

LOUISIANA

Subsidized Guardianship



Subsidized Guardianship Overview

Subsidized guardianship is an option that allows children to live permanently with grandparents and other relatives when they cannot live with their own parents and when adoption is not a viable option. Although they vary from state to state, in general subsidized guardianship programs are intended either to help children exit the child welfare system into safe and permanent homes with relatives, or to keep children from unnecessarily entering the system in the first place when they are already living safely with grandparents or other relatives. This option is available in some states to children whose caregivers have obtained legal guardianship or permanent custody through existing state laws. Subsidized guardianship provides grandparents and other relative caregivers with the legal authority to make important decisions on behalf of the children in their care without government intervention while providing critical funds to help meet the basic needs of the children when they cannot return home. Subsidized guardianship payments may be equal to the state foster care rate, the TANF rate, or somewhere in between.¹

The states that have implemented subsidized guardianship programs recognize that in certain family situations, guardianship or permanent custody might be the best permanence option available when children cannot return home. Subsidized guardianship arrangements are particularly important for children raised by grandparents or other relatives because they:

- Enable families to maintain bonds with the birth parent(s) who may have a physical or mental disability that makes them unable to care safely for the children in their own home;
- Honor the wishes of many older children who may not wish to be adopted and/or to break ties with their birth parents;
- Allow birth parents who may one day be able to resume caregiving activities to regain custody of the child with the oversight and approval of the courts and/or child welfare agency
- Respect the cultural norms existent in many cultures where terminating parental rights defies important societal norms of extended family and mutual interdependence;

- Provide the courts with the flexibility to limit or expand the legal guardian's and parents' authority as necessary to best serve the changing needs of individual children, their caregivers, and birth parents;
- Limit ongoing state oversight and intervention in the lives of grandparents and other relatives who are ready to care permanently for the children in their homes, but for whom adoption and reunification have been ruled out, as permanency options.²

Louisiana's Kinship Care Subsidy Program

Louisiana's Kinship Care Subsidy Program (KCSP) provides cash assistance and other services for eligible children living safely with grandparents or other relatives. This program is intended to support grandparents and other relatives who are providing permanent homes for the children in their care, and to prevent the unnecessary entry of these children into the child welfare system. Louisiana's Department of Social Services, Office of Family Support implemented KCSP on March 1, 2000, as a result of legislation passed during the 1999 Louisiana State Legislature. The amount of the subsidy is \$222 per month, which is roughly half of Louisiana's state foster care rate and \$100 more than the state's TANF child-only grant. State TANF funds are used to finance KCSP.

The following children are eligible for KCSP:

- A child who lives in the home of one of the following qualified relatives (either biological or adoptive): grandfather or grandmother (extends to great-great-great), brother or sister (including half), uncle or aunt (extends to great-great), stepfather, stepmother, stepbrother, stepsister, first cousin, including first cousin once removed, and nephew or niece (extends to great-great), or the legal spouse of the above-listed relatives.
- A child who is not currently in the child welfare system, or for whom no monthly payments are currently being made.³

- A child who is under 19 years old⁴ and has an income of less than \$222 per month.
- A child who is a resident of Louisiana and a United States citizen or qualified alien.⁵

Requirements for Relatives to Access Louisiana's KCSP:

- The qualified relative must provide immunization records for each child under 18 living in the household.
- The qualified relative must possess or obtain within one year of certification, either legal custody or guardianship as granted by a court or provisional custody in the form of a notarized document by the child's parent(s) of the eligible child who is living in the home.
- The family's annual income must be less than 150% of the federal poverty threshold.
- The qualified relative must cooperate with Support Enforcement Services in obtaining child support for the child unless good cause is established.
- The qualified relative must not have been convicted of or released from incarceration for a felony of possession, use, or distribution of a controlled substance within the past year.
- The qualified relative must furnish or apply for a social security number for the child.
- The parent(s) of the child must not live in the home of the qualified relative.⁶

In Order to Apply for KCSP:

- The grandparent or other qualified relative with whom the child lives may apply for assistance at any Office of Family Support (OFS) parish office in the state of Louisiana. The OFS Family Assistance office conducts an interview with the caregiver to obtain verification of eligibility.
- The caregiver fills out the same form that is filled out when applying for TANF or food stamps.
- A decision is typically made within 30 days.⁷

The following documents are needed for the application process:

- Verification of the child's age (i.e., a birth certificate or baptismal record)
- Copy of the court-awarded or notarized provisional custody or guardianship documents
- Verification of income of all family members (including the child), including but not limited to Social Security, Supplemental Security Income (SSI), veteran's benefits, Railroad Retirement, child support, wages, and other regular income

- Immunization records for each child under 18 in the household
- Social security card or proof of application of a social security number for the child.⁸

For more information about KCSP and its application process, contact Martha Walton, Program Specialist, Department of Social Services at (225) 342-4069 or mwalton@dss.state.la.us or visit www.dss.state.la.us/departments/ofs/Kinship_Care_Subsidy_Program.html

Conclusion

KCSP is currently helping to keep over 8,500 Louisiana children in permanent homes and out of the formal foster care system by providing financial assistance to the grandparents and other relatives caring for them. However, there are many children within the formal foster care system who are living in safe and loving homes with relatives who are willing to care for them long term but are unable to exit foster care to permanent placements because critical financial resources would not be available to meet the child's needs. Financial assistance such as that provided through subsidized guardianships is needed to help these families.

For information about pending legislation affecting subsidized guardianships, visit Generations United's website at www.gu.org or call 202-289-3979.

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Generations United (GU) is the only national membership organization focused solely on improving the lives of children, youth, and older people through intergenerational strategies, programs, and policies. For further information, please contact: Generations United (GU), 1333 H Street, N.W., Suite 500W, Washington, D.C. 20005 (202) 289-3979, Fax: (202) 289-3952; e-mail: gu@gu.org. The GU web site at www.gu.org contains additional information about grandfamilies.



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¹ Children's Defense Fund. "States' Subsidized Guardianship Laws at a Glance." Children's Defense Fund, 2004.

² Bissell, Mary and Miller, Jennifer (eds). "Using Subsidized Guardianship to Improve Outcomes for Children: Key Questions to Consider." Children's Defense Fund and Cornerstone Consulting Group, 2004.

³ A child may still be technically in the custody of the Office of Community Services as long as no foster care payments are being made. The caregiver has 12 months to obtain custody and can receive KCSP payments during that time (M. Walton, e-mail, May 19, 2005).

⁴ Children ages 16-18 who are enrolled in KCSP must participate in the Family Independence Work Program unless exempt under the agency's criteria.

⁵ Louisiana Department of Social Services official website, Office of Family Support section, Kinship Care Subsidy Program description at http://www.dss.state.la.us/departments/ofs/Kinship_Care_Subsidy_Program.html.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid.*