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Grand Reform: National Policy and Program Efforts to Help Grandfamilies

Ana Beltran

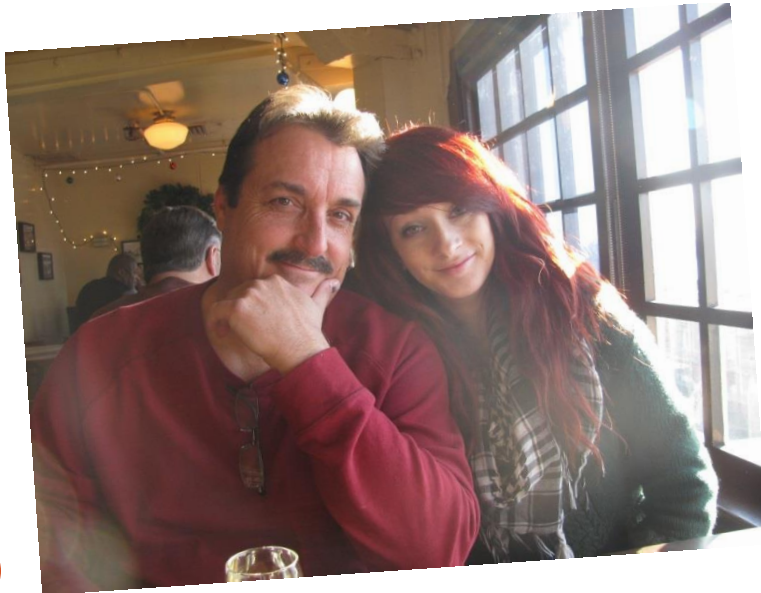
Ohio Statewide Kinship Conference
September 20-21, 2019

Generations United

- Generations United's mission is to improve the lives of children, youth, and older adults through intergenerational collaboration, public policies and programs
- Since 1998, Generations United's National Center on Grandfamilies:
 - Guided by GrAND Voices – a network of caregiver advocates
 - Leads an advisory group of organizations, caregivers and youth that sets the national agenda
 - Provides technical assistance to states and other providers
 - Raises awareness through media outreach, weekly communications and events
 - Provides information and resources at www.gu.org and www.grandfamilies.org

GrAND Voices

- GrAND Voices aims to have kinship caregiver voices front and center
- GrAND Voices now has 68 members in 45 states, the District of Columbia and 11 tribes
- GrAND members in Ohio:
 - Ms. Jan Ellen Bowman
 - Ms. Melodye James



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What GrAND Voices Do

- Advocate on behalf of kinship caregivers both inside and outside the child welfare system:
 - White House
 - Congressional hearings and briefings
 - 5th National GrandRally
- Act in advisory role
- Provide input on draft publications and other materials
- Federal government in August 2019 ([IM ACYF-CB-IM-19-03](#)) emphasizes importance of “integrating family and youth voices into all aspects of child welfare system design and operation”



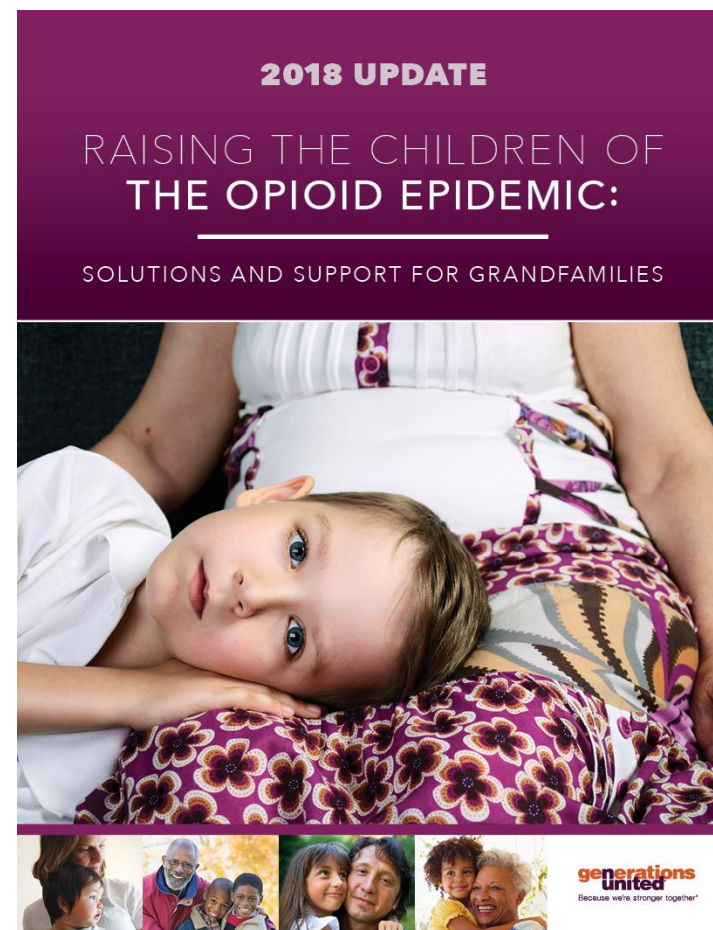
Grandfamilies: Opioids and other substance use



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State of Grandfamilies Report- Opioid Epidemic

- Throughout the U.S., opioids and other substance use is the primary reason grandfamilies come together
- Because of the opioid epidemic, the number of children in foster care is increasing after years of decline
- Children placed in family foster care because of a parental drug or alcohol use are now more likely to be placed with relatives than non-relatives



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Federal Law: Family First Prevention Services Act



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Family First Prevention Services Act – Important Progress for Kinship Families

- **Prevention services** – states have the option to use federal child welfare dollars for evidence-based services and programs to prevent children from entering foster care by supporting children, kinship caregivers and parents
- **Kinship navigator programs** – states have the option to offer these evidence-based programs and receive federal reimbursement up to 50%
- **Improving licensing standards for placements with relatives** – states required to report back to HHS by March 31, 2019 on their licensing standards and use of waivers

Three Current Federal Funding Opportunities for Kinship Navigator Programs

(1) Family First Prevention Services Act

- Ongoing 50% federal reimbursement
- Must meet evidence-based and other requirements

(2) 2018 \$20 million appropriation

- **Ohio** and 45 other states, 8 tribes, and 2 territories applied and received funds
- Do not have to meet Family First requirements, but be working towards them

(3) 2019 \$20 million appropriation

- Similar process and requirements as 2018 with similar applicants, including **Ohio**

And...2020 appropriation?

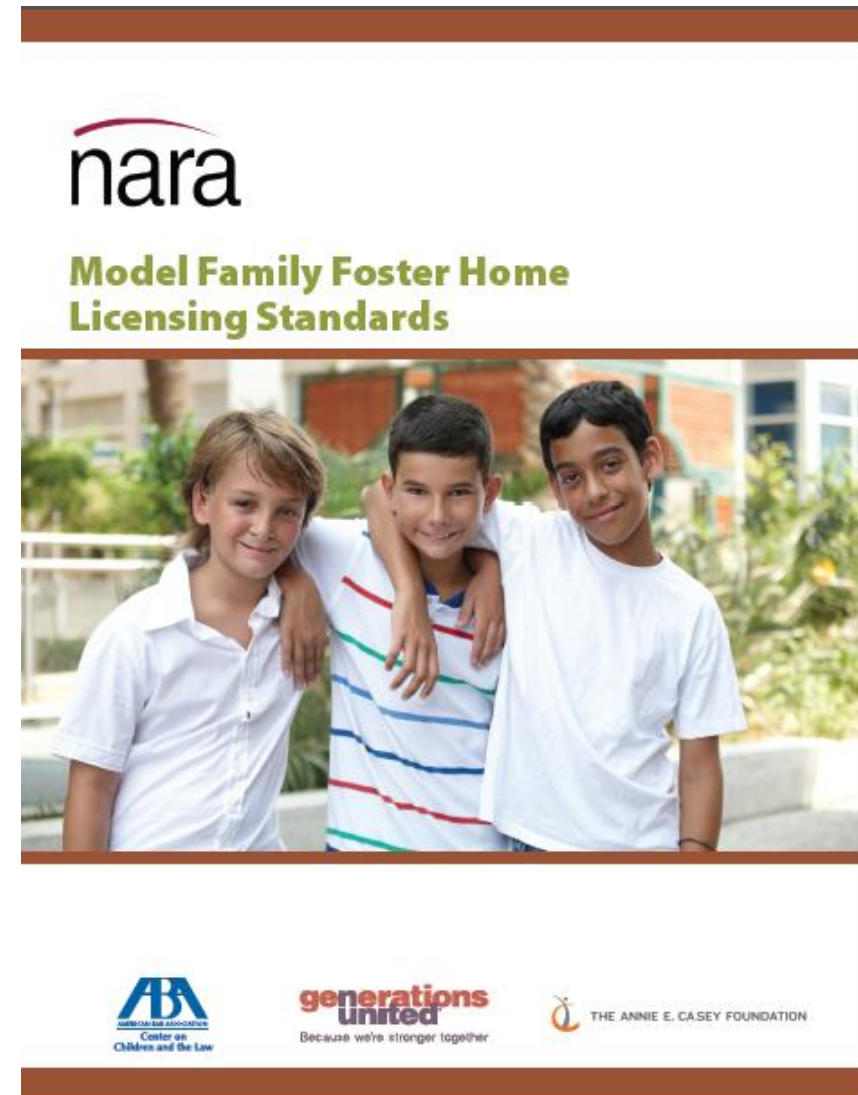
Improving Licensing Standards for Relatives

- Family First requires states and tribes to compare their licensing standards with a new National Model
- The National Model “relied heavily” on the NARA Model – created by the National Association for Regulatory Administration (NARA), ABA and Generations United with support from the Annie E. Casey Foundation
- The NARA Model was designed to break down unnecessary barriers for both relatives and non-relatives
- NARA Model and its tools can be used to provide important guidance and additional clarity
- An FAQ explains the two models and reporting requirements – www.grandfamilies.org

Package of NARA Model Licensing Standards

Available free of charge at www.grandfamilies.org and www.naralicensing.org includes:

- a purpose statement
- ten guiding principles
- the model standards
- an interpretive guide
- a crosswalk tool



Equity issues



Child Welfare Agency Practices

Nationally and in **Ohio**, child welfare agencies have an array of practices when it comes to relying on relatives to provide foster care. These practices impact how much support children in grandfamilies receive.

These practices can result in inequities:

- *“Divert” the children to relatives with or without supports*
- *Do not offer relatives the option to become licensed foster parents or discourage it*
- *Keep the children in the agency’s legal custody, and may only “approve” relatives, rather than fully licensing them*



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D.O. v. Glisson

- U.S. Court of Appeals for the 6th Circuit case that requires that relatives who are “approved” for children in foster care must be treated the same as those who are “licensed”
- The children must be provided with foster care maintenance payments
- 6th Circuit decisions apply equally to Kentucky, Michigan, Ohio, and Tennessee
- Kentucky and Ohio are the only 2 of the 4 states that “approve” relatives
- Both states are required to implement the decision
- For more information, see www.grandfamilies.org

Pending Federal Legislation



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The Family First Transition and Support Act

- In May 2019, the Family First Transition and Support Act ([H.R. 2702](#) and [S. 1376](#)) was introduced by Senator Sherrod Brown (OH), Rep. Karen Bass (CA) and Rep. Don Bacon (NE)
- Designed to help jurisdictions transition to the new funding model under the Family First Act
- If enacted into law, this pending legislation would make more services and supports available to grandfamilies:
 - Crisis stabilization services
 - A kinship placement crisis stabilization fund to make direct cash payments to grandfamilies
 - Family finding and family group decision-making
 - Assistance for relatives interested in becoming licensed foster family homes

The Grandfamilies Act

Also in May 2019, the Grandfamilies Act ([H.R. 2967](#) and [S.1660](#)) was introduced by Senator Bob Casey (PA) and Rep. Danny Davis (IL)

If enacted into law, this pending legislation includes a broad range of provisions that would help grandfamilies:

- Improves access to Social Security for children raised in grandfamilies
- Addresses barriers to grandfamilies' access to Temporary Assistance to Needy Families (TANF)
- Promotes creation of state temporary guardianship laws
- Authorizes funding for support services in grandfamily housing
- Encourages streamlined government support to grandfamilies
- Authorizes the creation of a National Technical Assistance Center on Grandfamilies

Immigrant Grandfamilies



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State of Grandfamilies 2018

- About 21% of children in grandfamilies are in immigrant grandfamilies
- Children of parents who have been detained or deported often go into the care of a relative
- These families need laws and contingency planning guides and tools to allow someone else to care for the children



Standby Guardianships

- **Ohio** and most states have standby guardianship laws. These laws allow a parent to designate a standby in the event of their death or disability
- The laws began appearing in the wake of the AIDS crisis
- In 2018, Maryland and New York passed laws allowing detention or deportation to be a triggering event:
 - In May 2018, Maryland expanded its standby guardian law to include “adverse immigration action” as a triggering event
 - About a month later, New York expanded its standby guardian law to include “administrative separation” as a triggering event

Educational and Health Care Consent Laws

- Allow a caregiver to complete an affidavit under penalty of perjury that they are the primary caregiver of the child
- Then, by presenting the form, they can consent to treatment, school enrollment, and educational services
- About 17 states have educational consent laws and about half have health care consent laws
- **Ohio** has both types of consent laws (Ohio Rev. Code Ann. §3109.65) but unlike all other states, limits the consent authority to grandparents (no other relatives)



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POLICY BRIEF

State Educational and Health Care Consent Laws:
Ensure that children in grandfamilies can access fundamental services

Ana Beltran, Special Advisor, Generations United's National Center on Grandfamilies

Children across the United States are being denied access to education and health care solely because they are being raised by someone other than their parents. About 2.7 million children in the United States are being raised by kinship caregivers – grandparents, other extended family members, and close family friends.¹ These children are raised by kin because their parents may be addicted to substances, deployed in the military, incarcerated, in another state for a job or have severe psychological, cognitive or physical challenges that render them incapable of raising children.

Of these millions of children, many of these children are being raised by kinship caregivers with no legal relationship – such as legal custody or guardianship.² Furthermore, only about 104,000 are living with kin in foster care. Although this number represents almost one-fourth of all children in foster care, it is less than one-twenty-sixth of children being raised by kinship caregivers.

Without the support of the foster care system or a legal relationship that is formalized by the courts, kin caregivers face enormous challenges enrolling children in school, advocating for educational services or consenting to health care.

To ensure that children in kinship families or "grandfamilies"³ can obtain health care and a tuition-free public education, many states have consent laws that allow kinship caregivers to access these services for the children they raise without the need for legal custody or guardianship. The May 2012, Annie E. Casey Foundation Kids Count essay, *Stepping Up for Kids*, recommends that states without these laws enact them to support kinship families. In this brief, we provide state policymakers and advocates with the tools to enact their own educational and health

care consent laws and to perhaps amend existing laws to make them more responsive.

This brief summarizes:

- I. Educational and health care access challenges and responses
- II. Essential elements of responsive consent laws, using language and examples from states with existing laws
- III. Certain elements to avoid in responsive consent laws
- IV. Reasons some states may lack consent laws
- V. Tools and strategies to enact consent laws

I. Educational and Health Care Access Challenges and Responses

Reasons kin caregivers do not have legal custody or guardianship
Being able to consent to health care or complete school enrollment forms can be impossible without a legal relationship, but many relative caregivers do not want or cannot afford a legal relationship with the children in their care. These kinship care-

Children Fare Well in Kinship Care

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.⁴ 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.

Supporting Grandparents Raising Grandchildren Federal Council



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Supporting Grandparents Raising Grandchildren Council

- Created by a 2018 law of the same name
- First meeting of the Council took place in Washington DC in late August 2019
- Invited Council members include relative caregivers, subject matter experts, and federal agencies that impact grandfamilies
 - ***Includes two Ohioans: Dr. Toni Kleckley and Mr. Patrick Donovan***
- Will work to better coordinate federal resources and support grandfamilies
- Multiple opportunities for public input
- More information available at <http://acl.gov>

Additional Resources



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Grandfamilies.org HOME ABOUT US SEARCH LAWS TOPICS RESOURCES PUBLICATIONS NEWS

NEED HELP?
See State Fact Sheets to obtain important state specific kinship resources, information and data.

[LEARN MORE](#)

Search Laws
A searchable database of laws and legislation affecting grandfamilies both inside and outside the foster care system for all 50 states and the District of Columbia.
[Read More](#)

Resources
Free and online legal resources in support of grandfamilies within and outside the child welfare system.
[Read More](#)

Publications
View our publications that support grandfamilies including: Model Family Foster Home Licensing Standards, Using the Guardianship Assistance Program (GAP), and Relative Foster Care Licensing Waivers in States.
[Read More](#)

A collaboration of the
ABA Center on Children and the Law
Generations United
Casey Family Programs

Tips, practical information and resources to help grandfamilies inside and outside the child welfare system impacted by opioids or other substance use.

Topics include:

- Practicing Self-Care*
- Addressing Childhood Trauma*
- Preventing Harmful Drug Use by Children*
- Engaging with Birth Parents*
- Talking with a Child about their Birth Parent*

Available at: www.grandfamilies.org and www.gu.org



wikiHow for

Kinship Foster Care

WHEN CHILDREN CAN'T LIVE SAFELY WITH THEIR PARENTS AND MUST ENTER THE CUSTODY OF THE STATE OR TRIBE, federal, state, and tribal child welfare policy prioritizes placement with relatives or close family friends. This is known as kinship foster care. Research confirms that children do best in kinship foster care and that family connections are critical to healthy child development and a sense of belonging. Kinship care also helps to preserve children's cultural identity and relationship to their community.

There is a growing consensus that group care is not beneficial for children except in time-limited therapeutic settings to meet specific treatment needs. Unfortunately, most communities lack a robust network of foster family homes. Given this reality, many child welfare agencies are redoubling their efforts to identify and engage kin as foster parents.

Despite the strong value of kinship foster care, major impediments still exist to finding, engaging, and placing children with kin when they must be removed from their parents' care. Efforts must be made to help children maintain important family connections and support, and to tailor services and assistance to address the unique needs of kinship foster families, while still working toward the goal of reunification with parents.

This wikiHow draws on wisdom from the field about the seven steps to creating a kin first culture – one in which child welfare systems consistently promote kinship placement, help children in foster care maintain connections with their family, and tailor services and supports to the needs of kinship foster families.

This research was funded by the Annie E. Casey Foundation. We thank them for their support but acknowledge that the findings and conclusions presented in this report are those of the author(s) alone, and do not necessarily reflect the opinions of the Foundation.

The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association. The American Bar Association Center on Children and the Law is a program of the Young Lawyers Division.

GRANDFACTS

STATE FACT SHEETS FOR GRANDFAMILIES



The GrandFacts state fact sheets for grandfamilies include state-specific data and programs as well as information about public benefits, educational assistance, legal relationship options and state laws. Visit www.grandfamilies.org to find this and all GrandFacts state fact sheets.

Ohio

The Children

- 124,000 (5%) children live with a relative with no parent present.
- 227,862 (8.6%) children under 18 live in homes where householders are grandparents or other relatives.
 - 185,469 (7.0%) of these children live with grandparents.
 - 42,393 (1.6%) of these children live with other relatives.

The Grandparents

- 99,877 grandparents are householders responsible for their grandchildren who live with them. Of these:
 - 39,723 (39.8%) do not have parents present.
 - 66,463 (66.5%) are under age 60.
 - 57,529 (57.6%) are in the workforce.
 - 22,073 (22.1%) are in poverty.
 - 26,663 (26.7%) have a disability.
 - 31,761 (31.8%) are unmarried.
 - Race/Ethnicity:
 - 76,106 (76.2%) are white (not Hispanic or Latino)
 - 19,276 (19.3%) are black or African American
 - 2,797 (2.8%) are Hispanic or Latino origin
 - 400 (0.4%) are Asian
 - 300 (0.3%) are American Indian or Alaska Native
 - 100 (0.1%) are Native Hawaiian or other Pacific Islander
 - 1,298 (1.3%) are multiracial
 - 799 (0.8%) are some other race



State of Grandfamilies 2019

Focus on affordable housing

Coming soon!

Released at Plaza West
Grandparent Apartments
Washington D.C.
November 14



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Contact Information

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