [Close Relative Caregiver Pilot Program](#) is for low-income residents who are raising siblings, nieces, nephews, and cousins. These programs, which are part of D.C.'s [Four Pillars](#) strategy to keep children from entering foster care, are for families without child welfare involvement.

Louisiana's Kinship Care Subsidy Program, funded by the state's Temporary Assistance for Needy Families block grant, provides monthly cash assistance to relatives who are taking care of children. Within one year of being certified as eligible for the program, the qualified relative must be granted legal custody or guardianship by a court or be granted provisional custody by the child's parent.

is available for children who have been under the care of licensed relative foster parents for at least six months and for whom adoption or reunification are not appropriate options. As of April 2021, 40 states, the District of Columbia, Puerto Rico, the Virgin Islands, and 10 tribes have [approved GAP plans](#). However, [utilization of GAP](#) is uneven across states.

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The [Family First Prevention Services Act of 2018](#) provides federal funding for evidence-based kinship navigator programs, but as of April 2021, [no states were receiving federal funding](#) under this ongoing opportunity because the Title IV-E Prevention Services Clearinghouse had found no model to have met its evidence-based standards.⁴

Challenges and areas for improvement

Despite federal legislation supporting its use, guardianship is underutilized as a permanency option for children in out-of-home care. Guardianship was the [case plan goal for only 4% of children in care](#) on September 30, 2019, though 11% of children who exited care during fiscal year 2019 exited to a guardianship. Rates of exit to guardianship were slightly higher for American Indian children (15%), Latinx children (11%), and Black children (11%) than for white children (10%).⁵ The effective utilization of guardianship could be improved in a number of ways:

Providing information to families

Kinship families that are caring for children need to understand all of their options. [Kinship navigator programs](#) increase social support, improve family resources, and improve child safety and placement stability by providing prospective guardians information, referrals, and assistance applying for services and supports.^{6,7} In addition, caseworkers need to be transparent in informing families about the experiences of the children in their care and in explaining the benefits and requirements of different legal options. Caseworkers must begin these conversations as early as possible to ensure that caregivers' decisions are well-informed, which can minimize placement instability.

Among states that have created useful guides for relative caregivers are [New Hampshire](#), [New York](#), [Ohio](#), and [Wisconsin](#).

Identifying family members

When a child needs a placement, it is important to prioritize [placement with family members](#) from the very start. The Fostering Connections Act requires Title IV-E agencies to find all adult relatives within 30 days and notify them of their option to become a placement resource, but fathers and other paternal relatives are often [overlooked](#). In Tania's case, caseworkers did not reach out to her as a paternal relative; rather, she reached out to them when she learned of Naomi's removal from another family member.

Ongoing supports

The [Children's Bureau](#) suggests that all guardians and children exiting foster care should have access to post-guardianship services. Guardians should be educated about eligible services for older youth, such as the John H. Chafee Foster Care Program for Successful Transition to Adulthood and educational training vouchers. Proactive supports should be provided both before and after guardianship is established to further [support families](#). These include providing support groups; helping children cope with separation, loss, and trauma; understanding how to meet children's challenges and needs (behavioral, emotional, developmental, intellectual, and physical); providing information and training for birth parents and kinship caregivers; and helping meet financial and material needs. [Pennsylvania's Statewide Adoption and Permanency Network](#) provides critical post-permanency support for guardians, including

I knew nothing about the system. The social workers didn't tell me anything about the system. I just knew this was my niece. I figured they were telling me everything I needed; they were not.

— TANIA,
KINSHIP GUARDIAN

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assessment, case advocacy (including connections to local resources for mental health and educational services), respite, and support groups.

Caseworker attitudes and training

Advancing a [kin-first approach](#) requires a cultural shift. Caseworkers sometimes avoid pursuing guardianship with relatives because of a flawed belief that “the apple doesn’t fall far from the tree.” Agency leaders in **Westmoreland County, Pa.**, worked closely with the [American Bar Association Center on Children and the Law Permanency Barriers Project](#) to revise agency policies to remove barriers to kinship care and elevate the importance of kin. Between 2009 and 2019, the use of kinship care in Westmoreland County increased 281% while the use of traditional foster care decreased 30%. The achievements of Westmoreland County, along with nine other jurisdictions, were instrumental in developing a [WikiHow for kinship care](#), created by ABA Center on Children and the Law, ChildFocus, and Generations United, with support from the Annie E. Casey Foundation.

Wisconsin has made a concerted effort statewide to place children with kin caregivers and provide needed supports both in the short-term and permanently: about 43% of children placed in out-of-home care are placed with relatives (compared to 32% nationwide). In 2010, Wisconsin implemented its [Level of Care](#) initiative, which requires relatives who are court-ordered kinship care providers to go through the licensing process. Although providers are not required to become licensed, going through the licensing process opens up permanency options for children in their care, including GAP. Kinship caregivers receive monthly payments even if the family is not licensed.⁸ Caseworker trainings

include information on specific needs of kinship providers. In 2015, Wisconsin [expanded the definition of relative](#) (for purposes of GAP) to include adults who have a familial type of relationship with a child (often referred to as “fictive kin”). Caseworkers in all counties are trained in [Family Finding](#) to ensure that children have as many long-term, lasting connections as possible. Wisconsin also holds a [Families Like Mine](#) conference for relative caregivers, which provides opportunities for training and networking. To ensure that families are informed about their options and resources, the state created a [resource portal](#) that provides information on benefits, subsidies, and resources, [online kinship navigator training](#), and a [kinship navigator guide](#).

Consistent and equitable funding

Foster parents who become guardians received [lower monthly subsidies](#) compared to their foster care maintenance payments in 44% of 36 states responding to a 2017 survey. Further, children who are not Title IV-E eligible are not eligible for subsidized guardianship through GAP, although most states have parallel programs for children who are not Title IV-E eligible.

Tania, who lives in North Carolina, had been receiving a \$600 a month stipend as a foster parent for Naomi. Her family was not offered GAP, however, since North Carolina limits GAP eligibility to older youth — one of only a few states to do so. Instead of receiving \$600 in GAP to meet Naomi’s needs, Tania as a guardian receives \$181 a month through Temporary Assistance for Needy Families and \$16 a month in food and nutrition benefits. As a disabled veteran with a steady job, Tania is able to provide for Naomi without the extra

Continue to support families and children, and you’re going to end up with children who have lifetime permanency, not just permanence until they’re 18, but lifelong permanence and lifelong connections with their relatives.

— LINDSAY WOOD,
PROGRAM AND POLICY ANALYST, WISCONSIN DEPARTMENT OF CHILDREN AND FAMILIES

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subsidy, but many kinship care providers are not in a financial position to do so.

Evaluation

Few studies have examined outcomes of kinship guardianships. Better tracking of the impacts of GAP on children's well-being is needed. Only a small number of states have been tracking program implementation and conducting evaluations. New York creates an [annual report](#) that includes information on the implementation of GAP and changes in outcomes over time, such as average length of stay in foster care and percentage of children achieving permanency.

Additional resources

- [Kinship Caregivers and the Child Welfare System](#) is a fact sheet for kinship caregivers taking care of children who are involved in the child welfare system. It includes information about different types of kinship care, court processes, child welfare processes, and available services including counseling, financial support, health insurance, respite care, support groups, and kinship navigator programs.
- [Kinship Guardianship as a Permanency Option](#) provides information about guardians' rights and responsibilities, processes for establishing or modifying a guardianship order, kinship guardianship assistance, and state-specific regulations and policies (current as of July 2018).
- The [Adoption and Guardianship for Children in Kinship Foster Care: National Comparison Chart](#) includes a national overview of differences between adoption and guardianship in terms of rights and

Catawba County, N.C., created a unit dedicated to providing a continuum of kinship supports, including getting caregivers trained and licensed, providing ongoing services, and informing caregivers of their options regarding guardianship and GAP eligibility. The unit tripled the number of licensed kinship families between 2018 and 2020 and utilizes licensing waivers to overcome non-safety related requirements. Kinship care providers attend [Caring for Our Own](#) (offered by [Model Approach to Partnerships in Parenting](#)), a nine-week training and support group that provides information on trauma and federal guidelines for kinship care, and helps kinship caregivers develop strong relationships with the children in their care, the children's birth parents, and the helping network in their community. Many families that have completed the training stay in touch with one another and benefit from informal support networks.

responsibilities, financial and legal assistance, public benefits, health insurance, federal and state tax credits, caregiver successor planning and death benefits for children, and college and independent living. Similar [state-specific charts](#) are available for New Mexico, New York, Pennsylvania, Virginia, and Washington, and additional state charts are being developed in 2021. A database of [state-specific laws](#) is also available.

Naomi is resilient. I love her. I'm not in this just to give her a bed and hot meals. There's so much potential there. I'm in it to make this child better. I can't even imagine not having her.

— TANIA,
KINSHIP GUARDIAN

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- [Grandfamilies.org](https://www.grandfamilies.org) has additional resources and publications on guardianship, including a [brief on adoption and guardianship for children in kinship foster care](#), [state fact sheets](#), [financial assistance](#), and [subsidized guardianship](#).
- The Quality Improvement Center for Adoption and Guardianship Support and Preservation's [Permanency Continuum Framework](#) is a guide for proactively addressing and responding to needs that arise in planning for and maintaining adoption and guardianship to ensure stability and well-being.

To learn more, visit [Questions from the field](#) at [Casey.org](https://www.casey.org).

- 1 Tania and Naomi are not the actual names of the aunt and niece featured in this brief. The names were changed in order to respect the family's privacy.
- 2 Based on interviews with Crystal Ward Allen, Senior Director of Strategic Consulting, Casey Family Programs, September 10, 2020; Ana Beltran, Co-Director, Generations United's National Center on Grandfamilies, Nicole Dobbins, Child Welfare Partnerships Advisor, Casey Family Programs, Heidi Redlich Epstein, Director of Kinship Policy, ABA Center on Children and the Law, Steven Olender, Senior Policy Associate, Child Welfare and Mental Health, Children's Defense Fund, Cindy Santos, National Partnerships Advisor, Casey Family Programs, and Stefanie Sprow, Director of Child Welfare Policy, Children's Defense Fund, September 14, 2020; Erin Baluyot, Project Manager, Casey Family Programs, Pam Bookhart, Social Worker Supervisor, Catawba County Government, N.C., Debbie Dunn, Program Administrator, Child Welfare, Catawba County, Crissy Triplett, Program Manager, Child Welfare, Catawba County, October 14, 2020; Carl Ayers, Senior Director of Strategic Consulting, Casey Family Programs, Diane Pluck, Fiscal Officer, Westmoreland County Children's Bureau, Shara Savekikis, Executive Director, Westmoreland County Children's Bureau, November 17, 2020; Kari Brock, Program and Policy Analyst, Wisconsin Department of Children and Families (DCF), Emily Erickson, Child Welfare Program and Policy Section Chief, Wisconsin DCF, Moe Green, Social Worker, Wisconsin DCF, Holly Telfer, Kinship Care Specialist, Wisconsin DCF, and Lindsay Wood, Program and Policy Analyst, Wisconsin DCF, December 9, 2020; Tania Scott, Kinship Guardian, North Carolina, January 7, 2021.
- 3 State-funded GAP programs, while not required to follow federal guidelines, generally do so.
- 4 Congress has appropriated four consecutive years of Title IV-B funding, three years of which have been disseminated to all states, tribes, and territories that applied to develop, enhance, or evaluate their kinship navigator programs. As of April 2021, the Administration for Children and Families has not yet issued guidance on the 2021 appropriation, but it will resemble the application process described in the 2020 [guidance](#). The [Consolidated Appropriations Act, 2021](#), also provides for additional flexibility from April 2020 through September 2021 in response to the COVID-19 pandemic, allowing 100% federal reimbursement for all kinship navigator programs that are or will be in the process of being evaluated for building an evidence base to later meet the requirements established in Family First.
- 5 Adoption and Foster Care Analysis and Reporting Data (AFCARS) made available by the National Data Archive on Child Abuse and Neglect Data and analyzed by Casey Family Programs staff, January 25, 2021.
- 6 Littlewood, K. (2015). Kinship Service Network Program: Five year evaluation of family support and case management for informal kinship families. *Children and Youth Services Review*, 52, 184-191.
- 7 Littlewood, K., Cooper, L., & Pandey, A. (2020). Kinship and placement stability for the Children's Home Network kinship navigator program. *Child Abuse and Neglect*, 106, 104506.
- 8 As of January 2021, the monthly kinship care payment rate in Wisconsin is \$254. This payment rate is 47% to 100% of the state's monthly basic foster care maintenance payments, which differ based on child age and resource family level of care certification. In addition to the basic foster care maintenance payment, foster care payments also can include a supplemental rate and an exceptional rate based on the needs of the child.

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