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Pending Legislation – Advocacy Opportunity: The Grandfamilies Act

On May 23, 2019, the Grandfamilies Act ([H.R. 2967](#) and [S.1660](#)) was introduced in Congress by Senator Bob Casey (Pennsylvania) and Rep. Danny Davis (Illinois). This legislation, which Generations United helped inform and endorses, includes a broad range of provisions that would help grandfamilies:

Improves access to Social Security for children raised in grandfamilies

For the first time, children being raised by other relatives – such as aunts or uncles – would be eligible for Social Security based on their caregivers' work records too. This reform would be consistent with the way grandfamilies are treated in other federal programs and tax credits. Only Social Security currently limits benefits to children raised by non-parental relatives to those children being raised by grandparents.

The Grandfamilies Act would also update the benefit rules for Social Security so that dependent children under age 18 qualify for benefits when they have been in the legal custody of grandparents and other relatives who receive Social Security for at least one year.

Addresses barriers to grandfamilies' access to Temporary Assistance to Needy Families (TANF)

TANF is often the only source of financial support for children being raised by relatives both outside and inside the foster care system. There are two types of TANF grants, child-only and family, and this Act strives to improve access for both types.

Child-only grants: Child-only grants are smaller amounts than family-grants and are envisioned under federal law as only for the child based on the child's income. States would be explicitly prohibited from means-testing caregiver income and/or imposing time limits or work requirements on these grants regardless of the caregiver's age. If enacted, this Act would impose significant financial penalties on states if they engaged in any of these practices. There is one permissible exception that would allow caregiver income to be means-tested for specially designed state-operated programs that provide enhanced TANF payments for low-income grandfamilies, programs such as [Louisiana's long-running Kinship Care Subsidy Program](#). All states must still offer child-only TANF that does not means-test caregiver income, but they can also offer a program that provides a larger TANF payment for low-income grandfamilies.

Family grants: For family grants, the legislation would exempt income, asset and resource tests and work requirements for caregivers age 55 and older who are raising related children. If states did not make these exemptions, they would also incur significant financial penalties.

Child support: A major obstacle for grandfamilies trying to access either type of TANF grant is caused by the federal requirement that caregivers assign their right to collect child support to

the state. Under this legislation, what is known as the “good cause exemption” to the requirement to assign child support, would be expanded. That exemption would explicitly go beyond fear of violence and include situations, for example, where caregivers do not want to create another challenge for parents who may be trying to re-parent and need all their income to stabilize their situation.

Resource employee for relative caregivers: The Grandfamilies Act would require state agencies responsible for TANF to employ a resource employee to share information with older relative caregivers on legal options regarding care of the child and how each option corresponds to benefits and services, and to serve as a liaison with other agencies and organizations providing supports. The relevant state agency would also be required to share written materials with older caregivers that explain these options, the requirements to become a licensed foster parent, benefits and services corresponding to these options, including TANF requirements and information about the good cause exception to assigning child support enforcement to the state. There are significant financial penalties for states that do not meet these requirements.

Data reporting: The legislation includes data reporting requirements to measure grandfamilies’ economic well-being.

Promotes creation of state temporary guardianship laws

The Grandfamilies Act would provide financial incentives to states to offer temporary guardianship laws that provide relative caregivers with the legal authority to access services, such as school enrollment or health care, on the child’s behalf. States that have or enact such laws and are federally reimbursed for kinship navigator programs under the Family First Act will be reimbursed for 75 percent of the expenses of operating the navigator program, rather than 50 percent if they do not have such a law.

Authorizes funding for support services in grandfamily housing

The Senate version of the pending bill would also authorize funding for support services, service coordinators, and shared service space in specially designed affordable grandfamily housing, which exists in various jurisdictions around the country and is being developed in others.

Encourages streamlined government support to grandfamilies

The Act emphasizes service coordination and would authorize funding for states to create a statewide support plan for grandfamilies, in addition to directing the U.S. Department of Health and Human Services to issue guidance to states to help them maximize use of existing programs.

Authorizes the creation of a National Technical Assistance Center on Grandfamilies

Finally, the Grandfamilies Act would authorize \$5 million to create a much-needed National Technical Assistance Center on Grandfamilies to provide direct assistance to states and others interested in best supporting grandfamilies.

If you have any questions regarding this summary or the Act, please contact Ana Beltran at abeltran@gu.org or Jaia Lent at jlent@gu.org.