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POLICY BRIEF

Improving Grandfamilies' Access to Temporary Assistance for Needy Families

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One of the four primary purposes of TANF is "to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives."[1]

In 1996, Congress explicitly envisioned Temporary Assistance for Needy Families (TANF) as a critical support for "kinship families" or "grandfamilies" -- families in which children are being raised by kin who are extended family members and close family friends. Almost two decades later, kin continue to rely on TANF as often the only source of financial support for helping them keep the families they raise together and out of the formal foster care system. Although TANF policy explicitly states that children cared for by relatives can receive TANF assistance, many kin families do not access it to meet the needs of children they are unexpectedly raising. Only about 12 percent of kinship families receive any TANF assistance, even though the majority of children being raised by kin live in poverty and qualify for the program.[2]

Many kinship families do not access either type of TANF grants -- family grants and child-only grants -- in large part because the actual framework of TANF was not designed with them in mind. Despite the fact that one of TANF's stated purposes is to help kinship families, federal TANF rules for family grants were developed for young, low-income single mothers with no or minimal financial assets. To encourage them not to become dependent on assistance, TANF grants are intentionally kept low, only provided for a limited time, and made dependent on employment or work activities.[3]

However, unlike children living with at least one parent, the majority of children in kinship families have a caregiver who is age 50 and older, and many caregivers are already retired.[4] These caregivers need retirement savings and may need sufficient financial assistance to step forward and raise children they did not plan to raise. These older caregivers should not be forced to return to work or stop saving for retirement.

As with family grants, the federal framework also causes barriers for relatives accessing child-only grants. Even though child-only grants generally do not have time limits or work requirements, other barriers exist that prevent kinship families from accessing this support. A significant obstacle, for example, is caused by the federal requirement that relatives assign the collection of child support to the state. Many caregivers are fearful that absent parents may retaliate against them if they have the state pursue the parents for child support.

Despite these barriers caused by the TANF framework, the federal law also affords states a great deal of flexibility to make exceptions and create policies and practices that better serve kinship families. For example, states can exempt caregivers from all work requirements and time limits; exempt retirement savings from consideration, much as they do savings to buy a first home; and implement a good cause exception for assigning child support to the state.

This brief highlight states and counties that improve access for kinship families by making these types of exceptions and by creating other policies, practices, and programs that address the challenges the existing TANF framework poses. The May 2012 Annie E. Casey Foundation Kids Count report, *Stepping Up For Kids*, urges states and communities to ensure that kinship families have access to benefits to which they are eligible. In this brief, we

Children fare well with relatives

Our society's growing reliance on kinship care is appropriate and must be supported. Research confirms that kinship care is the best option for children who cannot live with their parents. Kinship care helps children sustain extended family connections, community bonds, and cultural identity. It creates a sense of stability and belonging, especially important during times of crises. In addition to the benefits to children, kinship caregivers also report benefiting from providing this care, and birth parents may value that their children remain connected to their family and friends.

provide state and community policymakers and advocates with a "Kinship TANF Model" that outlines ways in which they can help ensure that kinship families have access to TANF.

Although the brief focuses on kinship families, it should not be construed as diminishing the fact that TANF is a very important support to a broader array of low-income families and that TANF's limited block grant funds should continue to support them. However, kinship families are included as a type of family that Congress explicitly intended to support with TANF, and this brief seeks to illuminate strategies to help accomplish this goal.

This brief explores:

I. Kinship families and why TANF is so important to them
II. The two types of TANF grants
III. A Kinship TANF Model that draws from different state and county efforts to stabilize and support kinship families
IV. TANF practices that are of concern
V. A call to action

I. Kinship Families and Why TANF is So Important to Them

With increasing numbers of children relying on kin to raise them, TANF's importance to the families and all taxpayers has only grown over the years.

Kinship families

Kinship caregivers are raising more than 2.7 million children in this country, an increase of almost 18 percent over the past decade.[5] The vast majority of these children, almost 2.6 million, are completely outside the formal foster care system.[6] The system does not get involved because relatives, godparents, or other family friends temporarily or permanently step forward to raise these children whose parents are unable to care for them. Parents may be unable to raise their children due to addiction to alcohol or other substances, deployment in the military, incarceration, travel to another state for a job, or severe psychological, cognitive or physical challenges that render them incapable of raising children.

A much smaller group of children in the care of relatives have contact with the child welfare system. Some children may come to the attention of the system, which then "diverts" them from state custody to live with relatives or family friends. In addition, about 109,000 children live with kin in foster care. Although this is a very small fraction of all children in kinship care, this number represents more than a quarter of all the children in the foster care system.[7]

Needs of kinship families

Kinship families are a diverse group and span the racial, ethnic, socioeconomic and geographic spectrum. Consequently, their needs vary and communities should consider the continuum of services that may be necessary to allow caregivers to adequately care for children who otherwise might be placed in foster care. A small number of families will need the legal and administrative oversight of the child welfare system. Most will not. Many kinship families need ongoing income support, while some may only need a support group or respite care. TANF is uniquely suited for states to use creatively and flexibly in responding to the families' needs and strengths.

Although kinship families are diverse, they do have some important similar needs. They are typically families who are brought together at unplanned times under difficult emotional circumstances. Consequently, the families are often struggling with mental and physical health issues, legal barriers, housing, child care, and educational and health care access. Broadly speaking, it is also important to keep in mind that kinship caregivers are more likely to be poor and consequently need support, compared to homes

with at least one-parent. Sixty-three percent of kinship caregivers have incomes below 200 percent of the poverty line, compared to 43 percent for at least one-parent homes.[8] Moreover, unlike children living with at least one parent, the majority of children in kinship care have a caregiver who is age 50 and older, and 16 percent of them have a caregiver who is already retired.[9] To keep these families together and thriving, financial assistance is often critical.

Why TANF is so important

TANF is often the only source of financial support for kinship families and can be a portal to other critical safety net programs, including Supplemental Security Income (SSI), the Supplemental Nutrition Assistance Program (SNAP)/food stamps, child care assistance, and Medicaid.[10]

States can use TANF creatively and provide supports and services directly responsive to the needs of kinship families. For example, it can be used to provide increased or enhanced payments to these families or to provide an array of responsive supportive services like child care, support groups, and emergency funds.

TANF eligibility can also help kinship families gain access to other critical supports for their families. According to the Urban Institute, TANF programs around the country "usually automatically enroll beneficiaries in SNAP, child care assistance (if working or in school), and Medicaid. While these programs have different eligibility rules many are waived for TANF recipients, and the vast majority of recipients have income and assets low enough to qualify under general program rules."[11] Consider the statistics for all TANF recipients. In 2009, about 81 percent of TANF cases also received SNAP and 98 percent received Medicaid.[12] Furthermore, some state TANF programs connect recipients who have serious disabilities with SSI, which is usually more generous than TANF family grants.[13]

Having flexible supports and improving access to other programs that keep children out of foster care is not only important for kinship families, but also for all taxpayers. Given that the entire foster care system in the United States consists of about 397,000 children[14] , the system would be completely overwhelmed if even half of the 2.6 million children being raised by kin entered the system. Translated to dollars, if 1.3 million children who were each receiving TANF child-only grants were to enter the foster care system, it would cost taxpayers about $4 billion each year.[15] This dramatic number does not even include the increased court, administrative, and oversight costs that come with formal foster care.

II. Two Types of TANF Grants

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 repealed Aid to Families with Dependent Children (AFDC) and replaced it with block grants to the states to administer TANF. Each state has a great deal of flexibility in administering its program. It determines the income eligibility for its TANF program, how relative is defined, the amount of assistance to be provided to families, exemptions to work requirements and time limits, and how child support will be pursued and processed.

There are two basic types of grants a relative caregiver may receive under TANF: "child-only" and "family:"

Child-only grants

Child-only grants were designed to consider only the needs and income of the child. A child's income might include child support payments or a public benefit like Supplemental Security Income (SSI). Because most children have limited income, most relative caregivers can receive a child-only grant on behalf of the children in their care. Unfortunately, child-only grants are typically quite small and may be insufficient to meet the needs of the child. In 2011, the average grant was about $8 per day for one child, with only slight increases for additional children.[16]

Family grants

The second type of TANF grant for which relative caregivers may be eligible is a "family grant." Since one of the main purposes of TANF is "to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives,"[17] relative caregivers who meet the state's income criteria are eligible to receive a grant that addresses their needs, as well as those of the

child. Although these grants are larger than the child-only grants, federal law imposes a 60-month time limit and work requirements on such grants.[18]

Work requirements and time limits

Work requirements are not new under TANF, but in the past individuals throughout the country who were part of an AFDC assistance unit were exempt if they were too ill to work, over age 59, were needed in the home to care for an incapacitated household member or were providing care for young children. These exemptions no longer exist under federal law, although the states have the flexibility to exempt groups from TANF's work requirements and time limits. Depending on the state and the exemptions made, TANF family grants may not be available for retired relative caregivers or for caregivers who will need assistance for more than 60 months.

Asset limits and income disregards

In order to receive a family grant, caregivers must be needy. Consequently, there are limits on how much money they can have in assets, with the typical limit being $2,000. Also, state policies often allow for savings for a first home or college, but not for retirement. These asset limits can pose a problem for older caregivers who need retirement assets. Similarly, income disregards are not high enough to allow for those caregivers approaching retirement to continue to save.

Child support enforcement

Under either a child-only or family grant, all recipients must assign their rights to child support to the state. These requirements may reduce access to benefits for kin who are fearful that when the state tries to locate the parent(s), the parent(s) will become angry and perhaps violent towards the caregiver. States have flexibility and can waive this requirement for "good cause" if the caregiver can demonstrate that seeking child support is potentially harmful.[19]

Eligibility for adults with a family-like relationship to the children

"Relative" is not defined in the federal PRWORA law or in its regulations. Consequently, there are varying definitions across the states. For either family or child-only grants,

One Aunt's Story in Her Own Words

Both my husband and I are relative caregivers of our niece and nephew. These children came into our home unexpectedly about two years ago when their parents could no longer safely care for them. We don't believe we could have provided basic needs for both children if child-only TANF was not available to them.

The costs of caring for relative children are not small and relatives already receive very little support. The challenges that come with caring for children are one thing, and while child-only TANF is extremely helpful, it does not address all of the added costs of child care, food, clothing, counseling, transportation and other routine activities. We took in our relative children on an emergency basis, or both would most certainly be in the foster care system. This was a choice we made for the long haul and are proud to do so.

Our family has had challenges to overcome - such as moving into a larger home and purchasing a new vehicle in order to provide adequate care, safe transportation, and space for our niece and nephew. We have not even accounted for any future costs or loss of work hours due to the challenges the children face due to past trauma, but trust we made the decision in their best interest long term. Our belief in taking this on has proved to be the right decision because today both children are thriving! We have used the child-only TANF to help with the most very basic needs -after all the costs I mentioned above come out of our already limited funds.

"KINSHIP TANF MODEL" CHECKLIST

Promising Policies

States and counties should implement TANF policies that:

- ☑ Reinstate the previous work requirement and time limit exemptions for certain categories of kin applying for family grants
- ☑ Increase asset limits and income disregards for middle-aged and older kin applying for TANF family grants, so they may continue to save for retirement
- ☑ Make clear use of the "good cause" exception to complying with child support enforcement
- ☑ Allow adults with a family-like relationship to the children to be eligible for TANF grants

Promising Programs

States and counties should use the flexibility of TANF block grant funds to:

- ☑ Offer subsidized guardianships/enhanced payments for kin outside the child welfare system
- ☑ Provide non-financial support for kin
- ☑ Make short-term benefits available for kin
- ☑ Ensure that working kinship caregivers can qualify for child care assistance

Promising Practices

To maximize resources and ensure that more kin have access to TANF, states and counties should:

- ☑ Combine application requirements for TANF and other major public benefits
- ☑ Ensure that child welfare and TANF collaborate
- ☑ Provide concurrent TANF benefits for kin and parents
- ☑ Hold joint TANF/Child Welfare training
- ☑ Conduct joint TANF/Child Welfare outreach to kin
- ☑ Have kinship work groups

only a handful of states allow adults with a family-like relationship to the children -- such as godparents and close family friends -- to be eligible as caregivers of children.

III. Kinship TANF Model

It is important that we strengthen access and use of TANF, which is often the only financial assistance for many kinship families. Using an array of promising kinship TANF policies, programs, and practices from around the country, we have created a "Kinship TANF Model," which we hope you use as a checklist to identify which elements already exist in your state or county, and work collaboratively to implement those aspects of the Model that may be needed. Your state or county may have additional policies, programs, and practices that are also improving TANF access for kinship families, and we encourage you to share them with us so we can promote them to others.

Promising Policies

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☑ Reinstate the previous work requirement and time limit exemptions

Recognizing that TANF rules were developed with young single mothers in mind and a work first approach does not necessarily fit with kinship families, some states have similar work requirement exemptions to those that previously existed under federal law. In an accompanying policy chart available at www.grandfamilies.org, you can see if your state has a relevant exemption and time exten-

sions. These exemptions and extensions have been compiled using the Urban Institute Welfare Rules database.

In addition to the exemptions and extensions that used to exist under federal law, it is also worth highlighting that a few states make some exemptions specific to relative caregivers. For example, West Virginia exempts "grandparents and other nonparental caretakers" as a whole from work requirements.[20] Texas exempts "a single grandparent 50 years of age or older caring for a child under three years of age" from work requirements.[21] In Connecticut, time limits do not apply to families with caretaker relatives in a number of situations, such as caring for a child under one year of age.[22]

☑ Increase asset limits and income disregards for kin applying for TANF family grants

According to the Urban Institute Welfare Rules database 2012 data, a few states make asset distinctions for older recipients – Alaska, California, New York—and the District of Columbia.[23] These juristictions allow the "elderly" or those who are typically age 60 and older to have $3,000 in assets, whereas other applicants and recipients can only have $2,000.

In addition to these very limited assets, the majority of states allow TANF recipients to have additional assets for specific purposes like saving for college or purchasing a home, but only two jurisdictions explicitly allow them to save for retirement: the District of Columbia and Hawaii.[24] Most states allow TANF recipients to have additional assets in Individual Development Accounts (IDAs). These IDAs allow saving for the short-term (1 to 3 years) for specific purposes, and several states match these savings. Unfortunately for middle aged and older recipients, these IDAs are typically not used for retirement.

States should continue to allow recipients to have additional assets for college or a home, and more states should add retirement assets to the permissible list. As a closely linked policy, states should also increase income disregards for middle aged and "elderly" kinship caregivers so they may continue to save income for retirement. States need to support these caregivers who have often worked hard and planned for retirement and not penalize them for stepping up to raise related children and keep them out of foster care.

☑ Make clear use of the "good cause" exception to complying with child support enforcement

States vary in how they handle whether a relative has "good cause" not to cooperate with child support enforcement. State policies occasionally spell out what criteria would determine "good cause" and we support approaches that make clear use of this exception. Kinship caregivers around the country have informally shared for years that they did not apply for TANF because they were afraid that assigning child support collection to the state would result in violence or retaliation from the parent(s). Although we do not have data supporting this reason for not applying for TANF, we encourage states to develop clear language and policies that respond to these fears and concerns. The District of Columbia has very clear language protecting caregivers who do not want to assign child support collection to the District government:

> *When parents are unwilling to accept the responsibility for the support of their children, a relative with whom a child is living shall be encouraged to cooperate with appropriate law enforcement officials charged with the responsibility for pursuing public remedies against the parents who are not contributing toward the support of their family;* ***provided, that the failure of such relative to so cooperate with law enforcement officials shall have no effect on eligibility for assistance under this program.*** [25]

Furthermore, the application form for TANF in the District of Columbia explicitly provides: "If you are afraid that an absent parent might hurt you or someone in your family, then you have a good reason."[26]

☑ Allow adults with a family-like relationship to the children to be eligible for TANF grants

At least four states – Colorado, Hawaii, Vermont, and

Washington -- allow adults with a family-like relationship to the children to be eligible as caregivers on family grants and to receive TANF child-only assistance on a child's behalf without limitation of legal relationship, emergency, crisis or child welfare placement.[27]

Including these adults is best practice, as we know that these family-like adults are a significant population especially among African Americans, Latinos, and Native Americans who have a proud tradition of caring for each other's children. Including these caregivers in TANF is culturally responsive to these populations and ensures that they are supported in their valiant efforts to raise children who cannot live with their own parents.

Based on a review of laws and regulations for all fifty states, we found no instances where TANF and child welfare refer to the exact same definition of relative, which is unfortunate because it would facilitate administration of these programs. As a consequence of different definitions, adults with a family-like relationship are often included in child welfare placement policies, but in many states are not allowed to be the caregiver on a family grant or to receive TANF child-only benefits on a child's behalf. Michigan has addressed this dichotomy by including "unrelated caregivers" as permissible caregivers for TANF grants when "DHS children's services has placed a child, subsequent to a court order identifying DHS as responsible for the child's care and supervision."[28] Delaware has similar language in its regulations, and other states may provide for these family-like kin situations in policy manuals and other written policies.[29]

Connecticut, Delaware, Michigan, Kansas, and Wisconsin provide in their laws and regulations that they include adults with a family-like relationship to the children in TANF grants if they have obtained or are seeking legal custody or guardianship of the children.[30] In Alabama, "non-relatives" may be a grant payee for only up to 90 days provided there is a crisis or emergency.[31]

Promising Programs

States and counties can use the flexibility of TANF block grant funds to:

- ☑ Offer subsidized guardianships/enhanced payments for kin outside the child welfare system
- ☑ Provide non-financial support for kin
- ☑ Make short-term benefits available for kin
- ☑ Ensure that working kinship caregivers can qualify for child care assistance

☑ Offer subsidized guardianships/enhanced payments for kin outside the child welfare system

In line with one of the four primary purposes of TANF, states have a history of using their TANF funds to finance innovative programs that support kinship families. Several states' subsidized guardianship programs -- including California's KinGAP, which began in 2000 -- were financed using their state TANF funds. These early subsidized guardianship programs helped pave the way for the passage of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections). Among other provisions, that Act allows states to take an option to use their federal foster care monies – Title IV-E of the Social Security Act – to fund assistance programs for Title IV-E eligible children exiting foster care to a guardianship with their relative caregivers. Thirty-one states, the District of Columbia, and four tribes have taken the Guardianship Assistance Program (GAP) option. All states are eligible, and must seek approval from the U.S. Department of Health and Human Services (HHS). Using state funds, twenty-seven states also offer guardianship assistance to its non-IV-E eligible children.[32]

Despite these advances for guardianship assistance for those in the foster care system, few states offer guardianship assistance to children outside the system. Louisiana uses TANF funds to offer such a program. Since 1999, Louisiana has successfully implemented its "Kinship Care Subsidy Program," which provides qualified low-income relatives caring for children outside the foster care system with a monthly TANF subsidy of $222, which is $100

more than the state's child-only TANF grant, but still only roughly half the state's foster care maintenance payment. The Louisiana program was originally open to only guardians or legal custodians, but is now available to kin with "provisional custody by mandate," which is a notarized authorization form conferring caregiving responsibilities to a relative by the parent or a grandparent with legal custody.[33]

Nevada's "Kinship Care Program" also uses TANF funds to provide enhanced monthly cash assistance to low-income relative caregivers age 62 and older who obtain guardianship of the children they are raising. Nevada's Division of Welfare and Supportive Services, which runs the program, also refers caregivers to legal counsel, contracted with the state, who will assist in pursuing guardianship at little or no cost to the caregiver or reimburse the caregiver up to $600 for legal counsel sought independently.[34]

☑ Provide non-financial support for kin

In 2001, using surplus TANF dollars, Tennessee started its Relative Caregiver Program as a pilot project to provide an array of support services to kinship families who are not licensed foster parents receiving monthly assistance to care for children. In 2004, when Tennessee's TANF reserves were depleted, the Department of Human Services (DHS) -- acknowledging the benefits of the program – began funding it out of its own budget. In 2006, this successful program expanded statewide.

The Relative Caregiver Program is a partnership between the Department of Human Services (DHS), which issues TANF grants, and the Department of Children's Services (DCS), the child welfare agency, which administers this program and contracts with community-based agencies to deliver services to caregivers. The program serves about 2,400 low-income kinship caregivers and 3,500 children around the state each year.[35] Services for the caregivers and children include support groups, respite, tutoring, homework assistance, mentoring, start-up or emergency financial assistance, transitional child care, case management, and information and referral.

☑ Make short-term benefits available for kin

Federal regulation allows states to use TANF block grant funds to finance non-recurrent, short-term benefits.[36] State TANF agencies have the option of providing these benefits to deal with a specific crisis or need, but not to meet ongoing expenses that will extend beyond four months. Because such benefits are not considered "assistance," they are not subject to TANF requirements such as work participation and time limits.

Many states have taken this option and offer these benefits, which depending on the state, may be used to cover expenses from utilities to burials. States should ensure that their eligibility requirements and outreach allow their short-term benefits to include kinship families.

Some states, like New Jersey, offer short term benefits exclusively to kinship families. New Jersey's "Kinship Wraparound Program," uses TANF and/or state maintenance of effort funds to provide relatives or legal guardians who are at or below 250% of Federal poverty guidelines with up to $500 per year to pay for furniture, clothes, computers, opportunities to participate in sports, and non-sporting activities such as tutoring, summer camps, or other extracurricular activities.[37]

☑ Ensure that working kinship caregivers can qualify for child care assistance

One of the greatest challenges reportedly faced by working kinship caregivers is child care. In Washington State, if the child in a kinship family is on a TANF family grant or child-only grant, the household automatically qualifies for subsidized child care. Furthermore, in a home with two kinship caregivers, only one must be employed. Washington's program is funded by a combination of TANF Maintenance of Effort and federal child care block grant monies.

Promising Practices

To maximize resources and ensure that more kin have access to TANF, states and counties should:

- ☑ Combine application requirements for TANF and other major public benefits
- ☑ Ensure that child welfare and TANF collaborate
- ☑ Provide concurrent TANF benefits for kin and parents
- ☑ Hold joint TANF/Child Welfare training
- ☑ Conduct joint TANF/Child Welfare outreach to kin
- ☑ Have kinship work groups

☑ Combine application requirements for TANF and other major public benefits

Several jurisdictions, like the District of Columbia and Minnesota, call their application forms "combined application" forms and are explicit that the form includes eligibility for TANF, food stamps, and medical assistance.

☑ Ensure that child welfare and TANF collaborate

In Texas, many counties co-locate child welfare and TANF in a single office where eligible kinship caregivers may receive financial assistance from TANF while also getting services from child welfare. This is the type of collaboration that the U.S. Department of Health and Human Services encouraged in 2006 with its "Collaboration between TANF and Child Welfare to Improve Child Welfare Outcomes" discretionary grants, and with its latest round of Fostering Connection grants for Kinship Navigator Programs. It was also promoted in the 2011 Government Accountability Office (GA0) report on TANF and Child Welfare Programs.

El Paso County, Colorado was a trailblazer in the area of TANF and child welfare collaborations to better serve kinship families. Since the late 1990s, there has been an integrated child welfare and TANF unit, called the Family Services Team, which helps kinship families who come together without the involvement of child welfare and kinship families in which the children have been placed by child welfare. Leadership and staffing for the Family Services Team has changed over the years, but the commitment remains to provide wrap around services to kinship families.

For the past year, the Team has been co-located in the same building and floor as the Child Welfare Kinship Unit. The Team provides TANF child-only grants, Medicaid, and child welfare services to the families. If additional assistance appears to be needed to keep the child in the home of relatives, the Team does a financial assessment and more assistance can be given, either ongoing or one-time, without a mandated cap on what can be provided. TANF supported assistance for the children can include child care, clothing, beds, car seats, sport or music fees, diapers, and summer programs. The Team can assist with rent or security deposits when the family moves into a larger place, car repair, and supplies to make the home safe.

El Paso also uses its TANF funds to provide a support group to its kinship caregivers. Support groups have been shown to be an incredibly useful resource for kinship families to share concerns, joys, and resources, and thereby reduce stress. El Paso contracts with the local HeadStart and they provide the space, facilitator, and child care aide so the children are cared for while the relatives participate in the group.

☑ Provide concurrent TANF benefits for kin and parents

Washington State coordinates assistance for families involved with both child protective services (CPS) and TANF. In what is thought to be a unique approach that other states may want to replicate, Washington State allows parents to receive TANF family grants to help them reunify with their children while also allowing relatives to receive TANF child-only grants to meet the needs of those children. Washington State calls these benefits "concurrent benefits". Under previous rules, parents and relative caregivers could not receive benefits at the same time.

Since August 2008, Department regulations allow concurrent benefits to relative caregivers and parents for children who have been removed from their parents by CPS if CPS expects reunification within 180 days.[38] After re-

moval, the parents continue to receive the TANF family grant in the full amount for up to six months (with short extensions permissible on a case by case basis). The relative, caring for the child while out of the parent's home and in the legal custody of CPS, may also apply for a TANF child-only grant for that same child for the six months (or more) the child is living with him or her. If reunification with the parents ceases to be the goal, and the relative remains the best placement option, the relative could theoretically continue receiving a child-only TANF grant until the child turns 18.

The purpose of allowing the continued assistance to parents is to help them reunify with their children. Parents can maintain stable housing so that the children can return home, and keep their Medicaid assistance, which is tied to the TANF benefit. In other states -- and Washington State prior to the change in policy -- when the child is removed, the family grant immediately ends and so do all the supports to the parents. This lack of financial and other support significantly complicates the possibility of reunification. In Washington, prior to concurrent benefits, there were reports of parents losing their housing thereby making reunification much more difficult.

Tips from the front line -- TANF/Child Welfare Working Together:

- State and county leadership has to be committed to have child welfare and TANF agencies create a joint mission and work together. Child welfare and TANF are generally in silos and are unable alone to address the needs of the whole family.
- TANF workers should be part of family team meetings and other coordinated problem solving/case-planning activities. Kinship families are usually more receptive to TANF workers and see TANF as more of a support than child welfare.
- While implementing new initiatives, the director of the initiative should report directly to the agency director. With that type of reporting structure, the agency director has more buy-in and involvement. Also, if there is resistance from the front line, it can be addressed from the top.

☑ Hold joint TANF/Child Welfare trainings

Colorado state staff has developed a curriculum and are cross training child welfare, TANF, and child support enforcement at the county level. Its goals are to:

- Identify potential cross-program experiences of kinship families and learn strategies for working with kinship families involved in multiple programs
- Identify areas of improvement for cross-program collaboration
- Develop a plan to provide effective and seamless service delivery to kinship families without service duplication

☑ Conduct joint TANF/Child Welfare outreach to kin

State TANF and child welfare agencies can also help kinship families by collaborating on tailored outreach materials and handbooks for the families, which explain supports and services available in the state. For example, in New York, which is a state supervised, county administered state, the Office of Temporary and Disability Assistance (OTDA, the TANF state agency) and Office of Children and Family Services (OCFS, the state child welfare agency) developed an administrative directive required by New York law, which tells the counties to make key information available to non-parent caregivers (both related and not) about the availability of TANF family and child-only grants and other income supports.[39]

In addition to specifically sharing information about TANF grant availability, several years ago, OCFS and OTDA developed a comprehensive handbook for relatives raising children called *Having a Voice and a*

Choice.[40] Child welfare workers are required to give this handbook to relatives considering caring for a child.

This type of information sharing is critical to reaching the millions of relatives eligible for TANF benefits who do not access them.

☑ Have kinship work groups

Washington State has a long running Kinship Work Group that meets quarterly and includes key staff from throughout its Department of Social and Human Services (DSHS), including the state's child welfare agency (Children's Administration), TANF agency (Economic Services Administration), as well as the Aging and Disability Services Administration, the Department of Health, and the Department of Early Learning. The work group closely collaborates on the breadth of kinship issues.

A rather easy and budget neutral collaboration to implement, cross-agency working groups like these can effectively coordinate services to kinship families. In Washington, the work group members have collaborated on Kinship Work Plans for the state, and on a comprehensive pamphlet *Did You Know about the Following Services and Supports for Grandparents and Relatives Raising Children*. This pamphlet, translated into eight languages, provides a comprehensive list of various resources, benefits, and support services available to relatives raising children and is available on the state's Kinship Care website at www.dshs.wa.gov/kinshipcare.

Washington State also has a legislatively mandated Kinship Care Oversight Committee made up of DSHS staff from the Children's Administration, Economic Services Administration, and other relevant agencies, along with kinship caregivers, kinship service providers, and advocates. Active since 2003, this Committee has been instrumental in moving Washington State's kinship programs forward, including its extensive Kinship Navigator program.[41] The Committee provides critical feedback to DSHS regarding kinship care policies and practices and conducts outreach campaigns. It has also worked on legislation, such as the state's health care consent law that passed in 2005, and a guide called *Consent to Health Care for the Child in Your Care: A Kinship Caregiver's Guide.* This guide, which has multiple translations, explains this law and spells out a relative's rights and responsibilities.

IV. TANF Practices That Are of Concern

As the fundamental source of support for kinship families, there are certain TANF practices that have emerged around the country that should cease:

- ✕ Counting caregiver income for child-only grants
- ✕ Imposing time limits for child-only grants
- ✕ Placing kin in unlicensed foster care with TANF as the sole source of support

✕ Counting caregiver income for child-only grants

There is a new trend of counting caregiver income when determining child only grants. This is short sighted and could lead to an increase in the number of children in foster care or other financial ramifications for states. Child-only TANF was intended to assist the child only, by considering the child's income only. This move away from what the federal law envisioned poses new access problems for kinship caregivers. In general, kinship caregivers distrust government agencies and are very reluctant to share personal financial information. Many caregivers, who despite the fact that they would often qualify, may not submit their information to the TANF agency thereby jeopardizing what can be a very important support to the children. For example, after Washington passed a law in 2011 requiring caregiver income to be considered in determining child-only grant eligibility, over 1,500 children were cut off from assistance. This was typically due to the fact that caregivers did not want to submit their personal financial information, not because they had too much income. More and more children will be denied critical TANF assistance as the list of states considering caregiver income for child-only grants grows. According to the Urban Institute Welfare Rules Database 2012 data, Arizona, Maine, Mississippi, Nevada, New Jersey, Oklahoma, South Carolina, and Washington are all now considering caregiver income in determining eligibility for child-only grants.[42]

✕ Imposing time limits for child-only grants

Unlike the vast majority of states, Arizona, Connecticut, North Dakota, and Tennessee subject child-only cases to time limits, according to a state survey conducted by the GAO for its 2011 report.[43] These arbitrary limits on often the sole source of financial assistance for kinship families jeopardize the family's ongoing stability.

✕ Placing kin in unlicensed foster care with TANF as the sole source of support

Some states have unlicensed care in which relatives care for children in child welfare custody without the financial assistance and other services that support licensed foster parents. More than half of children placed with relatives under state supervision are in unlicensed homes.[44]

Relatives may be unlicensed because they are not told that licensed foster care is an option for them or because they cannot meet the standards and processes to become licensed. These standards, which vary significantly from state to state, often are unduly complicated and burdensome and do not fulfill the true public policy intent of licensing safe and appropriate caregivers. Furthermore, these standards and processes usually do not consider how related families are different from non-related. For example, separate bedrooms may not make sense for siblings, and training requirements focused on non-relatives may not be relevant to related families. Although federal law allows for standards such as these -- and all other non-safety related standards -- to be waived for relatives on a case-by-case basis, states often do not waive them.

Because of the widespread practice of using unlicensed care for children in state custody, these kinship families cannot receive foster care maintenance payments, and instead are frequently referred to more limited TANF assistance. Some states, like Georgia, provide for enhanced TANF payments for its unlicensed kin. But, rather than providing them some support that is less than the foster care rate, states should be licensing and providing the full array of legal and administrative supports to this limited population of kinship caregivers. Otherwise, states are abdicating their responsibility to children who are in their legal custody, and creating potential liability issues.

Some states, like Illinois and Texas, are moving towards licensing more relatives so they can access better supports within the system and also gain a path towards permanency for the children in their care. A federal condition of the GAP option under the Fostering Connections Act is that a child must have lived with a licensed relative foster parent for at least six months prior to guardianship. Without being licensed, this ongoing monthly financial assistance, and in some cases this permanency option, is not available to many children. The impact on children will grow as more states take the GAP option.

V. Call to Action

The state and county policies, programs, and practices highlighted as part of the Kinship TANF Model help implement one of the four main purposes of TANF – to support children in kinship families. These states and counties have used the flexibility Congress gave them to support kinship families and their unique needs. Unlike one-parent families, kinship families are typically headed by older caregivers, some of whom are already retired or are near retirement, and most of whom are in poverty. They need policies, programs and practices that differ from those of young, single mothers, whom the federal TANF framework was designed to help.

The Kinship TANF Model is both a road map and a collective call to action:

- *Congress must reauthorize TANF while re-acknowledging its importance to kinship families.*
- *States and counties should reinstate the previous work requirement and time limit exemptions for certain categories of kin applying for family grants.*
- *States and counties should increase asset limits and income disregards for middle-aged and older kin applying for TANF family grants, so they may continue to save for retirement.*
- *TANF and child welfare administrators need to collaborate to maximize access and services to kinship families. These collaborations should extend to other state and county agencies, such as aging, and community organizations serving the families.*
- *Kinship advocates can arm themselves with promising practices, programs and policies from this brief and advocate for their use in their communities.*
- *As both advocates and those directly affected, kinship caregivers, older youth living in kinship families, and birth parents should consult with the states and localities about which TANF programs, policies and practices will most help them, and then advocate for their adoption.*
- *States should cease the practice of counting caregiver income and/or imposing time limits on TANF child-only grants, which are intended to meet the needs of the child only.*
- *The practice of unlicensed relative foster care must end. To ensure children's safety and meet their needs, the small population of relative children who are in the legal custody of the state should be in licensed relative foster homes.*
- *Policymakers at the state and local levels can work with all stakeholders and make the necessary reforms a reality in their communities.*

We look forward to continuing to be a resource to you and highlighting your future innovations for our nation's grandfamilies.

Generations United gratefully acknowledges the Annie E. Casey Foundation for their support of this publication.

Some available Internet resources:
www.gu.org – The Generations United website contains free fact sheets and publications concerning grandfamilies, and the latest federal public policy activity impacting the families.

www.grandfamilies.org – The Grandfamilies State Law and Policy Resource Center contains a database of laws and legislation impacting grandfamilies both inside and outside the foster care system for all 50 states and the District of Columbia, in addition to analyses of these laws and legislation.

www.grandfactsheets.org – This website contains fact sheets for each state and the District of Columbia with state-specific data, services, and programs for grandfamilies.

www.aecf.org – The Annie E. Casey Foundation website contains publications and resources concerning grandfamilies, including the May 2012 Kids County essay, *Stepping Up for Kids: what government and communities should do to support kinship families.*

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

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Endnotes

[1] 42 U.S.C. § 601. The other three are: (2) end the dependence of needy parents on government benefits by promoting job preparation, work and marriage; (3) prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and (4) encourage the formation and maintenance of two-parent families.

[2] Annie E. Casey Foundation. (2012). Stepping up For kids: what government and communities should do to support kinship families. Retrieved from http://www.aecf.org/resources/stepping-up-for-kids/

[3] Geen, R. (2003). Kinship care: paradigm shift or magic bullet? In R. Geen (Ed.), Kinship Care: Making the most of a valuable resource. Washington, D.C.: Urban Institute.

[4] See endnote 2. (citing Population Reference Bureau's analysis of the 2011 Current Population Survey Annual Social and Economic Survey.)

[5] Ibid. (citing Population Reference Bureau's analysis of the 2009, 2010, and 2011 Current Population Survey Annual Social and Economic Surveys.)

[6] This number deducts the over 100,000 children who are in kinship foster care. U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2013). The AFCARS report. Washington, D.C.: Author. Retrieved from http://www.acf.hhs.gov/sites/default/files/cb/afcarsreport20.pdf

[7] Ibid.

[8] See endnote 2. (citing Population Reference Bureau's analysis of the 2011 Current Population Survey Annual Social and Economic Survey.)

[9] Ibid.

[10] Zedlewski, S. (2012). TANF and the broader safety net. (Washington, D.C.: The Urban Institute). Retrieved from http://www.urban.org/UploadedPDF/412569-TANF-and-the-Broader-Safety-Net.pdf

[11] Ibid.

[12] Ibid.

[13] Ibid.

[14] See endnote 6.

[15] This figure was calculated based on the difference between the average 2011 TANF child-only grant of $249 and the average 2011 monthly foster care maintenance payment of $511. The monthly averages for both TANF and foster care maintanence come from the U.S. Government Accountability Office. (2011, October). TANF and Child Welfare Programs: Increased data sharing could improve access to benefits and services (Publication No. GAO-12-2). Retrieved from http://www.gao.gov/products/GAO-12-2

[16] Ibid.

[17] 42 U.S.C. § 601.

[18] 42 U.S.C. §§ 602, 607, 608. Federal law prohibits using federal funds to provide assistance to families in which an adult has received TANF assistance for 60 months. Adult recipients must engage in work activities within 24 hours of receiving assistance or sooner if states deem them ready to work. States are required to have 50 percent of their families participating in specified work activities for a certain number of hours each week. The number of hours depends upon the age of the youngest child in the home and upon whether the family is a two-parent family or a single-parent family.

[19] 42 U.S.C. § 608(a)(3).

[20] W. Va. Code Ann. § 9-9-8 (5).

[21] Tex. Admin. Code tit. 1, § 372.1154(g)(3)(D).
[22] C.G.S.A. § 17b-112(b).
[23] Urban Institute Welfare Rules Database. (2012). Table IV.A.3. Assets limits for recipients. Retrieved http://anfdata.urban.org/wrd/tables.cfm
[24] Ibid.
[25] D.C. Code § 4-205.23(b).
[26] See http://dhs.dc.gov/service/apply-benefits.
[27] Colo. Re. Stat. Ann. § 26-2-703(18.3); Haw. Code. R. 17-656.1-2; Vt. Stat. Ann. Tit. 33, § 1103(26); Wash. Admin. Code 388-454-0010(1) (Washington requires background checks for fictive kin). These states were identified through a Westlaw legal database search of laws and regulations for all 50 states and the District of Columbia.
[28] State of Michigan, Department of Human Services. (2013). BRIDGES ELIGIBILITY MANUAL BPB 2013-011 7-1-2013 (page 7). Retrieved from http://www.mfia.state.mi.us/olmweb/ex/BP/Public/BEM/210.pdf
[29] Code Del. Regs. 5100-3004.
[30] Conn.Gen.Stat.Ann. 17b-112; Code Del. Regs. 5100-3004; Kan. Admin. Regs. 30-4-70 (family grant only); Wis. Sate. Ann. 49.19; and State of Michigan, Department of Human Services. (2013). BRIDGES ELIGIBILITY MANUAL BPB 2013-011 7-1-2013 (page 7). Retrieved from http://www.mfia.state.mi.us/olmweb/ex/BP/Public/BEM/210.pdf In 2006, the Urban Institute Welfare Rules database project researched this issue using caseworker manuals; their findings were confirmed by state administrator review. They found that the following states also include fictive kin who are guardians: Arizona, Georgia, New Jersey, New Mexico, North Carolina, and Ohio (Ohio was limited to child-only).
[31] Ala. Admin. Code r. 660-2-2-.20.
[32] Children's Defense Fund, Child Trends, American Bar Association Center on Children and the Law, Casey Family Programs, Child Focus, and Generations United. (2012, October). Making it work: Using the Guardianship Assistance Program (GAP) to close the permanency gap for children in foster care. Retrieved from http://www.grandfamilies.org/LinkClick.aspx?fileticket=9SHP4MOANmE%3d&tabid=41&mid=403 (HHS also approved Indiana and West Virginia to implement a GAP since this report was published.)
[33] See http://www.dss.state.la.us/index.cfm?md=pagebuilder&tmp=home&pid=138
[34] See https://dwss.nv.gov/Kinship.html
[35] Tenn. Comp. R. & Regs. 0250-07-14.01 et seq. See also http://www.workfirst.wa.gov/reexam/reexamdocs/TN%20Relative%20Care%20Program%20(6).pdf
[36] 45 CFR § 260.31(b)(1).
[37] See http://www.nj.gov/dcf/documents/prevention/support/kinship_wa.pdf
[38] WAC 388-454-0015(1)(d).
[39] See http://otda.ny.gov/policy/directives/2012/ADM/12-ADM-01.pdf
[40] See http://www.ocfs.state.ny.us/main/publications/Pub5080.pdf
[41] Washington's Kinship Navigator program has 8.5 full time Navigators and covers 30 of the state's 39 counties.
[42] Urban Institute Welfare Rules Database. (2012). Table I.D.3. Treatment of income and assets of non-parent caregivers. http://anfdata.urban.org/wrd/tables.cfm
[43] U.S. Government Accountability Office. (2011, October). TANF and Child Welfare Programs: Increased data sharing could improve access to benefits and services (Publication No. GAO-12-2). Retrieved from http://www.gao.gov/products/GAO-12-2
[44] See endnote 2 (citing Children's Bureau, Administration on Children, Youth and Families, Administration for Children and Families, U.S. Department of Health and Human Services. Report to Congress on States' Use of Waivers of Non-Safety Licensing Standards for Relative Foster Family Homes. (2011))