

# Every Child Deserves A Permanent Family:

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

Featuring New Data on Latino Foster Children



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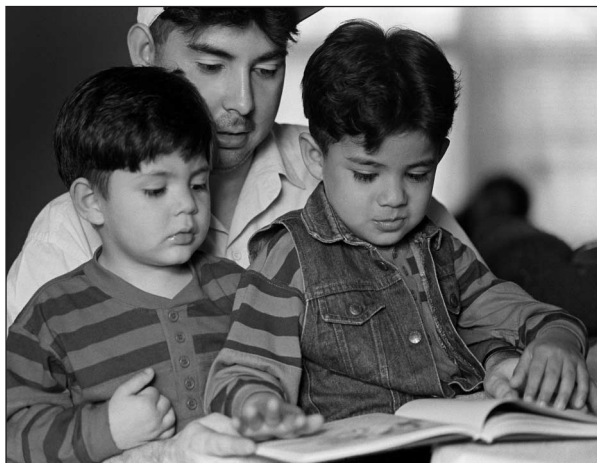
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## ACKNOWLEDGEMENTS

This publication highlights some recently compiled AFCARS<sup>1</sup> data by Elliott G. Smith and Michael Dineen 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 and Mr. Dineen, in addition to Mark Testa at Fostering Results for his help in compiling this data. Thanks to Ernesto Loperena and Roxanna Martinez for reviewing this publication. 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 2006, the Trusts awarded GU a third 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



Ray Moore

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 ([www.pewtrusts.org](http://www.pewtrusts.org)) is driven by the power of knowledge to solve today's most challenging problems. Pew applies a rigorous, analytical approach to improve public policy, inform the public and stimulate civic life. We partner with a diverse range of donors, public and private organizations and concerned citizens who share our commitment to fact-based solutions and goal-driven investments to improve society. More information about The Pew Charitable Trusts is available at [www.pewtrusts.org](http://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

In March of 2003, then 33 year-old Patty got a call from a Child Protective Services worker informing her that her 20-month old nephew, José Alejandro, had been removed from his home alongside his three older siblings. The boyfriend of José Alejandro's mom had been abusing the children both physically and emotionally and as Patty later learned, her sister, the children's mother, had ignored this situation for a while. Living in a different California county from her sister (Monterey and Riverside), Patty was unaware that any of this was occurring. The children's mother was charged with neglect and endangerment of her four kids. The Child Protective Services worker told Patty in no uncertain terms that baby José Alejandro needed a home and Patty didn't hesitate one minute - she said she would take him.

Back at home, Patty's husband and their 3 children (now 18, 15, and 8 years old) didn't know that a new member would soon be joining the family. Since day one, José Alejandro (or Alex, as they also call him) was just another member of the family. Patty and her husband became his foster parents and eventually were able to secure guardianship while continuing to receive the financial support they needed through California's Kinship Guardianship Assistance Program (kin-GAP).

Today, José Alejandro is a well adjusted 5 yr-old who has a close relationship with his "cousins-siblings." He calls Patty "mom" and likes to go grocery shopping with her. He visits often with his birth mom, whom he refers to as "Momma Lulu", but after a few hours, he asks to go "home" - to Patty's house. Patty is extremely thankful for the help she receives through kin-GAP. By being designated as José Alejandro's legal guardian, Patty can access a wide array of services through kin-GAP. She greatly values the financial assistance she receives, but more important is the help she receives with things such as finding a school for José Alejandro and getting medical care for him. "Without kin-GAP", she says, "I don't know how we would manage to provide for José Alejandro. It's been a life saver for us."



Around the country, many grandparents and relatives are answering phone calls similar to the one Aunt Patty received about her nephew. As the child welfare system increasingly acknowledges the importance of familial ties in improving outcomes for children in foster care, they are turning to relatives to help. Unfortunately, many children and caregivers around the country do not receive the financial support and array of services that make it possible for Aunt Patty to provide a permanent home for Jose Alejandro. Why? Because most states do not have subsidized guardianship programs like the one in California that Patty's family was able to use. A legal guardianship transfers the custody of the child from the State, which has custody when a child is in foster care, to a caregiver, often a relative.

*"Without kin-GAP  
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for us."*

— PATTY, JOSÉ'S AUNT  
AND LEGAL GUARDIAN

*“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 GRANDSON<sup>2</sup>

Although the federal government puts a preference on adoption or guardianship when reunification with family has been ruled out, few federal dollars can be used to support guardianship. As a result, relatives will lose the federal assistance they need to provide adequate care if they become the child’s guardian. The states that do provide these programs have managed to cobble together a mix of state and/or federal funding, some of which may be vulnerable or unavailable in the future.

This publication presents new data showing the foster care system’s reliance on relatives in providing placement for foster children and, in particular, highlights the system’s slightly higher reliance on relatives among Latino families.<sup>3</sup> Latinos have a long and proud history of strong, extended family ties and these data reflect those connections. However, without guardianship programs, Latino children in foster care may languish in the foster care system unnecessarily when they might be placed permanently in the custody of their grandparents and other relatives who love them.

More than one-third of all Latino children in family foster care, and roughly one-quarter of all children in family foster care, live with their grandfamilies within the foster care system. “Grandfamilies” are families in which grandparents or other relatives are primarily responsible for caring for children who live with them. Life in foster care can be uncertain and bureaucratic. Children and their families 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 sleep over at a friend’s house, go on a school field trip, or take a family vacation out of state, the caregiver and child have to get prior approval from the state. Because these grandfamilies have no options but to remain in the system, children remain in care longer than necessary, and the administrative and court overhead are borne by the taxpayers.

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.

Federally funded subsidized guardianship is needed as another permanency option for all children, including Latinos, when reunification with parents or adoption is not possible. Nearly 20,000 children could leave foster care today for the permanent families they are already living with, if federal support for guardianship was available. 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 reimbursement for all states to have these programs. This leaves many programs vulnerable to cut backs or elimination in times of state budget shortfalls. These federal financing decisions discourage the use of subsidized guardianship programs causing children to languish in the more costly foster care system.

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 like Jose Alejandro by allowing them to exit foster care into the care of loving relatives. All children deserve a permanent home.

## LATINO CHILDREN IN FOSTER CARE

Approximately 18 percent (93,759) of foster children are Latino, which is about the same as their overall representation in the United States population of children. By comparison, only 40 percent (205,561) of the children in foster care are white, while they represent 59 percent of the child population.<sup>4</sup>

Latino children entering foster care are more likely to have health concerns due to a lack of adequate health care insurance in the time prior to entering foster care. According to the Urban Institute's 2002 National Survey of America's Families, more than two-thirds of the uninsured children in fair or poor health were Latino, yet Latino children accounted for less than one-fifth of all children in the United States.<sup>5</sup> National data shows that Latino children throughout the United States are more likely to be uninsured and in poor or fair health than non-Latino white children.<sup>6</sup>

Like other minority groups, Latino children are often placed in families of a different race or ethnicity than their own family of origin. Many child welfare agencies make efforts to place children in homes of similar cultural heritage; however, the availability of such placements is often limited. Children who had been surrounded by Spanish speakers are frequently placed in families where only English is spoken. This can create significant cultural confusion for the child and may make reunification with family more difficult.<sup>7</sup> Furthermore, placement with non-related, non-Latino families may also lead to loss of a of connection to other aspects of cultural heritage such as ethnic foods and family and community traditions.

Consider Lupe's story. A former foster youth whose family of origin is Latino, Lupe was placed in more than 10 non-Latino families during her 19 years in the system. She explains how cultural identity problems still affect her daily life: "My friends tease me because even though I am Latina I cannot handle eating spicy food and I had a really hard time in Spanish class."

These challenges point to a need for more culturally competent services with language-proficient service providers and the promotion of practices which recognize and support families' culturally-specific strengths.

## NEW DATA ON CHILDREN IN RELATIVE FOSTER CARE

In the United States, 523,565 children are in foster care, and almost a fourth of these children – 122,329 – live with relatives.<sup>8</sup> 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. The numbers are yet even more dramatic for Latino children. When we consider the universe of Latino children placed in non-relative or relative family foster homes, about 37.4 percent of those children are living with relatives.

Even though these percentages are high, it is 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.

**Figure 1**

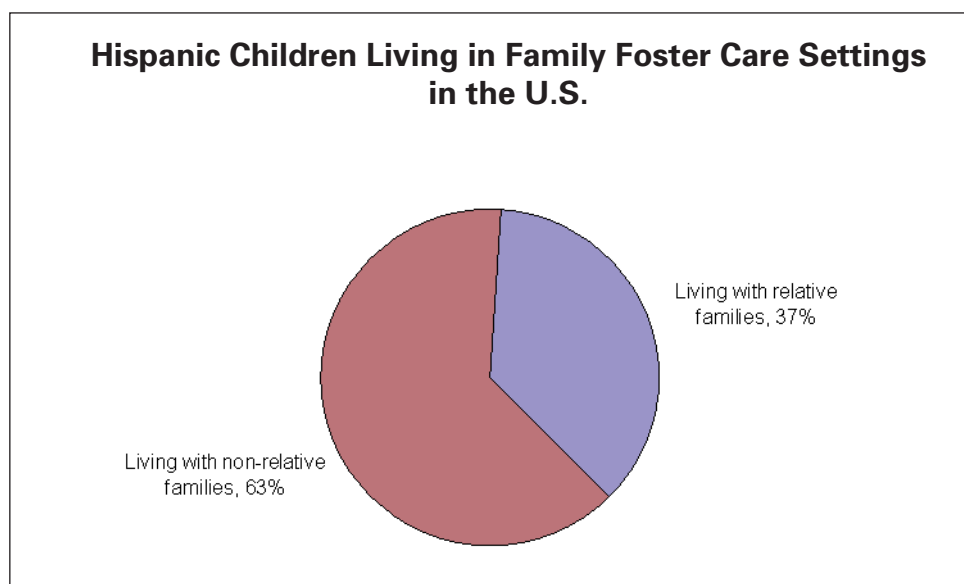


Figure 1 represents the percentage of Hispanic foster children living in a family setting with relatives or non-relatives. It excludes children living in institutions, group homes and other settings.



**TABLE 1: Number of Foster Care Children Living In Non-Relative Families and Relative Families (Three-year average 2002-2004)\***

Compared with total number of children living in family foster care settings, excluding institutions, group homes and other settings  
Children in Foster Care on last day of Federal Fiscal Year (Sep 30)

State	Number Living with a Relative	Total Number Living with Families**	Percent Living with a Relative
Alabama	767	3,729	20.6%
Alaska	568	1,414	40.2%
Arizona	2,285	4,849	47.1%
Arkansas	104	1,997	5.2%
California	32,328	68,740	47.0%
Colorado	1,177	5,153	22.8%
Connecticut	1,106	3,700	29.9%
Delaware	84	563	15.0%
District of Columbia	562	1,894	29.7%
Florida	13,572	25,809	52.6%
Georgia	2,167	10,173	21.3
Hawaii	1,130	2,651	42.6%
Idaho	215	1,077	19.9%
Illinois	7,356	16,909	43.5%
Indiana	1,190	7,160	16.6%
Iowa	37	2,822	1.3%
Kansas	952	3,984	23.9%
Kentucky	704	4,955	14.2%
Louisiana	564	3,275	17.2%
Maine	306	1,909	16.0%
Maryland	3,912	8,268	47.3%
Massachusetts	2,093	7,483	28.0%
Michigan	6,379	14,876	42.9%
Minnesota	1,485	5,126	29.0%
Mississippi	555	1,605	34.6%
Missouri	2,666	6,344	42.0%
Montana	660	1,593	41.4%
Nebraska	856	3,134	27.3%
Nevada	478	1,753	27.3%
New Hampshire	152	894	17.0%
New Jersey	838	9,069	9.2%
New Mexico	444	1,527	29.1%
New York	5,878	21,479	27.4%
North Carolina	1,975	6,079	32.5%
North Dakota	194	752	25.8%
Ohio	3,224	14,873	21.7%
Oklahoma	2,572	7,030	36.6%
Oregon	1,914	6,756	28.3%
Pennsylvania	4,237	14,649	28.9%
Rhode Island	560	1,294	43.3%
South Carolina	271	3,281	8.2%
South Dakota	257	960	26.8%
Tennessee	1,122	5,798	19.3%
Texas	4,021	14,500	27.7%
Utah	101	1,286	7.9%
Vermont	138	892	15.4%
Virginia	267	4,605	5.8%
Washington	3,061	7,954	38.5%
West Virginia	157	1,961	8.0%
Wisconsin	2,235	6,901	32.4%
Wyoming	148	505	29.3%
Puerto Rico	2,307	6,219	37.1%
<b>United States Total</b>	<b>122,329</b>	<b>362,212</b>	<b>33.8%</b>

\*Adoption and Foster Care Analysis and Reporting System

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

**TABLE 1a: Number of HISPANIC Foster Care Children Living in Non-Relative and Relative Families (Three-year average 2002-2004)\***

Compared with total number of Hispanic children living in family foster care settings, excluding institutions, group homes and other settings Children in Foster Care on last day of Federal Fiscal Year (Sep 30)

State	Number Living with a Relative	Total Number Living with Families**	Percent Living with a Relative
Alabama	7	54	12.9%
Alaska	11	28	40.0%
Arizona	931	1,784	52.2%
Arkansas	2	76	3.1%
California	12,459	27,222	45.8%
Colorado	440	1,769	24.9%
Connecticut	314	1,067	29.4%
Delaware	4	37	9.8%
District of Columbia	7	39	17.2%
Florida	1,057	2,234	47.3%
Georgia	45	413	10.8%
Hawaii	19	48	39.9%
Idaho	23	153	15.0%
Illinois	360	945	38.1%
Indiana	41	381	10.8%
Iowa	2	166	1.4%
Kansas	40	203	19.8%
Kentucky	3	39	7.7%
Louisiana	3	28	11.8%
Maine	8	50	16.6%
Maryland	22	107	20.9%
Massachusetts	491	1,977	24.8%
Michigan	263	569	46.2%
Minnesota	92	365	25.3%
Mississippi	3	22	13.8%
Missouri	48	117	41.1%
Montana	35	92	37.5%
Nebraska	56	267	21.0%
Nevada	80	278	28.6%
New Hampshire	8	52	15.3%
New Jersey	42	521	8.0%
New Mexico	240	810	29.6%
New York	1,370	4,272	32.1%
North Carolina	116	433	26.8%
North Dakota	8	30	27.0%
Ohio	92	449	20.4%
Oklahoma	223	648	34.4%
Oregon	211	681	30.9%
Pennsylvania	253	1,158	21.8%
Rhode Island	105	256	40.9%
South Carolina	4	67	6.5%
South Dakota	13	66	19.6%
Tennessee	15	182	8.4%
Texas	1,393	5,323	26.2%
Utah	22	260	8.6%
Vermont	1	11	6.1%
Virginia	11	232	4.6%
Washington	354	988	35.8%
West Virginia	2	21	8.1%
Wisconsin	221	558	39.6%
Wyoming	13	37	33.9%
Puerto Rico	2,290	6,167	37.1%
<b>United States Total</b>	<b>23,872</b>	<b>63,755</b>	<b>37.4%</b>

\*Adoption and Foster Care Analysis and Reporting System

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

**TABLE 2: Number of Foster Care Children Living with Relatives  
(Three-year average 2002-2004)\***

Compared with total number of children living in all foster care settings, including institutions, group homes and other settings  
Children in Foster Care on last day of Federal Fiscal Year (Sep 30)

State	Number Living with a Relative	Total Number in Foster Care	Percent Living with a Relative
Alabama	767	5,947	12.9%
Alaska	568	1,979	28.7%
Arizona	2,285	7,587	30.1%
Arkansas	104	3,027	3.4%
California	32,328	96,685	33.4%
Colorado	1,177	8,720	13.5%
Connecticut	1,106	6,517	17.0%
Delaware	84	850	9.9%
District of Columbia	562	3,007	18.7%
Florida	13,572	30,501	44.5%
Georgia	2,167	13,648	15.9%
Hawaii	1,130	2,867	39.4%
Idaho	215	1,404	15.3%
Illinois	7,356	21,961	33.5%
Indiana	1,190	9,095	13.1%
Iowa	37	5,211	0.7%
Kansas	952	6,010	15.8%
Kentucky	704	6,903	10.2%
Louisiana	564	4,589	12.3%
Maine	306	2,809	10.9%
Maryland	3,912	11,553	33.9%
Massachusetts	2,093	12,560	16.7%
Michigan	6,379	21,267	30.0%
Minnesota	1,485	7,476	19.9%
Mississippi	555	2,799	19.8%
Missouri	2,666	12,203	21.8%
Montana	660	1,936	34.1%
Nebraska	856	5,721	15.0%
Nevada	478	3,622	13.2%
New Hampshire	152	1,248	12.2%
New Jersey	838	12,315	6.8%
New Mexico	444	2,052	21.6%
New York	5,878	37,088	15.8%
North Carolina	1,975	9,713	20.3%
North Dakota	194	1,250	15.5%
Ohio	3,224	19,455	16.6%
Oklahoma	2,572	9,537	27.0%
Oregon	1,914	9,526	20.1%
Pennsylvania	4,237	21,400	19.8%
Rhode Island	560	2,385	23.5%
South Carolina	271	4,856	5.6%
South Dakota	257	1,525	16.8%
Tennessee	1,122	9,479	11.8%
Texas	4,021	22,587	17.8%
Utah	101	2,055	4.9%
Vermont	138	1,456	9.5%
Virginia	267	7,008	3.8%
Washington	3,061	9,417	32.5%
West Virginia	157	3,760	4.2%
Wisconsin	2,235	8,127	27.5%
Wyoming	148	1,064	13.9%
Puerto Rico	2,307	7,809	29.5%
<b>United States Total</b>	<b>122,329</b>	<b>523,565</b>	<b>23.4%</b>

\* Adoption and Foster Care Analysis and Reporting System

**TABLE 2a: Number of HISPANIC Foster Care Children Living with Relatives  
(Three-year average 2002-2004)\***

Compared with total number of Hispanic children living in all foster care settings, including institutions, group homes and other settings  
Children in Foster Care on last day of Federal Fiscal Year (Sep 30)

State	Number Living with a Relative	Total Number in Foster Care	Percent Living with a Relative
Alabama	7	87	8.0%
Alaska	11	40	28.1%
Arizona	931	2,734	34.0%
Arkansas	2	109	2.1%
California	12,459	38,114	32.7%
Colorado	440	2,860	15.4%
Connecticut	314	1,829	17.2%
Delaware	4	56	6.5%
District of Columbia	7	75	8.9%
Florida	1,057	2,729	38.7%
Georgia	45	551	8.1%
Hawaii	19	56	34.1%
Idaho	23	190	12.1%
Illinois	360	1,220	29.5%
Indiana	41	473	8.7%
Iowa	2	256	0.9%
Kansas	40	321	12.6%
Kentucky	3	47	6.4%
Louisiana	3	38	8.8%
Maine	8	77	10.9%
Maryland	22	177	12.6%
Massachusetts	491	3,109	15.8%
Michigan	263	818	32.1%
Minnesota	92	511	18.1%
Mississippi	3	31	9.8%
Missouri	48	221	21.7%
Montana	35	106	32.6%
Nebraska	56	506	11.1%
Nevada	80	549	14.5%
New Hampshire	8	64	12.5%
New Jersey	42	785	5.3%
New Mexico	240	1,088	22.0%
New York	1,370	6,892	19.9%
North Carolina	116	599	19.4%
North Dakota	8	53	15.2%
Ohio	92	531	17.3%
Oklahoma	223	864	25.8%
Oregon	211	949	22.2%
Pennsylvania	253	1,799	14.1%
Rhode Island	105	425	24.6%
South Carolina	4	117	3.7%
South Dakota	13	90	14.5%
Tennessee	15	285	5.4%
Texas	1,393	8,392	16.6%
Utah	22	428	5.2%
Vermont	1	13	5.1%
Virginia	11	338	3.2%
Washington	354	1,197	29.5%
West Virginia	2	42	3.9%
Wisconsin	221	631	35.0%
Wyoming	13	89	14.3%
Puerto Rico	2,290	7,735	29.6%
<b>United States Total</b>	<b>23,872</b>	<b>91,298</b>	<b>26.1%</b>

\* Adoption and Foster Care Analysis and Reporting System

**TABLE 3: FOSTER CARE SETTINGS**

ALL CHILDREN IN FOSTER CARE  
(THREE-YEAR AVERAGE 2002-2004)

Placement Setting	Number	Percent
Pre-adoptive home	23,680	4.5%
Foster home, relative	122,329	23.4%
Foster home, non-relative	239,884	45.8%
Group home	45,450	8.7%
Institution	52,243	10.0%
Supervised independent living	5,656	1.1%
Runaway	10,302	2.0%
Trial home visit	19,535	3.7%
Unknown	4,486	0.9%
<b>Total</b>	<b>523,565</b>	<b>100.0%</b>

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 25 percent of the children live in non-family settings, such as group homes, institutions, on their own or in temporary home placements. More than 10,000 children are listed as runaways, and for more than 4,000 children, their living arrangements are listed simply as "unknown."

As shown in Tables 1, 1a, 2 and 2a, 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.<sup>9</sup>

At least 20,000 of the children in relative foster care should no longer be in the system.<sup>10</sup> 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.<sup>11</sup>



**TABLE 3a: FOSTER CARE SETTINGS**

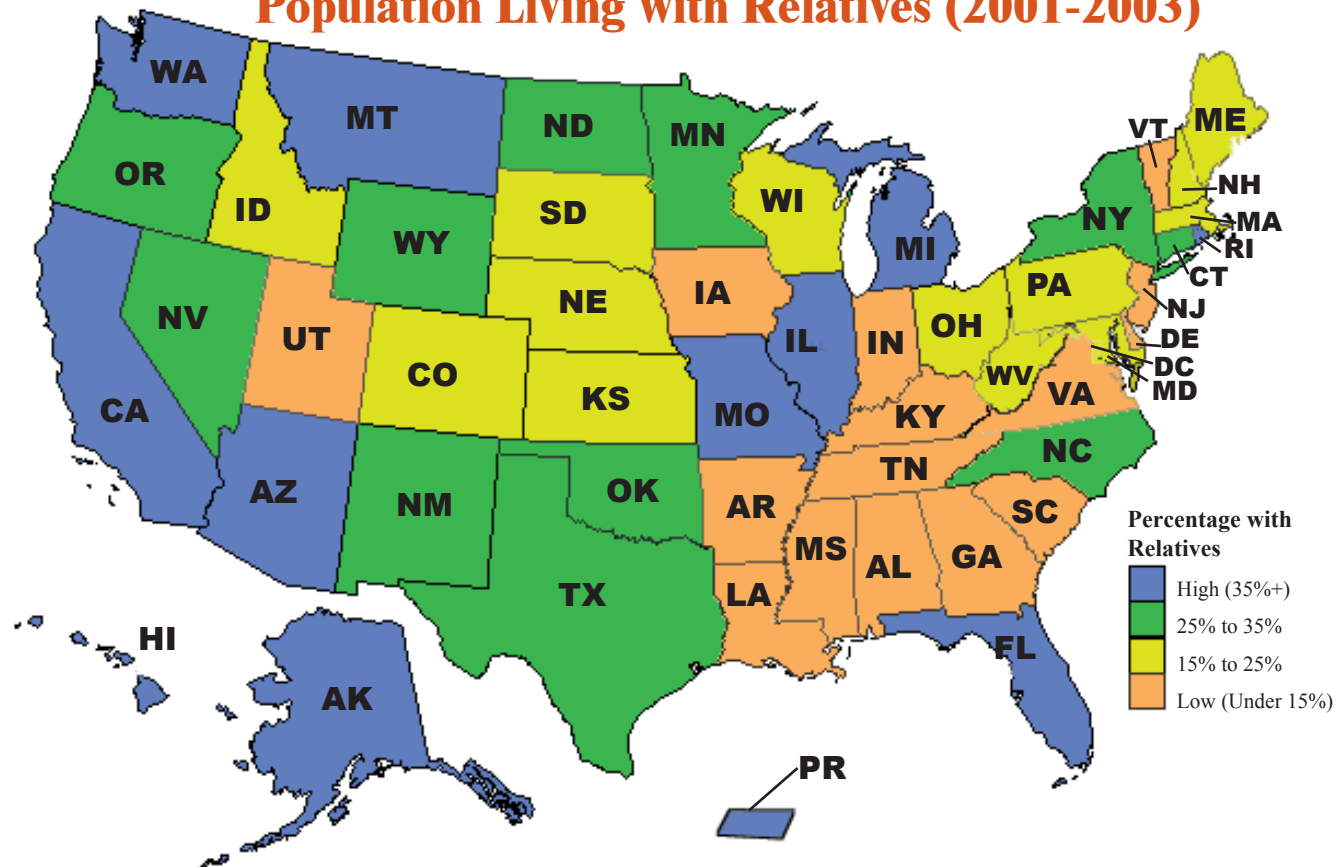
CHILDREN OF HISPANIC ORIGIN  
(THREE-YEAR AVERAGE 2002-2004)

Placement Setting	Number	Percent
Pre-adoptive home	4,091	4.5%
Foster home, relative	23,872	26.1%
Foster home, non-relative	39,883	43.7%
Group home	8,859	9.7%
Institution	6,670	7.3%
Supervised independent living	494	0.5%
Runaway	2,958	3.2%
Trial home visit	3,829	4.2%
Unknown	641	0.7%
<b>Total</b>	<b>91,298</b>	<b>100.0%</b>



Jaime L. Renner

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



This map highlights the data from Table 1a. It illustrates the state by state percentages of Hispanic foster children living with relatives compared with the total number of children living in all Hispanic 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 many Latino cultures – of caring for related children without changing family relationships.



Hazel Solomon

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 39 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.<sup>12</sup> 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 and the federal government is, in essence, 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.<sup>13</sup> 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 resources are better 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.

California<sup>14</sup> and Illinois<sup>15</sup> 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 2004, the number of foster children living with relatives for more than 12 months decreased by 53.8 percent in Illinois and by 73 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 AND 2004.<sup>16</sup>**

State	Children in Relative Homes 12+ months 1999	Children in Relative Homes 12+ months 2001	Children in Relative Homes 12+ months 2004	Percent Change from 1999 to 2004
California	23,301	13,320	6,284	-73.0%
Illinois	3,610	2,100	1,667	-53.8%

## CONCLUSION

*Ana María wanted to become a nurse. She worked during the day and studied at night to finish high-school so that one day she would be able to go to Nursing School. But a knock on the door changed her plans, and her life, forever. When she opened the door she saw her brother, Raúl, holding his two young children Ernesto (3 years old) and Manuel (2). Raúl had just been evicted from his home in South Los Angeles; his wife had left him, and he had an alcohol abuse problem and nowhere to go. Would Ana María please take care of the children? He didn't wait for an answer.*

*Ana María does not remember much more about that night: there she was, standing at the door, with an instant family. The babies were scared, tired, and wouldn't stop crying. Not a mother by choice, Ana María had to learn it all from scratch. Overnight. It was tough work.*

*Fast forward 8 years, after years as a formal foster parent to them, Ana María has legal guardianship of her nephews. "People think they're mine, and I don't correct them anymore", she says. "Yes, this changed my life but it has also brought a kind of love into it I didn't know existed." Through California's subsidized guardianship, program (kin-GAP) Ana María receives the financial assistance she needs to take care of the children. This assistance supplements her two jobs. Her youngest nephew Manuel has special needs, therefore the access to services through kin-GAP has been especially helpful to Ana María. When asked what she would change if she had the power to change one thing in her life, she pauses and then answers: "I would like for these innocent kids to not have had to go through so much pain so early in their life".*



Like Ana María 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](http://www.gu.org).

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



Nancy Ostrander



## ENDNOTES

- <sup>1</sup> Adoption and Foster Care Analysis and Reporting System (AFCARS)
- <sup>2</sup> 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.
- <sup>3</sup> The terms Latino and Hispanic are used throughout this publication to refer to inhabitants of Latin America or Spain and their descendants in the United States. A Latino or Hispanic person may be of any race (Amerindian, White, Black, Asian, or multiracial.)
- <sup>4</sup> U.S. Department of Health and Human Services (DHHS) (2004). *The AFCARS (Adoption and Foster Care Reporting System) Report*. Retrieved September 20, 2007 from [http://www.acf.hhs.gov/programs/cb/stats\\_research/afcars/tar/report11.htm](http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report11.htm) ; The Annie E. Casey Foundation (2004). KIDS COUNT State level Data On-line. Retrieved September 20, 2007 from [http://www.kidscount.org/sld/compare\\_results.jsp?i=710&dt=2&yr=5&va=a&s=a&dtype=&x=194&y=9](http://www.kidscount.org/sld/compare_results.jsp?i=710&dt=2&yr=5&va=a&s=a&dtype=&x=194&y=9)
- <sup>5</sup> Urban Institute (2002) *Two-Thirds of Uninsured Children in Fair or Poor Health Are Hispanic*. 2002 National Survey of America's Families. Retrieved June 27, 2007 from <http://www.urban.org/publications/900702.html>
- <sup>6</sup> Current Population Survey. Table HI01. Health Insurance Coverage Status and Type of Coverage by Selected Characteristics: 2003. White Alone, Not Hispanic. Retrieved June 26, 2007 from [http://pubdb3.census.gov/macro/032004/health/h01\\_004.htm](http://pubdb3.census.gov/macro/032004/health/h01_004.htm).
- <sup>7</sup> Suleiman Gonzalez, L.P. (2004). Commentary 5. Five Commentaries: Looking to the Future. *Children, Families and Foster Care*, 14(1). Retrieved June 26, 2007 from [www.futureofchildren.org/information2827/information\\_show.htm?doc\\_id=210646](http://www.futureofchildren.org/information2827/information_show.htm?doc_id=210646)
- <sup>8</sup> The state-level data in Table 1, 1A, 2 and 2A were summarized from case-level data submitted to the Adoption and Foster Care Analysis and Reporting System (AFCARS) for federal fiscal years 2002-2004. 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.
- <sup>9</sup> Cuddeback, G.S. (2004). Kinship Family Foster Care: A Methodological and substantive synthesis of research. *Children and Youth Services Review*, 26(7), 623-39.
- <sup>10</sup> 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.
- <sup>11</sup> 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.
- <sup>12</sup> 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.
- <sup>13</sup> 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>.
- <sup>14</sup> 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).
- <sup>15</sup> Since May 1997, Illinois has had a Title IV-E federal waiver, which funds its subsidized guardianship program.
- <sup>16</sup> 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.



Harriet Rosenberg

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