

ALL CHILDREN DESERVE A PERMANENT HOME:

*Subsidized Guardianships as a
Common Sense Solution for Children in
Long-Term Relative Foster Care*



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ACKNOWLEDGEMENTS

This publication highlights some recently compiled AFCARS¹ data by Elliott G. Smith at the National Data Archive on Child Abuse and Neglect at Cornell University. This new data shows the foster care system's significant reliance on relatives throughout the United States. It also illustrates the need for another permanency option – subsidized guardianship -- for children for whom reunification with parents or adoption is not viable. Special thanks to Mr. Smith, in addition to Mark Testa at Fostering Results for his help in compiling this data. Thanks also go to Ana Beltran for preparing this publication and to Jaia Peterson Lent for directing Generations United's work in this area. The development and printing of this publication are made possible by support provided by The Pew Charitable Trusts.

ABOUT GENERATIONS UNITED

Generations United (GU) is the national membership organization focused solely on improving the lives of children, youth, and older people through intergenerational strategies, programs, and public policies. GU represents more than 100 national, state, and local organizations and individuals working on behalf of more than 70 million Americans. Since 1986, GU has served as a resource for educating policymakers and the public about the economic, social, and personal imperatives of intergenerational cooperation. GU acts as a catalyst for stimulating collaboration between aging, children, and youth organizations, providing a forum to explore areas of common ground while celebrating the richness of each generation.



Since 1997, one of GU's main initiatives has been its work to support relative caregivers and the children they raise. GU's National Center on Grandparents and Other Relatives Raising Children seeks to improve the quality of life of these caregivers and the children they are raising by addressing the unique needs of each generation. It provides a wide variety of resources, technical assistance, and training to service providers and professionals across the country, and educates policymakers on the importance of adopting intergenerational public policies and programs.

ABOUT THIS PROJECT

GU's "Uniting Generations to Support Children in Foster Care" project, funded by The Pew Charitable Trusts (the Trusts), is raising awareness about the need for federal guardianship assistance to support older Americans raising children in foster care and for improved court oversight of foster care. In December 2005, the Trusts awarded GU a second grant as part of its national foster care initiative to help move children in foster care more quickly and appropriately to safe, permanent families and to prevent the unnecessary placement of children in foster care. In May 2004, the Pew Commission on Children in Foster Care (Pew Commission) recommended changes to address the reasons why children languish in foster care: (1) federal financing incentives favor foster care over



other services and options, and (2) state and local courts frequently lack the tools and information needed to oversee foster care cases. As part of its foster care initiative, the Trusts is partnering with GU and other organizations to raise awareness of the Pew Commission's recommendations and to encourage support for them. For further information about these recommendations and a complete copy of the Pew Commission's Report entitled *Fostering the Future: Safety, Permanence, and Well-Being for Children in Foster Care*, visit <http://pewfostercare.org>

ABOUT THE PEW CHARITABLE TRUSTS

The Pew Charitable Trusts serves the public interest by providing information, policy solutions, and support for civic life. Based in Philadelphia with an office in Washington, D.C., the Trusts will invest \$204 million in fiscal year 2006 to provide organizations and citizens with fact-based research and practical solutions for challenging issues.

More information about The Pew Charitable Trusts is available at www.pewtrusts.org.

The opinions expressed in this report are those of the authors and do not necessarily reflect the views of The Pew Charitable Trusts.

INTRODUCTION

Andreah, now age 28, lived with her parents and grandparents until she was 8. Her mother and father began abusing drugs and Andreah was removed from their care. Andreah's grandparents didn't step forward to take care of her because they didn't have the financial resources. She was placed in an unrelated foster home and later her younger siblings were placed with her. After a court terminated their mother's rights, her younger siblings were adopted by these foster parents. Andreah was not.

Andreah was then moved to another foster home. The social workers and her foster family pushed for Andreah's father's rights to be terminated. He was in prison. Andreah didn't want his rights terminated, but instead wanted to maintain a relationship with him and her birth mother. But Andreah's desire to maintain a relationship with her mother and father was not acceptable to her foster parents. They told her "it's all or nothing" and gave her an ultimatum...either be adopted or leave.

Andreah left, and moved through fourteen or so different placements. Finally when she was emancipated, she was able to live with her beloved grandparents and have a relationship with both her parents. Had a subsidized guardianship program been available, Andreah may have enjoyed a childhood of safety, stability, and permanence with her grandparents and siblings.



Unfortunately, Andreah's situation is not unique. Without financial assistance and support, grandparents and other relatives may not be able to care for the children they love who, through no fault of their own, are in the foster care system. This publication presents new data showing the foster care system's significant reliance on relatives, and highlighting the need for federally funded subsidized guardianships as another permanency option for children for whom reunification with parents or adoption is not viable.

Roughly one-quarter of all children in foster care are living in grandfamilies. "Grandfamilies" are families in which grandparents or other relatives are primarily responsible for caring for children who live with them. About 20,000 children have lived for a year or more in grandfamilies in the foster care system, but they cannot leave the system because they do not have any other options. A court has ruled that reunification with the parents or adoption is not feasible. The relative caregivers often cannot afford to give up the financial assistance that foster care provides for these children they did not expect to raise. So, despite the fact that the children are in loving, safe homes, the children and their relative caregivers remain in the system. They have to routinely meet with social workers and judges who could at any time remove a child from the relative's care. Because the state has legal custody of the child and is the only legally recognized decision-maker, the caregiver and child have to get permission for ordinary childhood activities that most of us take for granted. If the child wants to sleepover at a friend's house or go on a school field trip, the caregiver and child have to get prior approval from the state. Because these grandfamilies have no options but to remain in the system, the number of children in foster care is inflated, and expensive and routine administrative and court costs have to be paid for by taxpayers.

"I was ready to make a permanent commitment to my grandson but I was still going to be his grandmother, I was never going to be his mommy."

— GRANDMOTHER
RAISING GRANDSON²

*“There’s real love
there.”*

JANAY, 21, ABOUT
BEING RAISED IN HER
GRANDMOTHER’S HOME

Subsidized guardianship programs solve these problems. They allow children to safely exit the system into guardianships with their relatives, and provide monthly financial assistance for the care of the children. The children get a permanent, safe home with their loving grandparents, aunts, uncles or other relatives. More than half of the states have a subsidized guardianship program, which they finance on their own through state and/or federal sources or an expired federal waiver program that allows eleven states to use federal child welfare monies for this purpose. Despite the proven success of subsidized guardianships and the fact that guardianship is recognized as a permanency option in federal law, the federal government does not provide reimbursements for all states to have these programs. This leaves many programs vulnerable to cut backs or elimination in times of state budget shortfalls. In most states, the federal government's child welfare funds can only be used to pay for foster care and for adoption assistance for children who are adopted out of foster care. These federal financing policies are effectively discouraging subsidized guardianship programs and encouraging the 20,000 children to remain in the more costly foster care system. After all, what is the incentive for a state to move a child from a system where they are helped with expenses to a program it frequently must finance on its own?

Generations United (GU) is pleased to present this report highlighting the importance of subsidized guardianship programs as a tool for creating permanent, safe, and loving families for children in foster care. GU supports the recommendation of The Pew Commission on Children in Foster Care (Pew Commission) – a nationally renowned, non-partisan panel of child welfare experts – proposing that federal guardianship assistance be available to all children who leave foster care to live with a safe, legal guardian when reunification with parents or adoption is not a viable permanency option. The Pew Commission’s recommendation would help ensure the well-being of thousands of children by allowing them to exit foster care into the care of loving relatives.

NEW DATA ON CHILDREN IN RELATIVE FOSTER CARE

In the United States, 533,744 children are in foster care, and almost a fourth of these children – 125,688 – live with relatives.³ The percentage of children in relative foster care is even more dramatic when children in institutional and group settings are excluded. In that case, if we consider only the universe of children placed in non-relative or relative family foster homes, then about one-third – 33.8 percent – of children are living with relatives.

Even though these percentages are high, it is very possible that children placed with relatives are underrepresented. The available federal foster care data have several limitations related to how information about children living with relatives is collected. First, although this has been steadily improving, the states may report the data in slightly different ways, which can contribute to some inconsistencies. Second, in some states children must receive foster care stipends to be counted and some children living with relatives do not receive this assistance. Third, many states do not distinguish between licensed relative foster parents and other licensed foster parents, so children placed with relatives would not appear as such in this data. Fourth, children who are placed with relatives through a voluntary placement agreement may not be counted at all.

**TABLE 1: Number of Foster Children Living with Relatives³
(Three-year average 2001-2003)**

Compared with total number of children living in family foster care settings, excluding institutions, group homes and other settings

	Number Living with a Relative	Total Number Living with Families*	Percent Living with a Relative
Alabama	748	3,949	18.9%
Alaska	586	1,450	40.4%
Arizona	1,851	4,192	44.2%
Arkansas	102	2,011	5.1%
California	34,803	72,781	47.8%
Colorado	1,010	4,715	21.4%
Connecticut	690	4,008	17.2%
Delaware	95	598	15.8%
District of Columbia	618	2,185	28.3%
Florida	14,171	26,634	53.2%
Georgia	2,348	9,166	25.6%
Hawaii	1,086	2,560	42.4%
Idaho	181	968	18.7%
Illinois	8,312	19,037	43.7%
Indiana	1,205	6,704	18.0%
Iowa	38	2,777	1.4%
Kansas	843	3,982	21.2%
Kentucky	723	4,863	14.9%
Louisiana	570	3,413	16.7%
Maine	233	2,116	11.0%
Maryland	4,172	8,687	48.0%
Massachusetts	2,059	7,599	27.1%
Michigan	6,290	15,102	41.7%
Minnesota	1,433	5,309	27.0%
Mississippi	561	1,634	34.3%
Missouri	2,827	7,175	39.4%
Montana	643	1,624	39.6%
Nebraska	752	3,031	24.8%
Nevada	223	991	22.5%
New Hampshire	146	935	15.6%
New Jersey	907	8,380	10.8%
New Mexico	376	1,386	27.1%
New York	6,959	25,139	27.7%
North Carolina	1,866	6,140	30.4%
North Dakota	173	719	24.1%
Ohio	3,617	15,829	22.9%
Oklahoma	2,492	7,070	35.2%
Oregon	1,812	6,367	28.5%
Pennsylvania	4,153	14,846	28.0%
Rhode Island	522	1,245	41.9%
South Carolina	251	3,237	7.8%
South Dakota	252	959	26.2%
Tennessee	817	5,318	15.4%
Texas	3,599	13,536	26.6%
Utah	80	1,217	6.5%
Vermont	145	897	16.2%
Virginia	252	4,620	5.5%
Washington	2,962	7,997	37.0%
West Virginia	145	1,927	7.5%
Wisconsin	2,249	7,445	30.2%
Wyoming	127	463	27.4%
Puerto Rico	2,594	6,657	39.0%
Total	125,668	371,588	33.8%

*"Living with Families" includes both relative and non-relative family foster care settings, and excludes institutional, group homes or other settings.

**TABLE 2: Number of Foster Children Living with Relatives
(Three-year average 2001-2003)**

Compared with total number of children living in all foster care settings, including non-relative families, group homes and other settings

	Number Living with a Relative	Total Number Living in Foster Care	Percent Living with a Relative
Alabama	748	5,940	12.6%
Alaska	586	2,035	28.8%
Arizona	1,851	6,564	28.2%
Arkansas	102	2,977	3.4%
California	34,803	101,627	34.2%
Colorado	1,010	8,367	12.1%
Connecticut	690	6,730	10.2%
Delaware	95	908	10.4%
District of Columbia	618	3,251	19.0%
Florida	14,171	31,706	44.7%
Georgia	2,348	13,301	17.7%
Hawaii	1,086	2,771	39.2%
Idaho	181	1,254	14.4%
Illinois	8,312	24,718	33.6%
Indiana	1,205	8,641	13.9%
Iowa	38	5,150	0.7%
Kansas	843	6,127	13.8%
Kentucky	723	6,625	10.9%
Louisiana	570	4,798	11.9%
Maine	233	3,103	7.5%
Maryland	4,172	12,037	34.7%
Massachusetts	2,059	12,229	16.8%
Michigan	6,290	21,174	29.7%
Minnesota	1,433	7,852	18.2%
Mississippi	561	2,980	18.8%
Missouri	2,827	12,774	22.1%
Montana	643	1,929	33.3%
Nebraska	752	6,241	12.0%
Nevada	223	3,283	6.8%
New Hampshire	146	1,265	11.5%
New Jersey	907	11,636	7.8%
New Mexico	376	1,914	19.6%
New York	6,959	40,395	17.2%
North Carolina	1,866	9,730	19.2%
North Dakota	173	1,201	14.4%
Ohio	3,617	20,648	17.5%
Oklahoma	2,492	8,893	28.0%
Oregon	1,812	9,149	19.8%
Pennsylvania	4,153	21,499	19.3%
Rhode Island	522	2,385	21.9%
South Carolina	251	4,829	5.2%
South Dakota	252	1,448	17.4%
Tennessee	817	9,508	8.6%
Texas	3,599	21,094	17.1%
Utah	80	2,005	4.0%
Vermont	145	1,439	10.1%
Virginia	252	7,007	3.6%
Washington	2,962	9,328	31.8%
West Virginia	145	3,529	4.1%
Wisconsin	2,249	8,688	25.9%
Wyoming	127	983	12.9%
Puerto Rico	2,594	8,080	32.1%
Total	125,668	533,744	23.5%

TABLE 3: WHERE FOSTER CHILDREN LIVE

(THREE-YEAR AVERAGE 2001-2003)

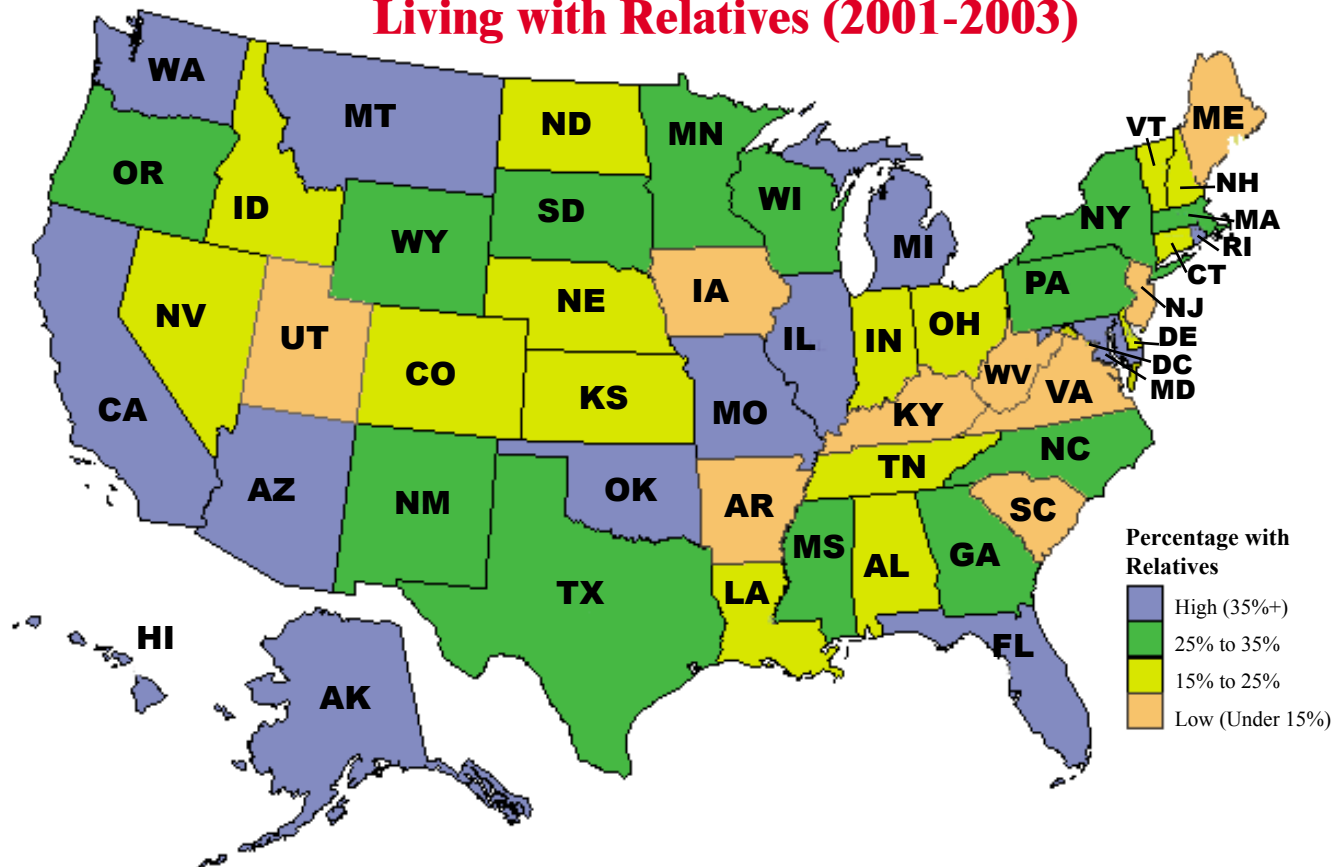
Placement Setting	Number	Percent
Pre-adoptive home	23,614	4.4%
Foster home, relative	125,668	23.5%
Foster home, non-relative	245,920	46.1%
Group home	44,763	8.4%
Institution	53,820	10.1%
Supervised independent living	5,436	1.0%
Runaway	9,556	1.8%
Trial home visit	19,255	3.6%
Unknown	5,711	1.1%
Total	533,744	100.0%

Children in foster care in the United States live in a variety of settings. Some children are placed with non-relative families and others live with relatives in their home. In order to most fairly represent the context for subsidized guardianship as a possible solution for some children to exit foster care when reunification or adoption is not possible, this report primarily compares children living with relative families in foster care with children living with non-relative families in foster care. However, it is important to note that more than 30 percent or 162,156 children live in non-family settings, such as group homes, institutions, on their own or in temporary home placements. Nearly 10,000 children are listed as runaways, and for nearly 6,000 children, their living arrangements are listed simply as "unknown."

As shown in Tables 1 and 2, some states rely more heavily on relatives to provide foster care than others. Some states have policies requiring child welfare professionals to look for relatives, give placement preference to relatives, and/or provide identical supports to relatives and non-relatives. In many cases, relying on relatives makes sense. Studies demonstrate that relative caregiving produces positive results for children in foster care. Children in grandfamilies have more stable placements and are less likely to re-enter care than children placed with non relatives.⁴

At least 20,000 of the children in relative foster care should no longer be in the system.⁵ A court has determined that these children cannot be safely returned to their parents and that adoption is not viable. Yet, they remain for years in long-term foster care with relatives, many because they have no other options.⁶

Percentage of Family Foster Care Population Living with Relatives (2001-2003)



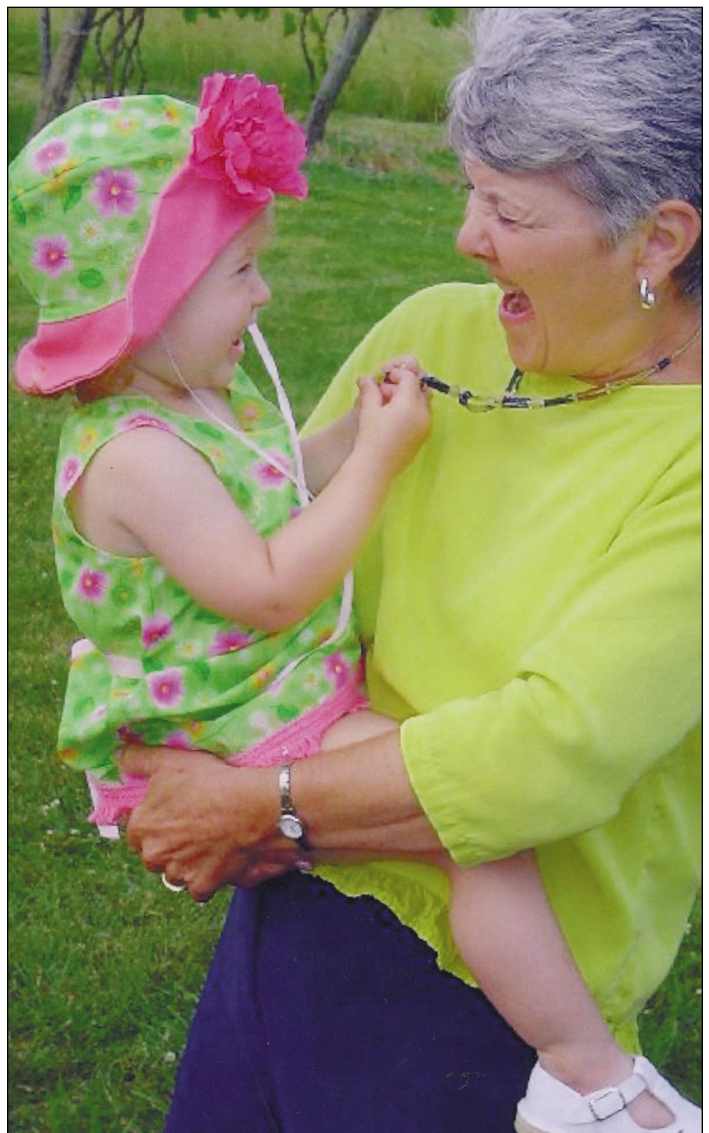
This map, courtesy of Mark Testa of Fostering Results, highlights the data from Table 1. It illustrates the state by state percentages of foster children living with relatives compared with the total number of children living in all non-related and related family foster care settings. The data highlighted on the map excludes other foster care placement settings, such as institutions and group homes.

SUBSIDIZED GUARDIANSHIPS AS ANOTHER PERMANENCY OPTION

Where available, subsidized guardianship programs have proven to be a common sense solution for foster children, making their successful living arrangements with grandfamilies permanent, in accordance with the goals of the federal Adoption and Safe Families Act. Children and families benefit from having subsidized guardianship programs as another permanency option. The relative caregiver obtains guardianship of the child only if a judge determines that adoption and reunification with the parents have been ruled out and guardianship is in the child's "best interest." If granted, the caregiver has the necessary legal authority to consent to the child's school activities, health care, and other everyday events without unnecessary and costly government oversight. The family continues to receive some monthly financial help for the child's expenses, and the only other state involvement typically remains an annual review to ensure that the child is still living with the relative caregiver in a safe and loving home.

Guardianship is an important permanency option to have available, especially for grandfamilies. Adoption may not be viable for some relatives. It changes family dynamics. Adopting relatives turns aunt, brother or grandma into "a parent" in the eyes of the law, permanently altering the identity of the birth mom and dad. Adoption terminates all parental rights, which may not be appropriate in some situations. For example, it may not be wise to terminate parental rights for a severely disabled parent who physically cannot parent, but wants to remain in the lives of the children who love her. Guardianship also respects centuries of tradition in many cultures – including African-American and American Indian – of caring for related children without changing family relationships.

Although the Adoption and Safe Families Act recognizes both guardianships and adoptions as avenues for creating permanence for children to exit long-term foster care, the federal government does not fund guardianships the way it does adoption assistance or long-term foster care. Instead, the 35 states and the District of Columbia that have subsidized guardianship programs finance them through a hodgepodge of state and/or federal sources that may not be available from one year to the next.⁷ On the other hand, the federal government provides a consistent source of funding for long-term foster care and adoption assistance through Title IV-E of the Social Security Act, thereby ensuring stability for these important programs. Previously, eleven states were able to apply for and obtain federal waivers allowing them to use Title IV-E funds to pay for subsidized guardianship programs. Waiver authority, however, is no longer available; it expired on March 31, 2006. This financing situation creates a strong disincentive for states to move children from a foster care system with reliable federal funds to a subsidized guardianship



program that may not continue to be funded. As a result, children for whom adoption and reunification are not possible are languishing in the foster care system – thereby inflating its numbers – and the federal government is effectively limiting permanence for them.

In addition to hurting children and families, these federal financing decisions do not make economic sense. In most cases, subsidized guardianship placements can be supported at less expense to taxpayers because there are fewer administrative costs than with managing and overseeing an open foster care case.⁸ Caseworkers, judges, and child welfare agencies are being paid for their time and expenses doing frequent home visits and reviews that are not necessary for these safe and stable grandfamilies. These costs are well spent to protect other children placed in short-term living arrangements where success and safety must be monitored, but not in successful long-term living arrangements where other options have been ruled out.

California⁹ and Illinois¹⁰ are excellent examples of states that have used their subsidized guardianship programs to transition more children to permanence. Each program has contributed significantly to its state's reduction of children in long-term foster care. Between 1999 and 2003, the number of foster children living with relatives for more than 12 months decreased by 45.5 percent in Illinois and by 65.2 percent in California. More states can accomplish this too if subsidized guardianships become one of the permanency options funded by the federal government.

TABLE 4: ESTIMATED NUMBER OF FOSTER CHILDREN LIVING IN RELATIVE HOMES FOR 12 MONTHS OR MORE AND IN STATE CUSTODY FOR 17 OUT OF 22 MONTHS WITH NEITHER A GOAL OF REUNIFICATION NOR ADOPTION AS OF SEPTEMBER 30, 1999, 2001 AND 2003.¹¹

State	Children in Relative Homes 12+ months 1999	Children in Relative Homes 12+ months 2001	Children in Relative Homes 12+ months 2003	Percent Change from 1999 to 2001	Percent Change from 1999 to 2003
California	23,301	13,320	8,104	-42.8%	-65.2%
Illinois	3,610	2,100	1,967	-41.8%	-45.5%

CONCLUSION

At ages 15 and 5, social services removed Janay and her little sister, Spring, from their mother's house. Mom was addicted to drugs. Janay, at 15, told the social workers to call her grandmother, and she stepped up to raise them. In foster care for three years, the family had to get permission for everything. If Spring wanted to go to a friend's slumber party, social workers had to talk to the friend's parents and ask them to complete criminal background checks. Instead of facing that enormous embarrassment, Spring didn't go to the parties. The family wanted permanence, but living on a modest retirement income, the grandmother needed financial support to help raise her granddaughters.

Thanks to KinGAP, the subsidized guardianship program in California, Spring was able to exit the system. Although Janay was 18 and emancipated at the time, she credits the program with her families' success, as does Grandma. Along with permanence and financial help came a more "normal" life.

The family's positive experience with subsidized guardianship eventually led the grandmother to adopt. Now, six years later, Grandma is raising 11 year old Spring, and Janay is planning to get a master's degree in social work.



Like Spring and her grandfamily, subsidized guardianships have the potential to help many more. As highlighted by the Pew Commission's recommendation, federal guardianship assistance should be available to all children who leave foster care to live with a permanent, legal guardian. For up to date information and ideas on how you can help, please visit GU's website at www.gu.org.

It is common sense. All children deserve a permanent home.



ENDNOTES

¹ Adoption and Foster Care Analysis and Reporting System

² Pew Commission on Children in Foster Care (2004). *Fostering the Future: Safety, permanence and well-being for children in foster care*. Washington, D.C., p. 22.

³ The state-level data in Table 1 and 2 were summarized from case-level data submitted to the Adoption and Foster Care Analysis and Reporting System (AFCARS) for federal fiscal years 2001-2003. AFCARS is a federally-mandated data collection effort for which all states submit information regarding each child in their foster care system. For each year, three counts were generated from the population of foster children in care on the last day of the fiscal year, September 30. For each state, the total number of children in out of home care, including all possible placement settings, were counted. The number of children living in family foster homes was also computed, and finally, the subset of children in family foster homes who were living with a relative was counted. From these counts, the percent of children in family foster care who were living with a relative and the percent of all out of home foster children who were living with a relative were computed. To smooth year-to-year variation and simplify presentation, the counts and percentages for each state, DC, and Puerto Rico were averaged over the three year period and appear in the table.

⁴ Cuddeback, G.S. (2004). Kinship Family Foster Care: A Methodological and substantive synthesis of research. *Children and Youth Services Review*, 26(7), 623-39.

⁵ Fostering Results (2004). *Family Ties: Supporting permanence for children in safe and stable foster care with relatives and other caregivers*. Retrieved April 9, 2006, from <http://www.fosteringresults.org/results/reports.htm>. This 20,000 number comes from 2002 AFCARS data.

⁶ Ibid. 77 percent of children who have been in long-term relative foster care have been living in the same relative home for a year or more, and 27 percent for four years or more.

⁷ In addition to their own funds, states may use federal sources, such as Temporary Assistance for Needy Families (TANF) funds and Title XX of the Social Security Act (the Social Services Block Grant), to finance their subsidized guardianship programs.

⁸ Fostering Results (2004). *Family Ties: Supporting permanence for children in safe and stable foster care with relatives and other caregivers*. Retrieved April 9, 2006, from <http://www.fosteringresults.org/results/reports.htm>.

⁹ California's KinGAP program began in January 2000 and is funded with state block grant funds from the federal "welfare" program, known as Temporary Assistance for Needy Families (TANF).

¹⁰ Since May 1997, Illinois has had a Title IV-E federal waiver, which funds its subsidized guardianship program.

¹¹ This data was provided by Mark Testa of Fostering Results and comes from an analysis of AFCARS data for the relevant years. The indicator, 17 of the most recent months was used rather than the statutory time frame for initiating termination of parental rights proceedings at 15 of the most recent 22 months. The AFCARS system cannot determine the dates the child is considered to have entered foster care as defined in the regulation, so we used the outside date for determining the date the child is considered to have entered foster care, which is 60 days from the actual removal date.



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