

## Kinship Unity Action Agenda

### Summary of results from February 1-2, 2023 Convening

On February 1-2, 2023, Generations United's National Center on Grandfamilies convened its fifth gathering of national advocates with professional and lived expertise in grandfamilies/kinship families to identify and prioritize key policy opportunities. This is the fifth in a series of convenings held since 1997, which have been critical to coordinating and prioritizing our collective work. With support from the Annie E. Casey Foundation, this convening was co-hosted by Generations United, the American Bar Association: Center on Children and the Law and Think of Us.

We convened 39 caregivers, youth raised by kin, parents, and kinship leaders from national organizations. Over one third of participants indicated having lived experience within grandfamilies/kinship families. The purpose of this meeting was to convene a group of policy advocates with lived and professional expertise in kinship care to identify and prioritize key policy opportunities and begin the process of building and engaging other critical stakeholders in a strong and actionable national policy agenda, which will guide our future collective work. We will coordinate our collective work to act on this agenda through Generations United's National Grandfamilies Advisory Group's quarterly meetings.

#### Who are grandfamilies and kinship families?

Grandfamilies and kinship families are families in which children reside with and are being raised by grandparents, other extended family members, and adults with whom they have a close family-like relationship such as godparents and close family friends. Please note that we use the terms grandfamilies and kinship families interchangeably.

#### Convening Goals:

- To uplift and celebrate kinship policy successes to date and explore new opportunities to build on them.
- To recognize and call out the key challenges and systemic flaws that prevent policy progress, including structural racism, sexism, economic disparities, coercion, and inadequate system accountability.
- To engage and reflect the voices and perspectives of individuals with lived expertise in kinship families in order to identify and prioritize strategies that advance equity and improve outcomes for families.
- To map out the different priorities of national kinship policy organizations to identify both areas of common ground and unaddressed gaps.
- To forge and strengthen relationships across national organizations and lived experts in order to improve kinship policy and thought leadership.

- To build momentum around policy priorities that can be shared with an even broader group of lived experts and shaped into a coordinated and actionable national policy plan.

### **Accomplishments:**

Grandfamilies/Kinship families and those who advocate with them have had many policy successes over the course of our five convenings. Key highlights include:

- Older Americans Act (OAA) reauthorization in 2000 included grandfamilies within the National Family Caregiver Support Program. The 10% cap on use of OAA funds for the National Family Support Program was removed during 2020 reauthorization.
- Passage of the LEGACY Intergenerational Housing Act (2003), which authorized a study of grandfamilies housing needs, training for HUD staff and funding for dedicated housing for grandfamilies. Funding was appropriated for the LEGACY Act in 2005.
- Passage and implementation of the Fostering Connections to Success and Increasing Adoptions Act (2008). This Act: provided funding for family connections grants (including kinship navigator programs and family finding programs); required notice be given to adult relatives of children removed from their parents care; authorized new federal funding for subsidized guardianship payments, and clarified that states can waive non-safety related licensing standards for kinship families to address barriers.
- Implementation of Guardianship Assistance Programs (GAPs) in 41 states, 2 territories, 12 tribes, and the District of Columbia.
- Passage and implementation of the Preventing Sex Trafficking and Strengthening Families Act (2014). This Act includes provisions to allow preservation of eligibility for kinship guardianship assistance payments with a successor guardian and clarifies that states must notify the parents of a child's siblings when a child is removed from their parents care.
- Passage and implementation of the Family First Prevention Services Act (2018). This Act includes key provisions to support grandfamilies by addressing barriers to licensing relatives as foster parents, providing federal Title IV-E funding for evidence-based kinship navigator programs, and providing federal support for evidence-based mental health programs, substance abuse treatment, and prevention services and in home supports.
- Passage of the Supporting Grandparents Raising Grandchildren Act (2018). This established a Federal Advisory Council on Supporting Grandparents Raising Grandchildren, which has produced its initial report to Congress (2021) and the National Caregiving Strategy (2022).
- Establishment of the Grandfamilies & Kinship Support Network: A National Technical Assistance Center (2021).
- [Insert Proposed Rule on Separate Licensing Standards for Kinship Foster Families if/when it becomes final]

### **Core Values:**

- Every child deserves to grow up with the people who know and love them and who are supported in doing so.
- Ensure efforts to help children remain with parents are made by giving them supports, services, and resources needed to provide for the child.
- When children cannot live with their parents, they do best with kin.
- Lived experience should not just inform policy change but lead it.
- Supportive kinship is the bridge to equity, particularly for African American, American Indian, Alaska Native, and other communities of color.
- Children and youth must remain connected to their families and communities.
- No one should be discriminated against because of their identity.
- Kinship families deserve the same support as other foster families.
- Kinship families caring for children outside the child welfare system should have access to targeted supports.
- Families need support and resources to stay together.

### **Principles for System Transformation:**

- We recognize that some of the suggested policy directions that are included in this action agenda are grounded in systems and policies that should be completely redesigned or abolished.
- We also recognize, however, that total systemic reform will take time, so we are open to pursuing shorter-term changes that will bring more immediate relief and better outcomes for grandfamilies/kinship families.
- In pursuing concurrent strategies, we must ensure that focus on short-term policy victories in current systems does not impede more radical long-term transformation.
- And as with all policy implementation, we must look to data to evaluate and prioritize needs and fill existing gaps.

### **Umbrella Priority: Government Systems Must be Held Accountable to Prioritize and Support Kinship Families**

To radically transform government policies and systems that negatively impact families, systems must:

- Ensure that those most impacted by systems lead their redesign.
- End the coercion, control, unnecessary investigation, unnecessary separation, and oversurveillance of families.
- Explicitly acknowledge, apologize for, and intentionally eradicate racist design, history, ideologies and current policy and practice impacting kinship families.

- Recognize that current systems are not “broken” but rather operating in the legacy of their intentional design.
- Recognize and embrace the diversity of kinship families, including LGBTQ+ caregivers and youth, and ensure that all families are treated equitably and with respect regardless of their race, gender identity, or sexual orientation.

## **Collective Action Priorities**

### **Ensure that kinship caregivers receive equitable financial and other supports**

When children cannot remain with their parents, they do best with relatives. Despite evidence of the strength of grandfamilies, grandfamily caregivers experience significant and unnecessary barriers to helping the children they raise thrive. The systems and services that help U.S. families were not designed to meet the unique needs of grandfamilies. For kinship caregivers, something as simple as enrolling children in school or taking them to the doctor can be difficult, if not impossible. This can be especially challenging for grandfamilies raising children outside of the foster care system. For every 1 child being raised by kin in foster care, there are 18 children being raised by kin outside foster care. As with other key supports, a major determinant for financial benefits is whether the child is in the foster care system.

Many kinship caregivers miss out on financial assistance their grandfamilies may be eligible for because they are reluctant to apply for government benefits or get involved with foster care. Other families are never given the option to become a formal foster parent to the child because they step in to care for the child before the child welfare system becomes involved or the child welfare system diverts the child to their care without providing information about the financial support and services available through foster care.

Inequities are particularly prominent for grandfamilies outside the foster care system. Grandfamilies outside of the foster care system generally have no targeted financial assistance and often do not have access to secure financial assistance, child care, respite, education and training, and other support for the child. They may be eligible for Temporary Assistance for Needy Families (TANF) child-only grant payments, but the amount is much smaller than foster care maintenance payments, and eligibility rules for TANF vary significantly by state and tribe. For example, families within the foster care system receive, on average, \$511 per month in financial assistance for one child, compared with an average of just \$249 for those outside the system. The disparities become substantially larger for kin who care for sibling groups. Furthermore, in most states the TANF agency requires that the caregiver assign the right to pursue child support to the state. This often prevents caregivers from pursuing the TANF benefit because they fear a child support action will drive the parent to retrieve the child, possibly placing the child back in danger.

Even those children who enter foster care with kin often receive inequitable supports. In order to receive foster care maintenance payments equal to those of non-kin foster parents, kinship

caregivers must become licensed foster caregivers. Many grandfamilies face barriers to becoming licensed, receive a lesser payment, or no monthly payment at all, despite the child being in the custody of the child welfare system.

Action Items/Recommendations:

- Require that kinship caregivers receive the same financial assistance and other supports as non-related foster parents and states receive full federal reimbursement for all such supports.
- Require that equitable funding be provided to the kinship family as soon as the child moves into the home of their kinship caregiver.
- Ensure that all financial supports for caregivers be based on the same reasonable calculation of the cost of raising a child, including enhanced rates for special needs (regardless of the programmatic source of funding – e.g., TANF, foster care, etc.).
- Reinstate Social Security survivors benefit for children of deceased or disabled workers through age 22 for students enrolled in college.

### **Ensure policies that meet kinship families' basic needs**

All children deserve a safe, loving home, healthy food, a good education, and timely, quality health care. Research indicates that children in grandfamilies who receive services and support, such as financial and legal assistance, housing, food and nutrition supports, and health services, experience better outcomes than those whose grandfamilies don't receive services. But many grandfamilies lack access to services to help meet these basic needs.

In general, across the nation, there is a dearth of adequate services and supports available to grandfamilies. Those services that are available often are not tailored to the unique needs of grandfamilies and are inadequate to meet the basic needs of both the children and the caregivers.

Action Items/Recommendations:

- **Child Support:** explicitly include kinship care as a “good cause” exemption in child support collections.
- **Housing:** expand or provide a new funding stream to build and fund specialized housing for kinship care families.
- **Education:** expand/clarify the definition of McKinney-Vento to include students living with kin outside of the foster care system.
- **Food and Nutrition:** establish a SNAP child-only benefit.
- **Tax Credit:** provide a refundable caregiver tax credit at the federal and state levels.

- **Child Care:** provide child care benefits for kinship families inside and outside the system that mirror policy for non-kin foster families.
- **Expand other Financial Supports:** including SSI, SSDI, TANF and other cash supports. Explore equitable financial assistance to support kinship families that prevent entry in foster care.
- **Collaboration:** promote collaboration among systems to increase access by kinship families to existing services in other systems.

### **Fully integrate lived expertise into policy review, design, and implementation**

Increasingly, government and nonprofit leaders are recognizing the value of engaging individuals with lived experience when creating and enhancing public policies, programs and services. Policies, programs, and services are more effective, trusted, and used when they intentionally draw on the perspectives of those they seek to serve. Engaging individuals with lived expertise in an authentic way requires preparation, an understanding of power dynamics, and a commitment to providing support to enable their engagement. More details about how to authentically engage families in decision-making is available [here](#).

Action Items/Recommendations:

- Change federal and state hiring practices to properly weight lived expertise.
- For every government-funded program, require that funds be made available to authentically engage lived expertise and pay lived experts for their time.
- Require that government-funded research and evaluation integrates lived expertise and guards against extractive practices.
- Develop and implement policy guidance on how to fully and authentically engage lived expertise to guide policy change.

### **Ensure cultural equity and respect tribal sovereignty**

In the United States, the quality and level of support and services a family can receive depend on personal characteristics like sex, age, race, socioeconomic status, or a caregiver's legal or personal relationship with a child. In some cultures, it is not appropriate and considered disrespectful to terminate parental rights and formally adopt children. Compounding these challenges, grandfamilies must navigate complicated, fragmented systems of support, often aimed at "parents," that differ within and among communities, are underfunded nationwide, and do not consider diverse cultural norms.

African American, American Indian, and Alaska Native children are more likely to live in kinship families than the general population. This is partially based on cultural values and long and proud traditions that emphasize the importance of connections with extended family and

community. While African American children comprise 14 percent of all children in the United States, they make up over 25 percent of all children in grandfamilies and 23 percent of all children in foster care. The long history in the United States of enslavement, segregation, economic injustice, and institutional racism contributes to this overrepresentation in the foster care system, and likely also contributes to the larger percentage of African American children in informal grandfamilies.

American Indian and Alaska Native children make up one percent of all children in the United States, yet they comprise over eight percent of all children in grandfamilies and two percent of all children in state foster care systems. While the overrepresentation of American Indian and Alaska Native (AI/AN) children in grandfamilies is likely a product of the centuries-long shameful treatment of this community by the United States and the many inequities this community continues to face, it is also a reflection of their cultural strengths and resilience. There is a long and proud tradition of kinship care in Native cultures. In almost all Native cultures, extended family kinship structures prevail. Within this kinship structure, there are many potential caregivers and many natural supports. Recognizing the different ways in which tribes define relatives and kin in their communities is important to honoring tribal sovereignty and self-determination.

Tribal governments in the United States, under their retained powers of self-governance, provide child welfare services and decide custody matters regarding children. Those sovereign powers are recognized and enforced by the Indian Child Welfare Act (ICWA). Under ICWA states must recognize the authority of tribes over their own child welfare and work with them on a government-to-government basis. Despite the protections ICWA provides, disproportionate placements for American Indian and Alaskan Native families continue to persist as these children are four times more likely to be removed from their homes compared to white children.

Action Items/Recommendations:

- Provide federal funds directly to tribes to provide culturally sensitive supports to kin, without requiring that they meet strict evidence-based standards that do not account for cultural differences.
- Support policy that recognizes and builds on strong cultural traditions of kin and extended family.
- Require states to redefine maltreatment to take cultural differences into account.
- Require cultural awareness and race equity training for all child welfare stakeholders incorporating members of the various communities as trainers.
- Provide funding for community based, trauma informed and culturally sensitive services and supports.

## **Ensure that the child welfare system respects, values, and fully supports kinship families**

Kinship caregivers step up to raise children because the children need them. Without them, many more children would wind up in non-relative foster care, separated from their parents, families, homes, communities, culture, and all that is familiar — creating even more trauma for them. While there is general agreement that children who are not raised by their parents deserve and need care and support, there is a pervasive and inaccurate perception that kinship caregivers should be able to meet all of the children's needs, even though they didn't plan for this role financially, logistically, or mentally.

The research is clear. When children cannot remain with their parent, they do better with kin and even better in grandfamilies that receive services and supports. But far too many grandfamilies are not connecting with equitable supports. There are disparities among grandfamilies according to their community, state, tribe, racial/ethnic group, and other family and personal characteristics. As a nation, our policies, systems, and services are not all geared to help them thrive and succeed.

### **Action Items/Recommendations:**

- Enhance prevention resources to prevent crisis before they occur, including supporting kin in being part of prevention plans.
- Eliminate burdensome and nonsensical licensing requirements and provide financial support to address safety and barriers to licensure.
- Allow states to have different approval standards for kin than non-kin foster parents (with the exception of core safety requirements).
- Streamline interstate placements for kinship families.
- Invest in funding for jurisdictions to conduct family finding, engagement, and support when a child first comes to the attention of the child welfare system.
- Require policies that place all children removed from parents with kin by default, with consideration of the youth's preferences. Placement with non-kin must be reviewed and only allowed in extreme circumstances.

## **Provide affordable, high-quality legal representation for kinship families**

The legal relationship between a caregiver and the child they are raising can be pivotal in terms of the ability of the caregivers to provide for the child. But the legal system is complicated and confusing, and understanding the terminology and legal options are crucial. Unlike parents who have an automatic legal relationship with their children, grandparents and other relative caregivers do not have inherent legal rights and responsibilities for the children they are raising.



To obtain such a relationship takes time and money — money that is likely already stretched thin because they are raising children they did not plan or expect to raise. Obtaining quality, affordable legal counsel and/or assistance is often critical to securing legal custody, guardianship, or adoption, and accessing services and supports. Those who try to form a legal relationship and don't qualify for affordable legal services often spend down their retirement and lose their financial security due to the high costs and long-term nature of many cases. Giving kin caregivers equitable access to affordable legal fees and services in kinship matters can allow many to preserve their family's financial security while providing more permanency and stability for the children they are raising.

**Action Items/Recommendations:**

- Provide new federal, state and local funding for free and low-cost legal representation for all families, including kinship caregivers.
- Require that kinship caregivers receive free legal representation in the child welfare system as a condition of federal funding.
- Provide funding to develop training for attorneys to ensure quality representation.

**Support effective strategies to change the public narrative on kinship care**

Research shows when children cannot stay with their parents, they do best with relatives. Kinship families have increased stability, higher levels of permanency and strong safety. Children in grandfamilies experience better behavioral and mental health outcomes. They maintain a greater preservation of cultural identity and more community connections.

While grandfamilies and advocates have made significant strides raising awareness about these positive outcomes for children in grandfamilies, some stigmatizing stereotypes persist. A coordinating, steady campaign to educate policy makers and the public will be a critical component to successful policy change.

**Action Items/Recommendations:**

- Use public opinion research & messaging to push against negative stereotypes and highlight why kinship is the best option for children when they cannot remain with their parents.
- Acknowledge that no family is perfect, nor do they have to be.
- Educate public on the better outcomes for children with kin.
- Normalize help seeking and destigmatize the need for assistance.
- Ensure it is clear that government and public systems should support, not undermine kinship networks and families.

## **Develop specialized programs to meet the unique needs of kinship families**

More than 2.5 million children are raised in grandfamilies, yet family systems and services in areas such as housing, education, and health care were not designed for grandfamilies. Services are often oriented toward parents, do not use inclusive language, and do not adapt to the unique challenges, strengths, circumstances and needs of the children and caregivers in kinship families. Furthermore, not all staff are well-trained and fully familiar with the unique needs of grandfamilies and supports available to them.

Action Items/Recommendations:

- Expand funding for kinship navigator programs and encourage them to equally support kin caregivers both inside and outside the child welfare system.
- Develop specialized programs and trainings for younger caregivers and for older caregivers parenting for the first time in years.
- Ensure that kinship families have full access to become therapeutic foster parents and therefore receive necessary supports, training, and services to care for children who need a higher level of care, when appropriate.
- Invest in programs that meet kinship families' social and emotional needs (e.g., peer to peer led and peer-founded support groups, specialized training on family dynamics and resource development).
- Establish robust federal and state respite programs for kinship families inside and outside of the child welfare system.
- Ensure the inclusion of kinship families in permissible uses of federal and state opioid settlements.
- Develop flexible funds to meet urgent family needs (e.g., cribs, car seats, diapers, formula, etc.).
- Leverage existing resources for kinship families and coordinate services with existing programs, including family resource centers.

## **Enhance social science research on all kinship families to better address inequities across systems**

Research indicates that children do better with kinship families than in families with non-kin. When the grandfamily receives services and supports, the children do even better. Yet, inequities still abound, and all grandfamilies certainly do not have access to the same services and supports. Currently, only limited data exists, particularly for kinship families who are not involved with the child welfare system. The U.S. Census Bureau collects data on grandparents who self-identify as responsible for grandchildren. Similar data is available for the grandchildren

of grandparents who are responsible for them. Both data sets include broad racial and ethnic breakdown, but do not include racial and ethnic background within categories such as poverty and disability. This information is critical to informing services and supports and identifying racial disparities. Absolutely no racial or demographic data are publicly available for other relatives, such as aunts or uncles, or the children they raise.

Research and data on kinship families who are involved with the child welfare system is also needed. This includes data on children who are diverted from the child welfare system, children who are in the legal custody of the child welfare system with unlicensed kin and receive no foster care maintenance payments, those who exit foster care to guardianship or adoption, and children who are reunified with parents. Many state child welfare agencies are removing children from homes, finding relatives or kin, and then diverting those children with little or no supports. No federal data are collected from states on these children. Agencies “divert,” despite the fact that they have placement and care responsibility. We need to capture these large numbers of diverted children to better understand this population, and whether they eventually enter foster care. Although some AFCARS data are reported for children who are reunified with their parents and who exit foster care to guardianship or adoption, no data is collected on race. Information on race will inform policy and program responses to possible disparities.

- Provide funding to support research on the stability, permanency, health, and wellbeing outcomes for caregivers and children in kinship families.
- Collect more data about all kinship families, including race/ethnicity, location, tribal affiliation, and other pertinent characteristics, to inform services and supports.
- Analyze and disaggregate the racial data of grandfamilies both inside and outside the foster care system.
- Track children who have come to the attention of the child welfare system but are diverted from that system.