

Fostering Families Today
February 2005

Family Ties
By Fostering Results

New report find children in long-term foster care can find safety, permanence and security with grandparents and other caregivers.

National study finds that states with federally subsidized guardianship programs “move children out of long-term foster care into safe, permanent homes.”

According to a new report released by the national, nonpartisan Fostering Results, children adrift in foster care can find safety, permanence and security with grandparents and other caregivers as an alternative to remaining in foster care. The report, titled “Family Ties,” uses recently released 2002 federal data to estimate that 19,250 children in long-term relative foster care in the United States are in “permanency limbo” – where a court has determined that they cannot be safely returned to their parents, nor is adoption an option.

Federal foster care funding can be used to support children in foster care or in adoptive homes, but so-called Title IV-E foster care funding cannot be used to support legal guardianship. Yet, the report found that when states were allowed to use “waivers” of federal foster care financing rules, and when they made use of other flexible funding dollars like Temporary Assistance to Need Families, or TANF, to offer federally subsidized guardianship, 9,636 foster children left foster care after one year for permanent homes with legal guardians, including grandparents and other kinship caregivers between 2000 and 2001.

“The study illustrates the benefits of having the option of federally subsidized guardianship for children, families and the foster care system as a whole,” said Mark Testa, lead author of the report, co-director of Fostering Results and director of the Children and Family Research Center at the University of Illinois at Urbana-Champaign. Among these benefits are:

Transfer of legal guardianship benefits children and families

“When children are ‘already home’ in the safe and stable care of relatives, prolonging their stay in foster care diverts resources away from other children in need to unnecessary court hearings, caseworker visits and administrative approvals,” Testa says. “The better choice for children and families is to turn safe and stable kinship foster placements into legally permanent homes through either subsidized adoption or subsidized guardianship.”

Without legal guardianship, performing even the simplest tasks can become a bureaucratic ordeal, requiring prior approval by caseworkers or judges and the completion of multiple layers of paperwork. “Even if courts and caseworkers determine that a child is safe and secure in the care of relatives, without legal guardianship, simple tasks like school pictures, routine medical immunizations and out-of-state trips can become a nightmare of paperwork.”

Subsidized guardianship complements subsidized adoption

“The federal government’s support for adoption has helped thousands of kids in foster care placements find permanent, safe, stable homes,” said Joe Kroll, executive director of the North American Council on Adoptable Children. “But when adoption isn’t an option, it’s just as important to support grandparents and other kin caregivers who want to become permanent guardians.”

For some families, adopting their relative’s child is the best path to providing the child with a secure and permanent home. For other relative caregivers, adoption may not be desirable. For example, an aunt or grandmother may be willing to assume legal responsibility for a grandchild but may not want to terminate the parental rights of a daughter or relative who is unable to care for the child at the current time. For these children, subsidized legal guardianship offers an alternative route to permanence.

Federally subsidized guardianship helps children find permanence

In a cost-neutral approach some states have received waivers to spend federal funds on subsidized guardianship as an alternative to subsidized foster care. In Illinois, the largest demonstration state in the nation, 2,033 children moved from state custody after one year to the legal guardianship of relatives and other foster parents between 2000 and 2001. Maryland, another federal waiver state, moved 152 children to permanent legal guardianship in the same two years.

California used TANF funds to support the permanent placement of moving 5,414 foster children who had been in care at least one year with relatives who were approved as legal guardians by the courts between 2000 and 2001. However, as state and federal budget pressures grow, child welfare leaders are uncertain about the ongoing availability of TANF funds to support subsidized legal guardianship programs.

“In a number of states, we have seen tremendous success by maximizing TANF dollars to support guardianship programs across the nation, but not all states have been able to access TANF dollars for guardianship. In addition, it is unclear whether that option will be available over the long-term,” said Mary Nelson, president of the National Association of Public Child Welfare Administrators.

Support for federal guardianship assistance is building

“States have shown that guardianship works, and the federal financing ‘waivers’ have shown how they can be supported and implemented to help children achieve permanence,” said Judge Nancy Salyers, co-director of Fostering Results and former presiding judge of the Cook County Juvenile Court Child Protection Division. “Having the option of subsidized guardianship for relatives willing to take legal guardianship can only help us ensure that in all 50 states every child in foster care attains a safe, stable home and loving family. The Pew Commission on Children in Foster Care and other experts have recommended that states be given the option to be able to receive federal assistance to support children leaving foster care to live with legal guardians, rather than having to continue to seek waivers for an idea that has been proven to work.”

ABOUT FOSTERING RESULTS:

Fostering Results is a national, nonpartisan project to raise awareness of issues facing children in foster care. It is supported by a grant from The Pew Charitable Trusts to the Children and Family Research Center at the School of Social Work, University of Illinois at Urbana-Champaign. The complete report is available at: www.fosteringresults.org.