Child welfare agencies across the nation are increasing efforts to develop new approaches for expediting exits of children from foster care to safe, stable, and permanent homes. Subsidized guardianship is one of the methods that has been used in efforts to increase permanency rates. In New England, Connecticut and Massachusetts currently have subsidized guardianship programs; Maine has recently created a program; Rhode Island has a limited program; and New Hampshire and Vermont do not currently have programs. This report explores some of the commonly held beliefs of stakeholders on subsidized guardianship, the legislative history of subsidized guardianship programming, and concludes with recommendations for improving and implementing subsidized guardianship programs in each New England state.
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Subsidized Guardianship: A New England Analysis
Executive Summary

Subsidized guardianship allows families that assume guardianship of a child exiting foster care to receive a public subsidy, similar to that offered to adoptive and foster families in most states. Because families assuming guardianship are often financially fragile, this subsidy may be critical to allow a potential guardian to take a child in and to provide appropriate care. Since the passage of the Adoption and Safe Families Act (ASFA) of 1997, which placed renewed emphasis on seeking permanency for youth exiting foster care, including through guardianship, the program has become increasingly prevalent throughout the United States.

Currently, subsidized guardianship exists in 35 states and the District of Columbia; in New England, Massachusetts and Connecticut have subsidized guardianship, Maine is in the process of establishing a program, Rhode Island has a limited program, and New Hampshire and Vermont have no program. Among the three New England states that have programs, all are funded through state monies, though significant differences exist in their implementation and use from state to state. Likewise, in the states that lack programs, differences exist in levels of advocacy and past legislative efforts. While all six states offer a variety related programs that may serve similar needs and populations (including adoption and foster care programs and subsidies, child-only TANF subsidies, and mediated adoption), subsidized guardianship promises to play a unique role and serve an urgent need role among this array of services.

Subsidized guardianship has received considerable attention since the 2003 evaluation of subsidized guardianship in Illinois, which indicated that guardianship had enhanced permanency in the state. This finding is particularly important in light of developmental research suggesting the importance of a stable and permanent placement for all youth exiting foster care, as emphasized in ASFA. Furthermore, subsidized guardianship is widely considered a viable permanency option for
hard-to-place youth, including those who have been in the system for a long time, older youth, those for whom TPR and adoption are not appropriate, and for children of minority groups. As such, subsidized guardianship may give these youth, who otherwise stand to languish in foster care, a chance to find the permanent home with a nurturing adult.

Original qualitative research presented in this report reveals that New England stakeholders perceive several key barriers to and concerns with the establishment and expansion of subsidized guardianship. Across all six states, the most frequently cited benefits of subsidized guardianship include the promotion of kin caregivers, the provision of a critical financial subsidy, appropriateness for older youth, and lack of TPR. The most prevalent concerns were beliefs that guardianship may be impermanent, the existence of social service funding shortages barring expansion of existing programming, overlaps with related programs, as well as various ideological conflicts.

Importantly, New England child welfare data reveal that the majority of children exiting foster care are reunited with their biological families. The second most common placement is adoption, followed by guardianship, Alternative Planned Permanent Living Arrangement (APPLA), and independent living. As such, data clearly confirms the region’s ideological and political emphasis on reunification, as well as a preference for adoption over guardianship – perhaps accounting in part for relatively low rates of guardianship in all six states. Data examined in this report also indicate that minority youth are significantly over represented in foster care throughout the region, pinpointing a population whose rates of exiting foster care may be enhanced by the widespread availability of subsidized guardianship. The benefits of guardianship subsidies to minority youth may also be increased due to cultural preferences for kin caregiving arrangements, which are largely supported through subsidized guardianship programs.
In light of research findings, current developmental theory, and relevant political factors detailed in this report, several recommendations have been formulated to expand and improve subsidized guardianship programs in New England. Geared toward advocates, legislators, and child welfare stakeholders, these suggestions should provide a useful framework for applied practice, policy making, and advocacy efforts surrounding subsidized guardianship in New England:

- Permanent legal guardianship should be seen as a viable option for children in foster care.
- Proper pre- and post-guardianship support services need to be offered to children exiting to guardianship.
- Subsidy allocations to families should be monitored.
- Improvements and increased efforts should be made to properly educate the public about subsidized guardianship and its efficacy.
- Accurate data should be maintained, and reliable evaluations should be conducted.
- State and federal funding should reflect the commitment to establishing guardianship as a permanency option.
- Advocates should recognize the greater context in which subsidized guardianship is situated; it is a method of expanding and increasing permanency.
- Community stakeholders should be kept at the forefront when working to create or improve subsidized guardianship programs.
- Subsidized guardianship should be viewed as a culturally relevant permanency option and should be used as a method of decreasing racial and ethnic disparities in exits to permanency.
CASE STUDY:  Looking to Illinois

In 2003 the Illinois Department of Children and Family Services submitted a final report to the Federal government on the State’s subsidized guardianship demonstration program.1 These results support subsidized guardianship expansion efforts across the United States by indicating the overall success of the program. A summary of their findings is as follows:

- Subsidized guardianship increases permanent placements for children exiting foster care.
- The option of subsidized guardianship supplants children being adopted.2
- Children in subsidized guardianship are just as safe from abuse and neglect as children in adoptive placements.
- In measures of stability, safety, and well-being, subsidized guardianship and adoption are equivalent placements for children.
- Kin settings are as stable as non-kin placements; if there is a weak support network, kin placements are more stable.
- Kin are willing to adopt.3

As a result of this evaluation, Illinois’ program was seen as such a great success that the Federal Government offered the state a second IV-E waiver to expand their program in 2004. The interim and final evaluation reports for the Assisted Guardianship Phase II waiver are due in December of 2007 and June of 2009, respectively.4

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2 The number of younger children adopted was not affected by the addition of guardianship as a permanency option, but did decrease the number of adoptions of older youth.
3 For a full discussion of these findings see “Evaluation of the Illinois Subsidized Guardianship Waiver Demonstration” by Westat Consulting.
Understanding the Role of Subsidized Guardianship

Current developmental research has shown that children develop and function best when they are in safe and stable living arrangements, emphasizing the importance of all youth in foster care finding a permanent placement with a nurturing adult. If a child does not find a permanent placement and remains in state care, frequent foster care placement changes can be detrimental to the child’s mental health, educational attainment, attachment quality, and other developmental and social outcomes. Furthermore, it is crucial for a youth to be connected to a supportive, caring adult as they enter adulthood, rather than simply aging out of the foster care system into “independent living” at the age of 18 – often utterly unprepared for the economic and social barriers that they will face.

However, finding safe and stable placements for children who have been removed from their biological parents is one of the greatest challenges for social service agencies. Finding a permanent placement can be a difficult feat contingent on a number of factors, including the age and race of the child, the needs and desires of the child and family, and the number of available placements.

In response to the extensive developmental literature on the benefits of permanency, as well as data indicating the preponderance of youth languishing in the foster care system, a significant advocacy movement has emerged surrounding the quest for permanency for all youth. Notable

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organizations active in this effort include Casey Family Services, California Permanency for Youth Project, Casey Family Programs, and the Jim Casey Youth Opportunities Initiative, Inc. Additionally, myriad advocacy organizations and service providers around the country actively promote permanency though advocacy, lobbying, and direct service work. These organizations share a common commitment to each youth exiting the foster care system achieving family permanency and preparation for adulthood, a movement that many stakeholders call the *Call to Action.*

ASFA, the most recent federal child welfare legislation, also emphasizes the importance of permanency. Enacted in 1997, it is designed to facilitate the prompt movement of children in foster care to safe and stable living arrangements by promoting four permanency options for youth exiting from foster care: reunification with the biological parent, adoption, guardianship, and APPLA.

As illustrated in ASFA, guardianship is one of several permanency options for children and youth in foster care. Because all families and children are different, and children in foster care may come from a variety of circumstances and present differing needs and desires, the existence of several permanency options is critical to helping each child find a route that is appropriate and comfortable. For many youth, the right route may be guardianship. Unique aspects of guardianship include:

- Guardianship allows kin, family friends, or other adults with a vested interest to provide care for a child who has been removed from the care of their parent(s).

- Traditionally, once guardianship is established, the child’s case with the department of social services is closed and involvement with the department is limited to yearly subsidy reviews and post permanency assistance and services.

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[www.caseyfamilyservices.org](http://www.caseyfamilyservices.org)
Subsidized Guardianship: A New England Analysis

- Guardianship from foster care is legally established through the juvenile court system.
- Unlike adoption, TPR is not required.
- Guardianship also allows the child to maintain familial, cultural, and religious connections that might be severed if the child were placed with an adoptive family.
- Guardianship is a frequently used option for youth considered “hard to place,” such as older youth who may not want to be adopted, and children and youth of color.

The Child and Family Services Review

Important data related to permanency in each state was revealed when the Children’s Bureau, within the Administration for Children and Families (ACF), completed a review of state child welfare agencies across the country from 2001-2004, entitled the Child and Family Services Review (CFSR). Data examined in this review included assessments of the successes and shortcomings of each state’s permanency programs, of which guardianship is one. Of the outcomes examined, two that are critical to guardianship and permanency advocacy efforts include:

**Permanency Outcome 1:** Children have permanency and stability in their living situations.

**Permanency Outcome 2:** The continuity of family relationships and connections is preserved for children. Each of these outcomes includes elements that relate to the potential benefits a state can achieve through subsidized guardianship. The table on the following page includes subcategories from both permanency goals which have relevance to subsidized guardianship policy.

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Subsidized Guardianship: A New England Analysis

Subcategories from CFSR Permanency Goals with Relevance to Subsidized Guardianship

<table>
<thead>
<tr>
<th>Category</th>
<th>CT</th>
<th>ME</th>
<th>MA</th>
<th>NH</th>
<th>RI</th>
<th>VT</th>
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</thead>
<tbody>
<tr>
<td>Placing Children in Close Proximity to Their Families</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td>n/a*</td>
</tr>
<tr>
<td>Placing Children With Their Siblings</td>
<td></td>
<td></td>
<td>x</td>
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</tr>
<tr>
<td>Facilitating Visitation of Children in Care With Parents and Siblings</td>
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<td>n/a*</td>
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<td>Preserving Connections</td>
<td></td>
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<td>x</td>
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<tr>
<td>Placing Children With Relatives</td>
<td></td>
<td></td>
<td>x</td>
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<tr>
<td>Supporting the Relationship of Children in Care With Parents</td>
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<td></td>
<td>x</td>
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<tr>
<td>Establishing Appropriate Permanency Goals for Children</td>
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<tr>
<td>Achieving Permanency Through Reunification, Guardianship, or Permanent Placement With Relatives</td>
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</tbody>
</table>

*x' indicates the evaluation found the reviewed cases in that state to show a “strength” in the category.

*In the first year of evaluations, states were not evaluated in this category.

In the CFSR, states reaching “substantial conformity” with the outcome standard in at least 90% of all evaluated cases were considered to have “obtained conformity.” As evident in the charts below, Massachusetts is the only New England state to have met either standard.

**CFSR Permanency Outcomes**

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Notably, this data was obtained before several child welfare policy changes which may result in improvements or declines in state rankings.

- Connecticut reduced the number of months a child need be in the system before moving into subsidized guardianship.
- Vermont would have been newly implementing their permanent guardianship policy.
- Rhode Island has improved their subsidized adoption program by including additional supports.
- Maine underwent departmental restructuring and reinforced internal policy regarding the importance of kin placements in the last 5 years.
- In July 2005, New Hampshire Department of Children Youth and Families (DCYF) implemented internal policy establishing a preferred order of permanency options: reunification, adoption, guardianship, APPLA.
- Massachusetts has not experienced recent policy changes, however subsidized guardianship policy, in effect since 1983, does not appear to drastically improve the state’s outcomes.
Federal Legislative History

In order to understand the reasoning behind the proposition, creation, and adoption of state legislation surrounding subsidized guardianship, it is helpful to understand the national political and legislative context in which this legislation was issued.

A widespread acknowledgement of the importance of finding a permanent placement for children in foster care first came about in 1980 with the implementation of the Adoption Assistance and Child Welfare Act (AACWA), PL 96-272. The Act, signed by President Reagan, amended Title IV-E (known as “Federal Payments for Foster Care and Adoption Assistance”) of the Social Security Act. Title IV-E appropriates federal monies to states in order to prevent “foster care drift,” which occurs when a child in foster care moves from placement to placement without finding a permanent home and adult relationship. AACWA emphasized the need to keep strong and consistent supports in a child’s life by promoting permanency, which it defined as a situation where the “child has a safe, stable custodial environment in which to grow up, and a life-long relationship with a nurturing caregiver.”

ASFA (PL 105-89) was signed into law by President Clinton on November 19, 1997. This legislation amended Title IV-B and Title IV-E of the Social Security Act to reemphasize the need to keep strong and consistent supports in a child’s life. ASFA emphasizes the health and safety of children and, as AACWA first proposed, encourages state governments to actively seek family preservation and reunification, kinship care, and guardianship for children entering the foster care system. Under ASFA, the Federal Waiver Demonstration Project provided a limited number of Title IV-E “Assisted Guardianship” waivers to states. Such waivers allow states the flexibility to use

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Title IV-E funds for to create a guardianship subsidy program; however, they do not grant states additional federal funds.\(^{16}\)

Since this legislation, the notion of large-scale guardianship subsidization has surfaced on the national level. Thirty-five states and the District of Columbia have created guardianship subsidy programs through a variety of methods including use of Title IV-E waivers, surplus TANF funds, state general funds, or a combination thereof.\(^{17}\) Due to recognition of the growing number of state initiated subsidized guardianship programs, a number of bills have been introduced in both the Senate and the House of Representatives since 1997.\(^{18}\)

Most of the bills regarding subsidized guardianship have been killed in committee after being introduced in the legislature. The bills include the Grandparent and Family Caregiver Support Act of 1997 (stalled on the house floor in 1998),\(^{19}\) the Children’s National Security Act of 1997,\(^{20}\) the Child Protective Services Improvement Act of 2003,\(^{21}\) and the Child Safety, Adoption, and Family Enhancement (Child SAFE) Act of 2004.\(^{22}\)

The Senate bill, known as the Kinship Caregiver Support Act (S.985), whose primary sponsors are Senator Hillary Clinton (D-NY) and Senator Olympia Snowe (R-ME), was introduced on May 10, 2005. It currently has six co-sponsors and is sitting in the Committee on Finance. This bill amends Title IV-E of the Social Security Act, allowing all states the option of providing kinship guardianship assistance using Title IV-E funds. This program would provide subsidies to relatives who have assumed legal guardianship of children for whom they have cared as foster parents and have committed to care for on a permanent basis under specified conditions. The act would

\(^{16}\) PL 105-89. “Adoption and Safe Families Act of 1997.”
authorize the creation of grants for kinship navigator programs to state agencies, metropolitan agencies, or tribal organizations with experience in addressing needs of kinship caregivers or children and connecting them with services and assistance. Importantly, the act includes kinship guardianship demonstration projects in its proposal. It would also allow adoptive parents of children with special needs remain eligible for adoption assistance, even if they receive kinship guardianship assistance. In addition, this act would require states to: (1) notify all adult grandparents and other adult relatives (with exceptions in cases of family or domestic violence) when a child is removed from custody of a parent or parents; and (2) explain the options the relative has to participate in the child's care and placement. It would also allow for a federal declaration that state agencies could establish separate and more lenient standards for foster family homes in which a foster parent is a relative of the foster child.23

The Guardianship Assistance Promotion and Kinship Support Act (H.R.3380), was introduced in the House of Representatives by Representative Danny K. Davis (D-IL) on July 27, 2005. This bill has seven co-sponsors and is currently sitting in the Subcommittee on Human Resources in Committee on Ways and Means as well as the Committee on Education and the Workforce. The Guardianship Assistance Promotion and Kinship Support Act (GAPKSA) maintains several of the same priorities as the Kinship Caregiver Support Act, in addition to outlining other details not named in the Kinship Support Act. Specifically, GAPKSA would prohibit a legal guardianship assistance payment from being made with respect to a child who has reached 18 years of age, with certain exceptions, such as for a child who is a full-time student. GAPKSA would also authorize the use of foster care independence program funds to provide independent living services, education and training vouchers, and room and board for children who

exit foster care to guardianship or adoption after the age of 14. In addition, the act would expand the definition of family support services to include assisting kinship caregivers or guardians in locating and accessing needed services. Similar to the Kinship Caregiver Support Act, this act would also allow state authorities to establish and maintain separate and standards for foster family homes in which a foster parent is a relative of the foster child that, at a minimum, protect the safety of the child and provide for criminal records checks.24

Currently, with few co-sponsors and no movement out of committee, these acts have very little chance of making it to debate on the Senate or House floor during this session of Congress.

The Potential Benefits of Subsidized Guardianship

Supporters of subsidized guardianship often cite the many potential benefits to expanding permanency options to include subsidized guardianship. Some of these commonly discussed benefits include:

- Guardianship offers another permanency option for youth and children to choose from based on their needs and desires,
- Guardianship can allow the child to maintain important family, cultural, community, and religious connections by remaining with a kin caregiver or other individual close to the child,
- Guardianship is an excellent option for youth who choose not to be adopted, because they do not want to undergo TPR, which would legally sever their relationship with their biological parent(s) and other family members, and

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Subsidized Guardianship: A New England Analysis

- Guardianship benefits caregivers who do not want to be involved in the legal process of terminating a parent’s rights, which may be especially prevalent for relative caregivers.

These benefits have been the motivation behind movements that have worked to establish programs, and many have been supported by evaluations of existing subsidized guardianship programs.

Concerns Regarding Subsidized Guardianship

A variety of stakeholders throughout the country have expressed concerns about the effectiveness of moving social service policy to incorporate and encourage the expansion of guardianship programs. Concerns include:

- Feelings that guardianship is less permanent than adoption and could discourage families from utilizing adoption,

- A lack of legal finality in guardianship that results from the retention of parental rights and an easy overturning of guardianship by the court,

- Furthering Intergenerational family dysfunction by placing youth with kin, and

- A lack of cost neutrality in creating or expanding programs.

These concerns are often cited in opposition to the enactment of subsidized guardianship programs, though many contradict the results of evaluations of existing programs.

The Efficacy of Subsidized Guardianship Programs

Expanding permanency options for youth in foster care, including introducing subsidized guardianship as a permanency option, has been a focal child welfare issue for a relatively short time. Massachusetts was the first state to implement a guardianship subsidy program in 1983 in attempt to facilitate the movement of older youth from foster care to adoption; since then 35 states and the District of Columbia have followed, greatly expanding the population of children served by these
programs. Programs that have been granted Title IV-E “Assisted Guardianship” waivers by the Children’s Bureau to implement their guardianship programs are required to demonstrate the effectiveness and cost efficiency of their programs to the Federal government through formal evaluation. The evaluations must contain process and outcome components, as well as a fiscal analysis. Evaluations of subsidized guardianship programs in Illinois, Oregon, and Maryland have been performed. Generally, these evaluations have shown positive outcomes regarding the stability of guardianship placements and the importance of subsidies in a family’s decision to become the legal guardian of a child. Fortunately, formal evaluation of these programs is beginning to gain the attention needed to support the creation of new subsidized guardianship programs in the 15 states that do not currently offer subsidized guardianship.

**Funding Subsidized Guardianship**

**Title IV Waivers**

The federal government began using a waiver application for states to use federal funds in subsidizing permanency options in 1994. This first effort, the Child Welfare Demonstration Program, allowed 10 states to receive waivers. Congress authorized an additional 10 waivers in 1997 with the intention of allowing 10 additional waivers annually for 5 years. This would have given all 50 states the opportunity to receive a waiver by the year 2002. In total, 17 states instituted 25 programs using a federal waiver from 1996-2004. Some states were granted a waiver for more than one project. While not all waivers are used for supporting subsidized guardianship programs, seven states used waivers for “Assisted Guardianship/Kinship Permanence” including: Delaware, Illinois, 

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Maryland, Montana, New Mexico, North Carolina, and Oregon.\textsuperscript{27} These waivers include funds from IV-E and IV-B of the Social Security Act. Title IV-E money is used for foster care, foster care independence, and adoption subsidies. Title IV-B is used for two different grant programs: The Child Welfare Services grant program, capped at $325 million in 2004 and Promoting Safe and Stable Families grants, not to exceed $305 million.

The Federal government granted five state applications for demonstration projects April 6, 2006. California, Florida, Iowa, Michigan, and Virginia will be the last states able to use Title IV-E funds for experimental improvements in the child welfare system. The statute authorizing waivers expired March 31, 2006 and was not replaced. Iowa and Virginia plan to use their waiver for subsidized guardianship programs.\textsuperscript{28}

**Social Security Block Grant**

Three states use the Social Security Block Grant (SSBG) to assist in paying for subsidized guardianship. This funding source is steadily declining as federal budgets cut the total funding to $1.7 billion annually.\textsuperscript{29} States are authorized to use money from this block grant in efforts to protect children.

**Temporary Assistance for Needy Families (TANF)**

Another way to use federal funds for subsidizing guardianship is through the Temporary Assistance for Needy Families (TANF) block grant. TANF money can be used for cash assistance and also for support services (such as child care and counseling). Some states use TANF money in ways similar to IV-E waivers. The eligibility requirements for receiving payments through Title IV-

E funds and TANF are similar. The child-only payment for TANF is also used to assist kinship guardians. The graph below shows the trend of child-only payments made from 1990 to 2001.

This graph illustrates that child-only cases, as a percentage of all TANF cases, have grown consistently, including children living with biological parents. The graph also depicts the number of children in relative caregiver situations beginning in 2000, including all cases with a child not living with a biological parent. This data that shows children with relative caregivers receive approximately 50% of all child-only payments. Child-only payments are not subject to work requirements or the 5-year lifetime limit. Kinship caregivers applying for benefits on behalf of a child without receiving

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benefits themselves make up the largest percentage of child-only payments.  

Fourteen states make specific references to kinship caregiver programs in their TANF policies. They are: AL, CO, FL, KY, LA, MD, MN, NV, NH, NJ, OK, SC, VA, and WI.

Other Funding Sources

The majority of states with subsidized guardianship programs use state and/or local funds to do so. With the uncertainty of federal funding streams, states may find self-reliance to be the most efficient way to subsidize guardianship.

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Issue Briefs

The following pages of this report are issue briefs for each state in New England. Our research revealed six distinct stories of subsidized guardianship. In Connecticut and Massachusetts programs have been in place for years. In Rhode Island a small program exists under the radar of many child welfare informants. Maine is just implementing a state funded policy for subsidizing guardianship. New Hampshire has focused its efforts on mediated adoption in place of subsidized guardianships. Finally, Vermont is on the verge of reattempting advocacy efforts for subsidized guardianship. Each issue brief was designed to stand alone as an advocacy tool or be viewed as a comprehensive report. As individual tools, each state has a guide to policy recommendations. As a unit, the report provides a way to compare and contrast the efforts in each New England state.
State-funded subsidized guardianship in Connecticut began in 1997. It started as a result of the advocacy work of Connecticut Voices for Children and several other grandparent organizations. The purpose and goals of subsidized guardianship have grown and changed over the years.

Currently, there are several goals that the Connecticut Department of Children and Families has outlined as important to the state’s mission.

- The first goal is to “provide a permanent plan for children when they have been placed with relative caregivers and they cannot return home because their own parents have died or are not able to provide them with adequate care in the foreseeable future.” [1]
- The second goal is to “provide the relative caregivers with financial and medical assistance for the care of the children.” [2]
- Thirdly the state believes that subsidized guardianship can be used as a tool to decrease the amount of children in the care or supervision of the Department of Children and Families (DCF). [3]

The state recognizes the importance of relative caregivers for children by offering a variety of support services. Many low-income relative caregivers face financial burdens that come along with raising children. The state recognizes the tremendous contribution they make to care for children who would otherwise be in foster care.

Over the past several years, Connecticut has responded to federal legislation mandating more effective permanency placement for children in the foster care system. One interviewee noted that the expansion of subsidized guardianship will help manage scarce state resources and prevent children from becoming a protective service file number.

Connecticut is distinct in comparison with other New England states because it has experienced organizations, a variety of individuals advocating for subsidized guardianship, and a state philosophy that is supported by policies that aid families.
Connecticut: In Context

Even with its compact borders Connecticut has beaches, historic town greens and city skylines. The Connecticut river divides the state virtually in half. Connecticut is known not only for its thriving cities but also for its vacation areas that attract people from around the country. Two-thirds of the state is open land, while the rest is rich with forest, rolling hills and coastal plains. The low population density can be seen in the graphic at right. The state’s largest city, Bridgeport, has a population of 139,529 [1]. The second largest city, New Haven, has a population of 123,626[2]. Connecticut is New England’s southern most and second smallest state.

Cultural Diversity

In Connecticut 3,205 children are in foster care (mostly in Hartford, Waterbury and New Britain)[3], 1,126 in relative care (mostly in Hartford, Manchester and New Britain [4]. There are 1,022 children in foster care who are African American, 1,068 who are Caucasian, 626 who are Hispanic, 261 who are Puerto Rican, and 118 identify as Unknown. Out of the 1,126 children in relative care, 401 are African American, 390 are Caucasian, 190 are Hispanic, 76 are Puerto Rican, and 35 identify as Unknown.[5]

Recent Efforts

Connecticut has been viewed by many as a model state for subsidized guardianship. Its program has been in place for years and began as a result of hard work by local stakeholders as well as grassroots organizations that fought hard to make subsidized guardianship law. Recent efforts have involved expanding warp-around services for guardians after the transfer of guardianship has taken place.

[1]- [5]Compiled by Tina LaMorte, Staff Attorney and Assistant Clerk, Hartford Probate Court

Compiled by Tina LaMorte, Staff Attorney and Assistant Clerk, Hartford Probate Court
**Child Welfare Definitions**

**Current Federal Guidelines**

The Adoption and Safe Families Act (1997) promoted four permanency options designed to move children from foster care into stable living arrangements. The four permanency options promoted include reunification with the biological parent, adoption, guardianship, and alternative planned permanent living arrangements. The following definitions provide a basis for understanding current child welfare issues in Connecticut and elsewhere.

**Legal Guardianship** is “a judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision making. The term 'legal guardian' means the caretaker in such a relationship.”


**Connecticut Child Welfare Terms:**

**Care or Custody of the Department** occurs when a child is committed to or placed with the department under a court order of the Superior Court for Juvenile Matters, excluding delinquency and Family With Service Needs orders.

**Foster Care** is care provided for a foster child by a person licensed, approved or certified to provide such.

**A Subsidized Guardian** is someone who has been awarded and qualifies for a subsidy according to DCF policy and legal guardianship has been awarded to them.

**The Prevailing Foster Care Rate** is the rate the child would receive if the child were still in foster care, taking into account the child's age and special-needs, as adjusted based on the asset test of the child.

**A Relative Caregiver** is a person who is caring for a child relative because the parent of the child has died or become otherwise unable to care for the child for reasons that make reunification with the parent not a viable option within the foreseeable future.

1  The Connecticut Department of Children and Families

“Our research shows that foster children are safer and more secure when placed with relatives than in foster homes unknown to them.”

Mark Testa, Co-Director of Fostering Results and Director, Children & Family Research Center, University of Illinois at Urbana-Champaign

As of February 2006, in Connecticut there were 3,205 children in foster care (mostly in Hartford, Waterbury and New Britain) as well as 1,126 in relative care (mostly in Hartford, Manchester and New Britain).

There are also 1,022 children in foster care that are African American, 1,068 that are Caucasian, 626 that are Hispanic, 261 that are Puerto Rican and 118 identify as Unknown.

Out of the 1,126 children in Relative Care 401 are African American, 390 are Caucasian, 190 are Hispanic, 76 are Puerto Rican and 35 identify as Unknown.

As of February 2006, there were 416 children in relative care who were ages 0-5, 326 who were 6-11 years old, 375 who were 12-18 years old, and 9 who were 18 years or older.

“As subsidized guardianship is recognized as one of the most important social safety nets for children whose parents are unable to raise them.”

Connecticut State Representative Crystal Truglia
## Subsidized Guardianship Policy

### Current Legislation

**Public Act 97-272, Section 7 (House Bill No. 6006), An Act Concerning the Mental Health Mandate of the Department of Children and Families and Establishing Subsidized Guardianship.**

This legislation develops a “comprehensive program for prevention of problems of children and youth and provides a flexible, innovative and effective program for the placement, care and treatment of children and youth committed by any court to the department, transferred to the department by other departments, or voluntarily admitted to the department.”[1]

**Public Act 05-254 (Senate Bill 1038), An Act Regarding Eligibility for Subsidized Guardianship.**

This act repeals a previous statute which stated that children had to be in the custody of the commissioner and living with relative caregivers and who have been in foster care or certified relative care for not less than at least 12 months.[2]

The act now states that “children in the custody of the commissioner who are living with relative caregivers and who have been in the foster care or certified relative care for not less than six months but no more than eighteen months.”[3]

### Proposed Legislation

**Proposed Bill No. 170, An Act Pertaining to the Kinship Navigator System that Would Fund an Information Hot Line for Kinship Caregivers.**

This bill would create a statewide, toll-free number for relative caregivers to call for information and services. Information would be provided on a wide variety of issues such as, legal options, financial subsidies, health care and support groups.”[4]

**Proposed Bill No. 457, An Act Relating to Subsidized Guardianship for Relative Caregivers.**

This act would “allow relative caregivers caring for a related child due to death of the parent to be able to apply with no waiting period and to grant automatic eligibility also, if they have an income level that is three hundred per cent or less of the federal poverty level.”[5]

**Proposed Bill No. 5706**

“This section 17a-126 of the general statutes should be amended to require the Department of Children and Families expand eligibility for relative caregivers seeking subsidized guardianship program benefits and further that the department increase the level of benefits provided to such relative caregivers.”[6]

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After years of lobbying, subsidized guardianship became law in 1997. Connecticut Voices for Children, along with various advocacy organizations, worked to pass the policy.

Many advocates cited Senator Toni Harp as a catalyst for the legislation. The bill was part of an effort to create more permanent placements for children.

This policy was written to serve children who have been in foster care 12 months before a transfer of guardianship took place. Under this law, the Department of Children and Families (DCF) would transfer guardianship to the relative, and the relative would continue to receive compensation. Children in the care of guardians would also continue receiving health care.

In 1997, the monthly subsidy received by guardians was less than those of foster parents. In this form, the program was adopted as Public Act 97-272 and DCF’s subsidized guardianship began.

According to an advocate, Connecticut Voices for Children supported legislation that did not require children to initially go into foster care before entering the care of a family member. This idea was not supported by others, and ultimately the bill failed.

In 2001, low income families had greater difficulty in taking care of kin with a smaller stipend than their foster care counterparts. A bill was proposed and passed granting guardians the same benefits and subsidies as foster parents.

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[1] [https://ctkidslink.org](https://ctkidslink.org)
Subsidized Guardianship: A New England Analysis

When is Guardianship Best?

“Subsidized guardianship offers an important alternative to foster care for children who can’t return to their parents and who also can’t be adopted or who don’t wish to be adopted. Connecticut would benefit greatly if the federal government helped pay for Connecticut’s subsidized guardianship program. It will go far to keep families together and free up state funds for other essential child welfare purposes.”

Jeanne Milstein, Connecticut’s Child Advocate

Guardianship may be an option when a relative caregiver would like to become a guardian for a child and reunification with the child’s biological parent(s) is not a viable option.

One social worker noted that in most cases, a person who is not a relative may choose to obtain custody of a child through probate court. Relatives may also choose to gain custody through the same court system. They may do so in cases where there has been no abuse history with the child and when they wish to speed up the process of receiving custody.

Additionally, another way for caregivers to obtain custody of the child is through DCF. This transfer of custody generally occurs when DCF has received a report of abuse or neglect and the intervenes by taking the child into their custody. In this case, guardianship is eventually transferred to a relative caregiver.

Relative caregivers are expected to receive 15 hours of pre-licensing training and are currently invited and encouraged to attend post-licensing training[1]; there is no separate licensing program for kinship foster parents. Kin have to meet the same licensing standards and requirements as non-kin foster parents, except for the training requirement, which the department can waive on a case-by-case basis. Kin and non-kin foster parents also receive the same foster care payment rate [2]

Each relative also has an assigned DCF support worker who will work with them to obtain support services, if needed, and assist them with negotiating the foster care system. [3]
Subsidized Guardianship: A New England Analysis

Funding Streams

Subsidies: How do guardians obtain custody and subsidies?

Guardians can:

1) apply for TANF and receive between $50-$333 per child.\(^1\)

2) report the child to DCF as “uncared for” and advocate for the child being placed with them to receive between $622 to $708 per child.\(^2\)

With the 2nd option the guardian can receive: support services such as respite care, counseling, childcare, and health care coverage.\(^3\)

The child is eligible for subsidies until 18 years of age, or 21 years of age if the youth is in continuous full-time attendance at a secondary school, technical school or college, or is in a state accredited job-training program.\(^4\)

The guardianship subsidy is equal to foster care, and the caregiver may request a guardianship subsidy from DCF if:

• DCF has assessed the child’s placement with the caregiver.\(^5\)

• DCF has determined that transfer of guardianship to the caregiver is the recommended exit strategy for the child.\(^6\)

• The child is in the care or custody of the commissioner for at least six months and no more than 19 months.\(^7\)

A relative caregiver must request a guardianship subsidy by applying through the child’s caseworker.\(^8\)

• The initiation of a request for the subsidy cannot be made before the child has been in the care of the commissioner.\(^9\)

• The twelve months need not be continuous, but may be a collective total of time. \(^10\)

Subsidy Payments, 2006

<table>
<thead>
<tr>
<th></th>
<th>Approximate monthly</th>
<th>Payments per Additional Child</th>
<th>Funding Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guardian without a</td>
<td>$333</td>
<td>$50-$100</td>
<td>(TANF)/DSS</td>
</tr>
<tr>
<td>subsidy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guardian with a</td>
<td>$680-$780</td>
<td>$680-$780</td>
<td>DCF</td>
</tr>
<tr>
<td>subsidy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relative Foster Care</td>
<td>$680-$780</td>
<td>$680-$780</td>
<td>DCF</td>
</tr>
</tbody>
</table>

Tina LaMorte, Staff Attorney, Hartford Probate Court
Advocates for Guardians

These organizations were recognized by interviewees as advocates of subsidized guardianship in Connecticut:

<table>
<thead>
<tr>
<th>Organization</th>
<th>LEADERSHIP/MISSION/CONTACT/WEB SITE</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Office of the Child Advocate</td>
<td>Leadership: Jeanne Milstein, Connecticut Child Advocate Contact: (800) 994-0939 Mission: “Our mission is to oversee the protection and care of children and to advocate for their well-being.” Web site: <a href="http://www.ct.gov/oca">www.ct.gov/oca</a></td>
</tr>
<tr>
<td>Connecticut Voices for Children</td>
<td>Leadership: Shelley Geballe, President Contact: (203) 498-4240 Mission: “The mission of Connecticut Voices for Children is to promote the well-being of all of Connecticut’s young people and their families by advocating for strategic public investments and prudent public policies.” Web site: <a href="http://www.ctkidslink.org">www.ctkidslink.org</a></td>
</tr>
<tr>
<td>Grandparents Raising Grandchildren Hotline</td>
<td>Contact: (203) 789-7645 Mission: “The hotline is designed to answer questions about parenting their grandchildren, covering such issues as sleeping problems, discipline, angry or sad feelings or simply what to expect as a child grows will be answered within two working days by experts in the field of child development.” Web site: <a href="http://www.cga.ct.gov/coc/">www.cga.ct.gov/coc/</a></td>
</tr>
<tr>
<td>Connecticut Association of Human Services</td>
<td>Leadership: James Horan, Executive Director Contact:: <a href="mailto:jhoran@cahs.org">jhoran@cahs.org</a> Mission: “CAHS is an independent, nonprofit public education, research and policy development organization committed to decreasing poverty, neglect and inequality in Connecticut. emotional and behavioral challenges.” Web site: <a href="http://www.cahs.org">www.cahs.org</a></td>
</tr>
<tr>
<td>The Connecticut Department of Social Services</td>
<td>Leadership: Silvana Flattery, Hartford Regional Administrator Contact: (800) 842-1508 Mission: “To meet basic needs of food, shelter, economic support and health care, promote…” Web site: <a href="http://www.ct.gov/dss">www.ct.gov/dss</a></td>
</tr>
<tr>
<td>The Connecticut Department of Children and Families</td>
<td>Leadership: Commissioner Darlene Dunbar Contact: (800) 842-2208 Mission: “To protect children, improve child and family well-being and support and preserve families.” Web site: <a href="http://www.state.ct.us/df">www.state.ct.us/df</a></td>
</tr>
</tbody>
</table>


Subsidized Guardianship is a multi-faceted process and in order to improve the problems, you have to put a face on it, and a voice on it and you have to get the community involved so community members know what they’re dealing with. That’s how you change minds and hearts.”

Tom Murphy, Bridgeport Deputy Division Director, Casey Family Services

With the transfer of guardianship and subsidies given to the family the case is closed once the transfer of guardianship is complete, therefore families do not have to attend court anymore. Yet in some cases support is still needed. Therefore support services should be offered to guardians after transfer of guardianship is finalize.

Some may take advantage of subsidies and continue to collect money after the child has left their care, their should be closer follow up and monitoring by the Department of Children and Families to ensure that this does not happen.

More financial resources should be available to families. So many families take in children and do not have enough money to do. In addition, some guardians are living on a fixed income and the state should make respite services available for children.

There needs to be a policy that works to break down the barriers, especially the racial disparities that exist within those who are taking in relative children.

If a biological parent(s) come back and want their child back there is no help for the guardian parent to aid them in keeping the child or in dealing with the legal technicalities of the case. The court should provide these services.

Future research:

• Increase qualitative, quantitative and economic research on the results of utilizing subsidized guardianship

• DCF should explore partnering with local universities in order to increase qualitative and quantitative research

Research should include:

✓ Interviewing Connecticut guardianship families on their needs and preferences;

✓ Examining the cultural implications of the program by tracking the demographics of children benefiting from guardianships;

✓ Comparing the rate of re-entry for children in guardianship to the rate of re-entry for children in adoption while controlling for variations in subsidy amounts and services provided;

✓ Tracking subsidized guardianship cases in order to facilitate accurate research on these cases;

✓ Conducting a cost benefit analysis of moving children into subsidized guardianship.
Interviewees:
Shelley Geballe, Executive Director CT Voices for Children
Sandy Matlack, Program Supervisor DCF
Jeanne Alexander, Program Supervisor DCF
Jeanne Milstein, Connecticut’s Child Advocate
Steven Hoffler, Casey Deputy Division Director
Kristina Poly, Casey Family Services
Nina Edwards, MSW, Casey Family Services
Tina LaMorte, Staff Attorney and Assistant Clerk, Hartford Probate Court
Elizabeth Brown, Legislative Director Connecticut Commission on Children
Jeanne Fiorito is the Executive Director of CT Organization of Foster and Adoptive Parents
Kimberly Phillips CT, Dept of Children and Families Case worker
Tom Murphy, Deputy Division Director of the Bridgeport Division Casey Family Services
Lamond Daniels, Policy Specialist, Casey Family Services

Works Consulted:

Credits:
Research Team: Leah Jacobs (RI, MA), Kimberly Lucas (VT, MA), Christy Moulin (ME, MA), Lauren Nadler (CT, MA), and Katherine Rollins (NH, MA)
Policy Consultant: Sania Metzger, Esq., Director of Policy, Casey Family Services
Course Advisor: Molly Mead, PhD, Tufts
Created in Partnership with Casey Family Services and Tufts University’s Department of Urban and Environmental Policy and Planning
Executive Summary

Subsidized guardianship in Maine is the result of decades of state involvement in the welfare of children. The legislature renewed its interest in reforming the Department of Health and Human Services (DHHS), Office of Child and Family Services (CFS) when a child died in the care of a foster mother. This push for reform, combined with federal mandates for permanency, lead to the formation of a work group which examined the option of supporting kinship placements both financially and through services.

Virginia Mariner, DHHS adoption program manager, lead the work group. The team included district and probate court judges, DHHS employees, Casey Family Services employees, Assistant Attorney Generals, and child welfare advocates among many.

The initial goal of this work group was to attain a Title IV-E waiver from the federal government for a Subsidized Guardianship Permanency Option demonstration project. The decision to withdraw the application came with general support from stakeholders throughout the state. The reason most often identified by work group members was the requirement to maintain random sampling and the extensive paperwork required to show cost neutrality. Random sampling would require a child otherwise eligible for subsidized guardianship to be denied the opportunity, creating a control group for the evaluation study.

After deciding to withdraw the Title IV-E waiver application, the work group moved forward in their plans for subsidized guardianship by:

• shifting state funds previously used for foster care placements, making no requests for new appropriations from the state to fund the policy.

• defining “special needs” broadly to allow many children to benefit.

• planning for the ongoing needs of children exiting care to permanent guardianship and the support of newly formed families.

The work group finalized a bill and submitted it to the legislature with the sponsorship of Senator Richard Rosen. After going to committee, “An Act to Establish Permanent Subsidized Guardianship” received bipartisan support and was placed on the consent calendar and signed into law by the governor in 2005.

“One of the things I hope this project will show is that children in this type of arrangement are stable, (and) are getting their needs met,” Mariner said.

Implementation is to begin in April 2006. With adequate staff orientation, thorough child and family assessments, and appropriate support services, subsidized guardianship will be a good permanency option for the children and families of Maine.
Maine: In Context

Maine has a mostly rural population. The low population density can be seen in the graphic at right. The state’s largest city, Portland, and its suburban neighbor, South Portland, have a combined population of 89,418. Much of the state is rural and sparsely populated. Some Maine residents consider the state to have a generous policy for public benefits. This could be due to the relatively low level of state wealth. Maine has the lowest Median Income ($39,395) of any New England state. Only 10 states in the country have a lower Median Income.

Cultural Diversity

Maine is not a state known for its vast diversity. As seen in the diagram (at right), the overwhelming majority of children in the state are identified as “white.” While not on the forefront of advocacy, there is a racial disproportionality of children in state foster care. While nearly 95% of the child population is white, only 73% of the foster care population is identified as white. These numbers are somewhat inaccurate due to a large percentage of children identified as “unknown.”

The rich tribal history of the state creates a need for sensitivity to the Native American’s child welfare practices. Two tribes have independent child welfare systems with tribal courts and two tribes use the services provided by DHHS and the District Court system.

Recent Efforts

Previous state and federal reviews of CFS found deficiencies in Maine’s efforts to move children into permanent placements. The agency was cited for the length of time children stay in foster care. The state set goals to be achieved through subsidizing guardianship. These included reducing the length of stay, increasing the number of children who achieve permanency, and promoting relative placements, among others.

Data Classes

<table>
<thead>
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<tbody>
<tr>
<td>4 - 27</td>
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<td>34 - 53</td>
</tr>
<tr>
<td>77 - 77</td>
</tr>
<tr>
<td>113 - 146</td>
</tr>
<tr>
<td>204 - 329</td>
</tr>
</tbody>
</table>

Features

- Major Road
- Street
- Stream/Waterbody
- Stream/Waterbody

Where Do People Live in Maine?


1,321,505

Estimated 2005 Maine state population

From Population Finder www.census.gov

Children In Maine by Race (2002)

Race Data from Child Welfare Outcomes 2002: Annual Report

Children In Maine Foster Care by Race (2002)

Notes:

[1] Taken from www.census.gov
Legal Guardianship: “A judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision making. The term ‘legal guardian’ means the caretaker in such a relationship.”


Subsidized Guardianship: “This concept would allow relatives and other parties to be awarded permanent legal guardianship of children subject to child protection orders and actions and allow payment of a guardianship subsidy for special needs children who have been in the custody of the State or for Native American children in the custody of the tribe who move into a permanent legal guardianship status. It establishes a guardianship subsidy for special needs children placed under permanency guardianship by the District Court.”

An Act to Establish Permanent Subsidized Guardianship
Maine Public Law 372 (2005)

Subsidies: The subsidy is defined in four categories. Some families will qualify for more than one kind of subsidy and status may change with new evaluations.

Long-Term Assistance: This bi-weekly financial assistance payment continues until the child is of legal age.

Limited-Period Assistance: This bi-weekly financial assistance payment is available for a limited period of time and covers medical or mental health costs.

One-Payment Assistance: This one time payment covering legal fees may not exceed $400. It is only available to guardians in the tribal courts.

MaineCare Card: In accordance with MaineCare Law; can be used to cover medical, dental, and psychological expenses.
Subsidized Guardianship: A New England Analysis

Children in State Custody

All of Maine’s Children: An Overview of the Child Population

There were 286,746 children age 18 and younger in the state according to the 2003 Census estimates. Poverty impacted the lives of at least 13%. The state spent $143,503,838 on child welfare in the year 2002.\(^1\)

The children of Maine also face the risks of child abuse and neglect. Data indicates that Maine’s children suffer abuse and neglect at a rate slightly higher than the rest of the nation. Statistical analysis shows over 4,700 cases of substantiated abuse or neglect.

\(^1\)Data and chart from Child Welfare League of America http://ndas.cwla.org/data_stats

Maine’s Vulnerable Children: A Look at the Children in Care

As recently as 2004 Maine reported just over 3,000 children in state care. About 14% were living in situations with relatives. Some of these are in unlicensed homes. This does not account for the number of children living with relatives who never come into the state’s care. Some advocacy groups report that many more children live in unrecognized kinship situations than in CFS cases.

The 2000 U.S. Census reported 5,074 grandparents were living with and responsible for their own grandchildren. In 2004 the U.S. Census estimates that 3% of the children in Maine live in a household with a grandparent-care giving relationship.

As evidence of the need for continued mental health services, the majority of children in licensed foster care in 2004 (911) were placed in therapeutic or treatment level foster homes. Mental health advocates believe these children will still need intensive services in order to be successful in a guardianship situation.

Dean Crocker, Maine Children’s Ombudsman, sees mental health as an area of possible competition for subsidized guardianship funding in Maine.

“You almost can’t find a child in the system that doesn’t have a need for mental health care,” said Ron Welch, executive director Maine Association of Mental Health Services. “(However,) we support taking money from treatment centers to experiment with wrap-around service.”

Welch envisions children moving briefly to therapeutic homes and into permanent family placements, citing support for permanency options.
Steps to Creating a New Option for Permanence

Subsidized guardianship in Maine is the result of a public push for reform, combined with federal mandates for permanency and decades of public involvement in child welfare. The legislature renewed its interest in reforming the DHHS, and its Office of Children and Family Services when a child died in the care of a foster mother.

A complex Subsidized Guardianship Workgroup (described at right) began to investigate the need for and logistics of a state level subsidized guardianship program.

In 2005 a bill went to the legislature with the sponsorship of Senator Richard Rosen. After going to committee, “An Act to Establish Permanent Subsidized Guardianship” received bipartisan support and was placed on the consent calendar and signed by the governor in 2005.

The workgroup continued to plan for the implementation of the policy by:

- Creating a handbook for families considering subsidized guardianship
- Writing a full manual for social workers, judges, and attorneys evaluating a child’s ability to enter into subsidized guardianship
- Drafting a written agreement to be made between the guardian and DHHS in guardianship arrangements
- Planning for the legal process in the event of a guardians death or disability
- And aligning support services for children and families who participate.

Child Eligibility

The policy and rules intentionally defined “special needs” with broad strokes. Case workers, assistant attorney generals, and district court judges will have considerable room for judgment when deciding if a child meets the requirement. A child need only fit into one of the following categories to qualify for a guardianship subsidy. This definition is also used for adoption subsidies.

Special needs: As detailed in the Child and Family Services Manual (section IX, page 3) a child meets the definition of “special needs” if he or she:

- Has a physical, mental, or emotional handicap that makes placement difficult.
- Has a medical condition that makes placement difficult.
- Is a member of a sibling group.
- Is age 5 or older.
- Is difficult to place because of race.
- Has been a victim of physical, emotional, or sexual abuse or neglect that places the child at risk for future emotional difficulties.
- Has factors in the child’s background such as severe mental illness, substance abuse, genetic or medical conditions or illnesses that place the child at risk for future problems.
Child Benefits

- The child remains eligible for Mainecare coverage of medical, dental, and psychological care.
- An Education and Training Voucher of up to $5,000 per year is available for children who come into guardianship at age 13 or older.
- The child is eligible, though not guaranteed, to receive one of 30 full-tuition waivers awarded to children in state care each academic year.
- For younger children, some assistance is available through a Child Care Voucher.
- The child remains eligible to receive inheritance benefits.
- Children do not have to sever ties with their biological family or their community.
- The child does not lose any rights and benefits associated with Native American descent.

From “Permanency Guardianship Option: A Handbook” at press

Who can be a Guardian?

According to Maine State Law (Title 22, 4038-B, a guardian must possess:

- The ability to provide a safe home.
- A close emotional bond with the child, and the child has to have a close emotional bond with the adult.
- Will and ability to make an informed, long-term commitment to the child.
- Skills to care for and obtain needed information about and assistance with any special needs of the child.

Is the guardian evaluated?

According to DHHS policy the guardian will receive:

- A background check from the Department of Motor Vehicles.
- A Child Protective History Screening.
- A State Bureau of Identification Criminal History Check.
- 24 hours of initial training.

What rights does a birth parent maintain in the arrangement?

- The birth parent(s) may request a judicial review of the guardianship once a year.
- A judge may grant the birth parent(s) visitation rights.
- The birth parent(s) may be required by the court to pay child support to the guardian.

Information from The Child and Family Services Manual, Section IX, effective March 1, 2006

What about other public assistance?

After a child is taken into a legal guardianship, the eligibility for TANF and other third-party benefits remains determined by the birth parents’ financial status. Birth parents may be compelled by the court to pay child support to the guardian. These resources can be considered when DHHS determines the amount of a subsidy.
Title IV-E: A foregone option

Maine decided to apply for a Title IV-E waiver as a part of their Bureau of Child and Family Services program improvement plan. The Federal waiver program allows states to use Title IV-E funds in new ways while demonstrating cost neutrality.

The waiver application, dated January 22, 2004, established the program Subsidized Guardianship Permanency Option. After federal review, the application was returned and the state was asked to provide randomization methodology to create a control group.

Stakeholders in the process of establishing subsidized guardianship did not want to proceed with the waiver. From the assistant attorney general to the direct service caseworker, from the senate to the district court, no one wanted to randomly place children in a control group, denying them access to subsidized guardianship.

The waiver project also required paperwork and extra efforts to show cost neutrality deemed unnecessary by consulted stakeholders. Members of the team responsible for the waiver application decided the benefits of the project could be achieved without the hassles.

After Title IV-E: Shifting funds for cost neutrality

Without federal funds, Maine becomes one of 20 states using state and local funds to provide subsidies to guardians. DHHS will use its existing budget to fund the program. State money that would have paid for foster care will now pay for subsidies to guardians.

During the evolution of the policy, accountants for DHHS evaluated the ability to self-fund the program. Time will tell how effective this practice will be after full implementation.

Title IV-E Update:

On April 6, 2006 the Federal government announced the approval of five new state waivers. Unfortunately these five will be the last as the authorizing statute expired on March 31, 2006.

Frequently Asked Questions: Funding The New Policy

What is the subsidy rate?
The rate will be $0-30 a day.

Who decides the subsidy rate?
The rate will be determined by the Department of Health and Human Services. The District Child Welfare Program Administrator must approve all guardianships.

Who does not decide the subsidy rate?
The District Courts decision does not determine subsidy eligibility.

What factors might be used in determining the subsidy rate?
The rate will be determined on a case-by-case basis. The guardian’s income, indebtedness, family size, and special needs can be considered. The child’s special needs and other income sources will also be considered.

When does the subsidy end?
The subsidy can continue until age 18 or age 21 if the child has special needs or needs educational benefits.

What is maximum subsidy rate?
The total subsidy may not exceed the cost of caring for the child in foster care.
A large advocacy body exists in the state of Maine. Some of those most active in the subsidized guardianship movement are described here. The level of political and government association varies.

<table>
<thead>
<tr>
<th>Organization</th>
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<th>CONTACT</th>
<th>MISSION</th>
<th>WEB SITE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maine Children’s Alliance</td>
<td>Elinor Goldberg, president</td>
<td><a href="mailto:egoldberg@mekids.org">egoldberg@mekids.org</a></td>
<td>“The mission of the Maine Children’s Alliance is to advocate for sound public policies to improve the lives of all Maine’s Children, Youth and Families.”</td>
<td><a href="http://www.mekids.org">www.mekids.org</a></td>
</tr>
<tr>
<td>Family Connections</td>
<td>Beverly Shumaker, executive director</td>
<td>1 (207)941-2347</td>
<td>“Assists grandparents, aunts and uncles who are stepping in to care for relatives’ children. The grandparent, aunt or uncle may have the child in their home, or may be working towards that goal.”</td>
<td><a href="http://www.kinshipconnections.org">www.kinshipconnections.org</a></td>
</tr>
<tr>
<td>Child Welfare Training Institute</td>
<td>Gretchen Robbins, acting director</td>
<td><a href="mailto:Gretchen.robbins@maine.gov">Gretchen.robbins@maine.gov</a></td>
<td>“Enhance the professional development and organizational effectiveness of state and community child welfare providers and caregivers in order to improve the quality of services delivered to the children and families of Maine.”</td>
<td><a href="http://www.cwti.org">www.cwti.org</a></td>
</tr>
<tr>
<td>A Family for ME</td>
<td>Tina Carlson, recruitment specialist</td>
<td>1 (877)505-0545</td>
<td>“A Family for ME is Maine’s statewide recruitment initiative for foster and adoptive families. Staff provides help, support and information.”</td>
<td><a href="http://www.afamilyforme.org">www.afamilyforme.org</a></td>
</tr>
<tr>
<td>Families and Children Together</td>
<td>Barbara Kates, director of Family Connections</td>
<td><a href="mailto:info@familiesandchildren.org">info@familiesandchildren.org</a></td>
<td>“Creating a family-focused agency that encourages and fosters the development and healing of children facing emotional and behavioral challenges.”</td>
<td><a href="http://www.familiesandchildren.org">www.familiesandchildren.org</a></td>
</tr>
<tr>
<td>Adoptive and Foster Families of Maine</td>
<td>Bette Hoxie, liaison director</td>
<td>1 (800)833-9786</td>
<td>“Provides support services for adoptive, foster parents and kinship providers.”</td>
<td><a href="http://www.affm.net">www.affm.net</a></td>
</tr>
<tr>
<td>Casey Family Services</td>
<td>Mark Millar, regional director</td>
<td>1 (800)559-1115</td>
<td>“Offers everything from summer wilderness experiences that help teenagers develop independent living skills to a statewide post-adoption collaborative.”</td>
<td><a href="http://www.caseyfamilyservices.org/area_maine.html">www.caseyfamilyservices.org/area_maine.html</a></td>
</tr>
</tbody>
</table>

Subsidized Guardianship: A New England Analysis
Subsidized Guardianship: A New England Analysis

Looking Forward

Five Policy Recommendations

ASSESS: Plans are already in place to track children who enter into the subsidized guardianship permanency option. These evaluations are crucial to substantiate the value of the program. The missing component is a control group, which could be found by tracking children in kinship relationships that are not subsidized by the state. These would be the informal arrangements made when a child is not brought into protective custody. This would also allow the state to evaluate the need to extend subsidies to children being raised by kin without DHHS involvement. Children in state care may have the most difficult histories, but without proper data, accurate conclusions cannot be drawn.

INSTALL: The initial installation is the key to this program’s success. The department must make every effort to fully fund and support the program. Social workers need adequate training and support in delivering the service to families. Many workers on the ground-level fear the blame if contingencies are not planned for before the program takes affect. Evaluation of the program should occur during initial stages. The original work group can play a key role in scrutinizing the program’s early efforts.

FOLLOW: Wrap-around services must continue for as long as the guardian and child need them. These services should help the child integrate into his or her new role in the family. A post-adoption specialist interviewed sees the adoption process as a developmental continuum.

Guardianship relationships will likely have similar outcomes. Change and stress will affect the family system throughout the child’s lifetime. While involvement needs to remain voluntary, it should also be readily and plainly accessible.

EXPAND: Children being raised by kin without DHHS involvement need the same assistance as children in DHHS care. After the current policy is successfully implemented, the work group can turn its attention to expanding subsidized guardianship subsidies. Advocates in the state are already poised to assist in this endeavor.

ADVOCATE: Public support and awareness are essential to the success of good social policy. The many agencies that exist in Maine can be called upon to educate the public about subsidized guardianship.

Potential Barriers to Implementation

Maine is on the precipice of implementing a policy derived from months of planning and contemplation. Stake holders on all levels have identified and should watch for the following prospective obstacles:

Funding: Time and again direct service workers spoke of under funding hindering good programs. Diligently accounting must ensure viable funds.

Misinformation: At all levels, from the guardian to the judge, people will need to have accurate and compatible information.

Failed Permanence: While every effort has been made to address the concerns of permanency, on-going support is identified by case workers and mental health advocates as essential to support the redefined family unit.

Public Opinion: The concept of intergenerational family dysfunction impedes public support. This unsupportable stereotype leads people to believe that kin cannot care for maltreated children. A proactive approach is necessary to eliminate this misconception in the public and political realm.

Family Roles: Guardianship attempts to alleviate the stressors placed on family dyads. However, redefined family roles are still a potential repercussion to the family system. On-going support can address this.
Interviews:

Interviews were conducted in-person March 17, 2006, March 18, 2006, and March 20, 2006 with one exception by phone. All participants were made aware of their IRB rights and asked questions using a formulated protocol.

Michael Brennan, Senate Majority Leader
Lee Caron, caseworker DHHS
Dean Crocker, Maine’s Children’s Ombudsman
Ashley Drake, caseworker Casey
Bette Hoxe, liaison director AFFM
Barbara Kates, director of Family Connections (FACT)
Trisha Maling, team leader Casey
Virginia Mariner, adoption program manager DHHS
Owen O’Donnell, team leader Casey
Karen Repasky, case worker Casey
Mariellen Welch, caseworker DHHS
Ron Welch, Maine Association of Mental Health Services

Legislative History Jacket (viewed 3/17/06)
Maine Statutes Title 22 Section 4038-D janus.state.me.us/legis/statutes

Credits:

Research Team: Leah Jacobs (RI, MA), Kimberly Lucas (VT, MA), Christy Moulin (ME, MA), Lauren Nadler (CT, MA), and Katherine Rollins (NH, MA)

Policy Consultant: Sania Metzger, Esq., Director of Policy, Casey Family Services

Course Advisor: Molly Mead, PhD, Tufts

Created in Partnership with Casey Family Services and Tufts University’s Department of Urban and Environmental Policy and Planning
In 1983, Massachusetts was the first state in the United States to establish a subsidized guardianship program using state funds. This program is available to special needs children age 12 and older who are in state care, provided that the child can not be reunified with their biological parents or adopted, and if it is in the best interest of the child. The daily cash subsidy is determined by the age and needs of the child and is equal to the state’s foster care and adoption subsidy. A child in guardianship is also entitled to full healthcare coverage by MassHealth, and guardianship families are eligible for a compendium of referral, respite, and support services through the State Department of Social Services (DSS).

Although the exact number of families receiving the guardianship subsidy is not known, it was estimated in 2002 that approximately 2,800 children had been served through the program. Although reunification and adoption are technically more preferred permanency options, interview data indicates that subsidized guardianship is widely used and generally accepted among the Massachusetts child welfare community as an effective and appropriate way for kin to make permanent commitment to a child. Furthermore, many cite that subsidized guardianship is the most appropriate option in certain cases, such as older children who would like to maintain a legal relationship with their parents and families of certain ethnic minorities.

Despite the prevalence and positive recognition of subsidized guardianship in Massachusetts, interview data reveals a few common misconceptions among child welfare stakeholders. First, many informants incorrectly believe that few or no support services are available to guardianship families through the state. Secondly, several cite misgivings about the program because it is not permanent or can be interrupted too readily – a notion that has been disproved by evaluations of other subsidized guardianship programs indicating that most guardianships are final, safe, and stable.

Given the above noted findings, the research team recommends that information about subsidized guardianship be disseminated both among the child welfare community and to the general public. Secondly, the team believes that the program should be evaluated in order to demonstrate its effectiveness and identify areas for improvement and change.
Massachusetts: In Context

The population in Massachusetts is generally divided into two categories. Eastern Massachusetts is more densely populated with the city of Boston providing an epicenter for density. Western Massachusetts is a more rural region peppered with small towns. This variation in population density can be seen in the graphic at right. The state’s largest city, Boston, has a population of 569,165. In 1999, the median income for an individual was $50,502. The cost of living in Massachusetts is relatively high for the region.

Child Poverty

Children of color in Massachusetts are far more likely than white children to live in poverty. Some of the smallest subsections of the population suffer disproportionately from a life of poverty. For example, nearly half of all Native Hawaiian and other Pacific Islander children in Massachusetts live below the poverty line. In contrast, fewer than 1 out of 10 white children live below the poverty line. This is below the total percent of children living in poverty; 12 percent of all children in Massachusetts live below the poverty line. The graph at right shows a percentage for each racial category.

Diverse Cultures and Languages

Children in Massachusetts come from homes where many languages are spoken. KidsCount Census Data analysis shows 19 percent of the child population aged 5-17 live in a home where English is not the only language used. Nearly 30 percent of these children were reported as unable to speak English well. Spanish is the language most often spoken in homes after English. About half of all children living in homes with an additional language speak Spanish.

Where Do People Live in Massachusetts?

Data Classes
- Persons/Sq Mile
  - 103 - 290
  - 318 - 573
  - 745 - 982
  - 1475 - 1772
  - 11184 - 11184

Features
- Major Road
- Street
- Stream/Waterbody


6,398,743
Estimated 2005 Massachusetts state population
From Population Finder www.census.gov

Percent of Children Below Poverty by Race

<table>
<thead>
<tr>
<th>Race</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>37.2</td>
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<tr>
<td>Two or More races</td>
<td>22.4</td>
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<tr>
<td>Other</td>
<td>38</td>
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<tr>
<td>Pacific Islanders</td>
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</tr>
<tr>
<td>White</td>
<td>8</td>
</tr>
<tr>
<td>Total</td>
<td>12</td>
</tr>
</tbody>
</table>

Data from Kids Count Census Online
Adoption Journeys Program

Formerly known as Adoption Crossroads, Adoption Journeys is Massachusetts’ post-adoption program. All services are also available to guardians, offering a 24-hour hotline for families seeking information and referrals; response teams and support networks; respite services; and training for adoption professionals statewide.

MassHealth

All foster, adoptive, and guardianship families are eligible for medical, dental, and psychiatric care through MassHealth.

Subsidized Guardianship: A New England Analysis

Child Welfare Definitions

Current Federal Guidelines

The Adoption and Safe Families Act (1997) promoted four permanency options designed to move children from foster care into stable living arrangements. The four permanency options promoted include reunification with the biological parent, adoption, guardianship, and alternative planned permanent living arrangements (APPLA). The following definitions provide a basis for understanding current child welfare issues in Massachusetts.

Legal Guardianship: “A judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision making. The term ‘legal guardian’ means the caretaker in such a relationship.”

ASFA, Section 101.

Subsidized guardianship: comes with a financial subsidy and a modest array of supports and services. The guardianship subsidy is the same as that for foster care, minus any other payments being provided by DSS for the child. Support services for guardianship families are comparable to those offered to adoptive parents, and the child is eligible for them throughout the term of the guardianship. The table below details the exact subsidy amount guardians receive through the State’s program.

<table>
<thead>
<tr>
<th>Age of Child</th>
<th>Daily Subsidy</th>
<th>Clothing Allowance (quarterly)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-5 years</td>
<td>$17.10</td>
<td>$107</td>
</tr>
<tr>
<td>6-12 years</td>
<td>$17.96</td>
<td>$181</td>
</tr>
<tr>
<td>13+ years</td>
<td>$18.59</td>
<td>$282</td>
</tr>
</tbody>
</table>

Daily cash subsidy and clothing allowance, graded by the child’s age.

Birthday, holiday, and back-to-school subsidies

These small cash subsidies are intended to offset costs associated with holiday and birthday gifts, as well as buying the child new clothes at the start of each school year.

Other Supports: The guardianship family has access to the following programs to aid family stability.

Parents and Children Together (P.A.C.T.)

The P.A.C.T. program compensates foster, adoptive, and guardianship families who provide planned, specialized services designed to address identified needs of a special needs child, at the standard hourly rate of $7.50 for a specified number of hours per week. This number of hours varies from case to case.

Receivable Reimbursement Program

This program is a receipt-based system that compensates families for exceptional and essential out of pocket costs that they may incur in the process of meeting a child’s identified needs.

Adoption Journeys Program

Formerly known as Adoption Crossroads, Adoption Journeys is Massachusetts’ post-adoption program. All services are also available to guardians, offering a 24-hour hotline for families seeking information and referrals; response teams and support networks; respite services; and training for adoption professionals statewide.

MassHealth

All foster, adoptive, and guardianship families are eligible for medical, dental, and psychiatric care through MassHealth.
As in the United States as a whole, minority children in Massachusetts are dramatically over represented in foster care. Subsidized guardianship has often been touted as a viable avenue out of foster care for minority children for whom TPR and adoption may not be culturally appropriate.

In reflection of the priorities laid out in ASFA, the majority of children in Massachusetts exiting foster care can be reunified with their biological families; adoption is the second most common permanency option, and guardianship is third.

In FY 2002, the percentage of children who experienced no more than 2 placement settings during their first 12 months in foster care was 75.8, which is less than both the national standard (86.7 percent or more) and the national median (84.1 percent).

In FY 2002, the percentage of children age 12 or younger placed in a group home or institution was 6.9, which is less than the national median of 8.6 percent.

In FY 2002, the percentage of all reunifications in Massachusetts occurring within 12 months of a child’s entry into foster care was 71.6, which does not meet the national standard (76.2 percent or more), but is more than the national median (68.0 percent).

In FY 2002, 82.4 percent of children exiting foster care in Massachusetts were discharged to a permanent home (which is less than the national median of 86.1 percent). This finding suggests that the state experiences challenges in achieving permanency for children exiting foster care.
Legislative History: The Origin of Subsidized Guardianship

Massachusetts first established a subsidized guardianship program in 1983, when it was passed as State Code 110, Sec. 7.300-7.303. The program began as internal DSS policy and became state law subsequently. The program is still administered and funded through DSS. Over the past 23 years, the bill has been altered only once in 1999, when it was modified to better comply with ASFA. At this time, a provision was added that reasonable efforts must be made to reunify the child with their biological parents before the caseworkers before considers guardianship as an option, and the subsidy rate was raised to reflect inflation and changes in cost of living.

The Program

According to State Code 110, Sec. 7.300-7.303, guardianship children and families in Massachusetts are also eligible for a daily subsidy, as well as an array of supports and services, including health care, referrals, support groups, and additional subsidies and reimbursements. In addition to these benefits offered by the State, many private organizations provide additional services. These subsidies, supports, and services, which are detailed on the following page, are intended to lessen the burden of caring for a child, both financially and logistically.

Funding

Unlike most states, which fund their subsidized guardianship programs through a waiver in the Title-IV-E grant of the Social Security Act, Massachusetts’ program is funded through state monies. This is partly due to the fact that Massachusetts’ program was established before Title IV-E waivers became available in the 1990’s.

While some states with state-funded programs have subsequently applied for waivers, allowing the existing program to be funded at least in part through Title IV-E monies, Massachusetts has maintained the same funding stream throughout the life of the program.

The Road to Subsidized Guardianship: Application and Eligibility

Once a determination is made that the child cannot return to their birth family, a kin of the child either volunteers or is approached by DSS about assuming guardianship. A DSS caseworker and the potential guardian work together to apply for subsidized guardianship, which can be granted by either probate or family court.

Eligibility requirements for subsidized guardianship vary from state to state. In general, if these requirements are not met, the federal government will not reimburse the state for the amount of the guardianship subsidy. In Massachusetts, the following eligibility requirements must be met in order to qualify for guardianship benefits:

- The child must be at least 12 years old. However, this requirement can be waived by DSS if it is in the child’s best interest.
- The child must have been in state care with DSS for at least 6 months prior to the commencement of the guardianship.
- The child must have been in the care of the kin assuming guardianship for at least 12 months, though not necessarily consecutively. Again, this requirement can be waived if it is in the child’s best interest.
- The state must attempt to gain parental consent for the guardianship if the parent can be located. While many parents are reluctant to consent, others accept guardianship willingly as a favorable alternative to termination of parental rights (TPR).
- DSS must have made reasonable efforts at both reunification and adoption.
- DSS must deem the guardianship to be in the best interest of the child.
- The child must qualify as having special needs.
Subsidized Guardianship: A New England Analysis

The Child and the Guardian

When might subsidized guardianship be preferable to adoption?

In cases where adoption or TPR are not possible or appropriate, subsidized guardianship offers children in foster care a safe and permanent home placement. This may be particularly relevant when:

✓ The child is an older child who cannot go home and needs a permanent placement, but does not want to terminate the legal relationship with their birth parent(s).

✓ Siblings cannot be placed together but would like to retain their familial connection. A child may become upset if her sibling enters an adoption and severs ties from the rest of the family.

✓ It is not culturally appropriate to terminate parental rights, as is often the case in some minority groups.

✓ A kin caregiver would like to take in a child but does not feel comfortable terminating the rights of the child’s parent(s) – often out of love, respect, or hope that that person will experience change that will allow them to take their child back.

✓ A child is not eligible for adoption but needs a permanent placement.

✓ The potential guardian is financially unstable and cannot afford to sufficiently provide for the child due to the financial burden; this is often the case with retired grandparents or kin who have families of their own, as well as with children with special needs.

Who is considered a child’s “kin”?

Definitions of kin vary from state to state, ranging from blood relatives only, to any adult friend with a vested interest in the child. Because Massachusetts defines kin broadly, adults eligible for subsidized guardianship include kin through blood, marriage, and adoption, as well as close friends and other adults with personal ties to the child.

Grandparent Caregivers in Massachusetts

98,325 Grandparents living with own grandchildren

27,915 Grandparents fully responsible for grandchildren

2% Children in households with grandparent care-giving relationships

1,929 Children in public kinship care

14% Children in public kinship care as percentage of all kids in foster care
The Breakdown: How Massachusetts funds child welfare

The diagram to the right illustrates total child welfare spending in Massachusetts, including dollar amount and overall percent provided by both state and federal funding sources. Slightly under two thirds of the state’s child welfare spending comes from state coffers, while just over a third is federal. Of all New England states, Massachusetts is the least reliant on federal funds to support its child welfare programs, as it is the only one drawing from federal monies for less than 40% of its funding. This may be due to high state income taxes, which result in relatively plentiful state funds available for civic programs, including child welfare. This relatively high proportion of state funds is particularly important to note in light of the fact that the Massachusetts’ subsidized guardianship programs is funded entirely through state monies, with no contribution from federal funding streams.

What Stakeholders Say about Subsidized Guardianship

In the March of 2006, 12 Massachusetts legislators, case workers, and child welfare administrators were interviewed about subsidized guardianship. They cited several common concerns and benefits of the program.

**Benefits:**
- Promotes kin caregivers
- Provides critical financial benefit
- Good for older youth
- TPR not required
- One more customized permanency option
- Increases permanency rates
- Limits state intrusion in family
- Culturally relevant placement

**Concerns:**
- Viewed as impermanent or unstable
- Lack of post-guardianship services available
- Lack of advocacy/knowledge among stakeholders
- Other ideological conflicts

### Massachusetts Citizens for Children
**LEADERSHIP:** Jetta Bernier, MA  
**CONTACT:** (617) 742-8555  
**ABOUT:** A non-profit statewide child advocacy organization, whose mission is to improve the lives of the state’s most vulnerable children through advocacy by concerned citizens.  
**WEB SITE:** [www.masskids.org](http://www.masskids.org)

### Children’s League of Massachusetts
**LEADERSHIP:** Barbara Talkov, Executive Director  
**CONTACT:** (617) 695-1991  
**ABOUT:** CLM’s mission is to promote the welfare of children and their families in the Commonwealth by influencing public policy  
**WEB SITE:** [www.childrensleague.org](http://www.childrensleague.org)

### Grandparents As Parents Program
**CONTACT:** (978) 459-3242  
**ABOUT:** Provides a network of grandparent support groups, a help-line, a legal task force, a respite fund, workshops, and social activities, funded by the Catholic Charities  
**WEB SITE:** [www.ccab.org/gap](http://www.ccab.org/gap)

### Casey Family Services
**LEADERSHIP:** Ellen Casad, Division Director  
**CONTACT:** (978) 937-1877  
**ABOUT:** Our work is to recruit; train and support talented foster parents and provide youth with stable, permanent connections.  
**WEB SITE:** [www.caseyfamilyservices.org/area.massachusetts.html](http://www.caseyfamilyservices.org/area.massachusetts.html)

### Massachusetts Society for the Prevention of Cruelty to Children
**LEADERSHIP:** Marylou Sudders, MSW, ACSW, President and CEO  
**CONTACT:** (617) 587 - 1506  
**ABOUT:** MSPCC is a private, nonprofit society dedicated to leadership in protecting and promoting the rights and well being of children and families.  
**WEB SITE:** [www.mspcc.org](http://www.mspcc.org)

### Home for Little Wanderers
**LEADERSHIP:** Joan Wallace-Benjamin, President and CEO  
**CONTACT:** (888) HOME-321  
**ABOUT:** The mission of The Home is to ensure the healthy emotional, mental, and social development of children at risk, their families, and communities. We do this through an integrated system of prevention, advocacy, research, and direct care services.  
**WEB SITE:** [www.thehome.org](http://www.thehome.org)

### Action for Boston Community Development (ABCD)
**LEADERSHIP:** Ruth Blackman  
**CONTACT:** (671) 357-6000  
**ABOUT:** ABCD Elder Services Programs provides support groups and a variety of other support services to grandparents and family members raising children, including case management, referrals, education programs, and information on public benefits.  
**WEB SITE:** [www.bostonabcd.org](http://www.bostonabcd.org)

### Raising Children’s Voices
**LEADERSHIP:** Kim Stevens, Founder and CEO  
**CONTACT:** (508) 254-2200  
**MISSION:** Raising Children’s Voices is a youth advocacy and empowerment group, devoted to improving the lives and outcomes for children and youth growing up outside of their families of origin.  
**WEB SITE:** [www.raisingchildrensvoices.org](http://www.raisingchildrensvoices.org)

### Massachusetts Adoption Resource Exchange
**LEADERSHIP:** Mary Hegarty, President  
**CONTACT:** (617) 542-1006  
**ABOUT:** MARE is a private, non-profit agency providing extensive resources, programs and services related to foster care adoption.  
**WEB SITE:** [www.mareinc.org](http://www.mareinc.org)
Evaluation

Subsidized Guardianship programs that are funded through Title IV-E waivers are required to be evaluated, assessing the effectiveness of the program and providing guidance for modifications.

The program in Massachusetts is state funded, and therefore, it has never been evaluated. Proper program evaluations are crucial to substantiate the value of any social program.

The evaluation should include a control group, found by tracking children in kinship caregiver relationships that are not subsidized by the State. These include informal arrangements made when a child is not brought into protective custody. This would allow the state to evaluate the need to extend subsidies to these children. Without proper data, accurate conclusions cannot be drawn.

Educate Stakeholders

While almost all Massachusetts case workers, administrators, and advocates know of the existence of subsidized guardianship, interview data reveals that they often hold misconceptions or lack important details of the programs parameters.

Several stakeholders cited a need for services and supports to be offered to guardianship families, often noting that guardians should be offered the same supports as adoptive families.

In fact, a wide array of services and support are already offered to guardianship families, including almost the entire spectrum of public supports currently offered to adoptive families. It is crucial that service providers make all supports known and available to guardianship families.

Caseworkers must know to link their guardianship clients with these critical resources.

Dispel the Impermanence Myth

The most common objection to subsidized guardianship tends to be its lack of permanence relative to adoption. Stakeholders often cite concern about the risk of guardianships falling apart or biological parents intervening in a guardian placement.

While guardianship is indeed not as legally binding as adoption, research shows that guardian placements become a child’s final and permanent home in the vast majority of cases – only slightly less often than in adoptions.

These findings should be publicized to dispel the notion that guardianship is fragile and impermanent.

Recommendations for Research

DSS should explore partnering with local universities in order to increase qualitative and quantitative research:

Future research should involve the following:

1. Interviewing Massachusetts families on their needs and preferences;
2. Examining the cultural implications of expanding the program by tracking the demographics of children who may benefit from guardianship placements;
3. Conducting a cost benefit analysis of creating a subsidized guardianship program option for families whom do not enter the DSS system.
Works Consulted:


3. According to Census Bureau estimates for 2004


Special Thanks:

Vanessa Brathwaite
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Judith Edwards
Michelle Fagnano
Maureen Ferris
Francyne Fuller
Anita Marshall
Melinda Montante-Pooler
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Research Team: Leah Jacobs (RI, MA), Kimberly Lucas (VT, MA), Christy Moulin (ME, MA), Lauren Nadler (CT, MA), and Katherine Rollins (NH, MA)

Policy Consultant: Sania Metzger, Esq., Director of Policy, Casey Family Services

Course Advisor: Molly Mead, PhD, Tufts

Created in Partnership with Casey Family Services and Tufts University’s Department of Urban and Environmental Policy and Planning
Subsidized Guardianship: A New England Analysis

Executive Summary

New Hampshire currently does not have a subsidized guardianship program. While the state does provide foster care and adoption subsidies and services, families who assume guardianship of a child do so without financial assistance specifically targeted at guardianship.

Several barriers exist to the establishment of a subsidized guardianship program in New Hampshire, including:

- The state's inability to attain a Title IV-E waiver in the 1990's,
- Current Federal guidelines disallowing Title IV-E funds from being used for guardianship subsidies,
- A strong preference in the state’s child welfare community for reunification or adoption, which are seen as more permanent than guardianship,
- The recent introduction of a mediated adoption program reducing the apparent need for subsidized guardianship, and
- A perceived lack of funding to support a subsidized guardianship program.

The above barriers have thwarted interest and advocacy efforts throughout the state, reinforcing ideology that does not favor subsidized guardianship. Interviews with legislators, case workers, and child welfare administrators reveal little concern for establishing the program.

Nonetheless, strong arguments exist in favor of establishing subsidized guardianship in New Hampshire. First, the current federal child welfare legislation, the 1997 Adoption and Safe Families Act (ASFA), endorses guardianship as an acceptable permanency option for children leaving foster care; thus, New Hampshire's aversion to guardianship is out of line with this current federal legislation. Second, the 2003 evaluation of Illinois’ subsidized guardianship program found that subsidized guardianship is in fact adoption in measures of stability, safety, and well-being, and that subsidized guardianship increases permanent placements for children exiting foster care. This clearly undermines the widespread belief that adoption is more permanent than guardianship. Third, a nationwide movement is afoot for the federal government to begin matching guardianship subsidies through Title IV-E funds, just as it currently matches adoption and foster care subsidies.

In sum, while there is little existing interest in or progress toward setting up subsidized guardianship in New Hampshire, a strong case for its establishment can be made. Advocates must choose the framing of these arguments carefully in order to galvanize support and change the way that the community in this state thinks about subsidized guardianship.
New Hampshire: In Context

New Hampshire has a mostly rural population. The low population density, especially in the North, can be seen in the graphic at right.\(^1\) The largest cities, Manchester and Nashua, have populations of 107,006 and 86,605, respectively, and are both located in the southern portion of the state.\(^2\) New Hampshire’s per capita personal income in 2003 was $35,140, 7th in the nation,\(^3\) and poverty is relatively low. The New Hampshire’s economy is stable but small, driven largely by the low tax rates, including no personal income tax. Accordingly, relatively meager state funds are generally available for social programming.

The state is governed by the New Hampshire General Court, a bicameral legislative body that is the fourth-largest legislative body in the English speaking world with over 400 members.\(^4\) The state's legislature favors a strong sentiment of "local control," a philosophy under which towns and cities, not the state, maintain as much political control as possible. Local governments are given significant voice in the formation and regulation of social policy, including much education and child welfare programming.

Child Welfare: Federal and State Policy

ASFA promoted four permanency options designed to move children from foster care into stable living arrangements: reunification with the biological parent(s), adoption, guardianship, and alternative planned permanent living arrangements (APPLA). State DCYF policy established in 2005 reflects New Hampshire's adherence to this hierarchy, while also stressing an emphasis on reunification and adoption over the other two options and prioritizing kin guardianship over non-kin guardianship.

\(^1\) Taken from www.census.gov
\(^2\) According to Census Bureau estimates for 2004.
\(^3\) Taken from www.newhampshire.gov
\(^4\) Taken from www.newhampshire.gov
Foster Care and Adoption Benefits

New Hampshire’s Department of Health and Human Services (HHS) Division of Child Youth and Family (DCYF) offers subsidies to both adoptive and foster families. Eligibility is as follows:

All foster families:
- Medicaid insurance for the child (medical, mental, and dental health needs)
- birthday, holiday, and back-to-school stipends
- child care subsidies, access to support groups, and referral services

“General” foster families:
- basic foster parent training

“Specialized” foster families:
- more extensive foster parent training
- must have a year or more of experience as a foster parent

Foster Care and Adoption Subsidies, 2006

<table>
<thead>
<tr>
<th>Age</th>
<th>General</th>
<th>Specialized</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-5 years</td>
<td>$12.25</td>
<td>$18.40</td>
</tr>
<tr>
<td>6-11 years</td>
<td>$13.35</td>
<td>$20.03</td>
</tr>
<tr>
<td>12-18 years</td>
<td>$15.76</td>
<td>$23.63</td>
</tr>
</tbody>
</table>

Kin Caregivers:
Kin caring for a child in their family are eligible for Temporary Assistance for Needy Families (TANF) through two programs:
1. Family Assistance Program (FAP)
   - cash assistance program with no time limit or work requirement
2. Employment Program (NHEP)
   - cash assistance to families
   - employment and training services
   - transportation and child care reimbursement while looking for a job
   - reimbursement for job-related expenses

Adoptive Parents:
- Medicaid coverage (medical, psychiatric, dental needs)
- may be eligible for an Adoption Tax Credit
- support, information and referral services
- administration of the Adoption Subsidy program
- training and home studies
- in the case of an acute special needs child, family may receive an additional $40 per day

Mediated Adoption

In January 2006, New Hampshire passed legislation initiating mediated adoption. Mediated adoption allows an adoptive family to have full legal rights to a child while still maintaining an open relationship with the child’s birth parents. The relationship among these parties is governed by a contract that is drawn up by the adoptive and birth parents together, formalizing their roles. The contract often establishes a schedule for children to visit their birth parents, as well as special arrangements that the birth parents would like the adoptive parents to provide the child, such as a religious education. The formation and enforcement of this contract is mediated by DCYF, though the state retains no custody of the child.

Advocates of mediated adoption claim that it is a superior option to subsidized guardianship for two main reasons. First, adoption is more legally binding and therefore seen as more permanent than guardianship. Second, advocates claim that having the relationship between the child and their biological parents mediated ensures that this important connection will continue, rather than simply assuming that it will, as in the case of guardianship. While guardianship allows the parent(s) to keep a legal tie to their child, a meaningful relationship may not be maintained in all cases, as kin caregivers may establish barriers between children and parents whom they view as dysfunctional.

On the other hand, advocates of subsidized guardianship assert that Termination of Parental Rights (TPR), which is necessary for adoption, may change the relationship between a child and parent in an intimate and significant way. Second, advocates may cite the 2004 evaluation of Illinois’s subsidized guardianship program, which revealed that the program is equivalent to adoption in measures of stability, safety, and well being, and that it increased permanent placements for children exiting foster care.
According to 2002 Census estimates, New Hampshire is home to 308,371 children age 18 and younger. Encouragingly, the state’s child maltreatment rate (3.4%) is significantly lower than the national average (12.4%). In New Hampshire, approximately three in five of these victims suffers neglect, while physical abuse and sexual abuse each account for approximately one in five cases.

A very small portion of child maltreatment victims also suffer from medical neglect and emotional abuse, together accounting for about 5% of all maltreatment cases.

Furthermore, New Hampshire’s 2002 rate of recurrence of maltreatment was 2.6%, notably lower than the national median of 7.5% that year.

The 2002 U.S. Census reported that 12,458 children in New Hampshire (4.1% of those in the State) were living in households headed by an extended family member. Of that group, approximately 81% (3.3% of children in the state) were living in grandparent-headed households; about half of the time, no parents were present in the home. While some of these relative caregivers may be licensed as foster parents through DSS, many assume their roles informally, receiving little or no support or subsidies from the state.

New Hampshire’s rate of TPR is very low, as only 13.4% of children waiting to be adopted experienced TPR in 2002. Clearly, reunification with biological parent(s) is the preferred method of permanency in the state. In 2002, 79.3% of children were discharged from care to a permanent home; this is significantly lower than the national average of 86.1%.

New Hampshire’s Vulnerable Children: A Look at the Children in Care

- 308,371 Total children under 18 years old
- 962 Child maltreatment victims
- 1291 Children in foster care
- 23.2 Median stay in foster care, in days
- 194 Children in care waiting to be adopted

**Table: Children in State Custody**

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Children Under 18</th>
<th>Child Maltreatment Victims</th>
<th>Children in Foster Care</th>
<th>Median Stay in Foster Care, Days</th>
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</thead>
<tbody>
<tr>
<td>2001</td>
<td>308,371</td>
<td>962</td>
<td>1291</td>
<td>23.2</td>
</tr>
<tr>
<td>2002</td>
<td>308,371</td>
<td>194</td>
<td>194</td>
<td>23.2</td>
</tr>
</tbody>
</table>

**Notes:**

8 Data from Child Welfare League of America ndas.cwla.org/data_stats
9 Data from KidsCount www.aecf.org/kidscount
10 Data from Child Welfare League of America ndas.cwla.org/data_stats
Subsidized Guardianship: A New England Analysis

Potential for Subsidized Guardianship

In New Hampshire, many child welfare stakeholders see little need for a subsidized guardianship program, and there is almost no movement afoot to create one. This situation is perhaps the most important factor to keep in mind when endeavoring to advocate for subsidized guardianship in New Hampshire, as there is very little momentum to work with. Moreover, it is crucial to note that New Hampshire’s child welfare stakeholders do not lack interest in the program simply due to misinformation or stubborn resistance to change. Not only do they often cite widespread ideological and logistical barriers to its establishment, but an alternative program (mediated adoption) exists that arguably achieves nearly the same outcome. Nonetheless, several compelling arguments can be made for the initiation of subsidized guardianship in New Hampshire, as outlined below.

Cost Neutral Planning
Interviews with child welfare stakeholder reveal that funding is perceived as a major barrier to subsidized guardianship in New Hampshire, especially given the small state budget and culture of frugality. In advocating, it is important to clarify that if federal Title IV-E restrictions expand so that they can be used to fund subsidized guardianship (in addition adoption and foster care), then the program will not require increased state funding. Furthermore, because many children entering subsidized guardianship would be exiting foster care, the state may stand to save money, as guardianship is a less expensive program to the state, requiring less ongoing DCYF involvement and fewer resources.

“What we are learning is that there is not one cookie-cutter approach to permanency and safety for children. There are a variety of options that need to be considered to fit that person and that person’s family – and the family that is caring for (the) child’s needs.”

-DCYF administrator

One Size Does Not Fit All.
Many stakeholders cite that, although mediated adoption is somewhat similar program to subsidized guardianship, it does nonetheless have unique features, and it is always good to have as many alternatives as possible in the array of permanency options. “One size does not fit all” said one state social worker.

One More Pro-family Option
DCYF policy is highly pro-family, emphasizing the importance of children maintaining a strong connection with kin. Accordingly, the state’s reunification rate is relatively high and its adoption and TPR rates are low. Also, DCYF policy strongly favors guardianship when a guardian is kin.

Subsidized guardianship is highly pro-family. In cases where adoption is not appropriate, it could allow a child to find permanency with familiar, loved, and respected kin, even if that kin would not otherwise be able to afford to take the child in.

“I have fought the battle to have kin be the first placement option – To make being taken from the home as non-threatening as possible, you need to keep [the child’s] life as normal as possible, and keep them as close to their natural family as possible.”

-State Legislator

Exits from Foster Care in NH, 1999-2001

<table>
<thead>
<tr>
<th></th>
<th>1999*</th>
<th>2000*</th>
<th>2001*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adoption</td>
<td>11.0</td>
<td>18.3</td>
<td>16.7</td>
</tr>
<tr>
<td>Guardianship</td>
<td>2.7</td>
<td>5.5</td>
<td>4.1</td>
</tr>
<tr>
<td>Reunification</td>
<td>45.9</td>
<td>47.7</td>
<td>55.1</td>
</tr>
<tr>
<td>APPLA</td>
<td>21.7</td>
<td>19.3</td>
<td>18.8</td>
</tr>
<tr>
<td>Missing</td>
<td>18.7</td>
<td>9.2</td>
<td>5.3</td>
</tr>
</tbody>
</table>

*Percentages

11 Data from Child Welfare League of America ndas.cwla.org/data_stats
Who would benefit?

Cases where subsidized guardianship may be the best fit

In cases where adoption or TPR are not possible or appropriate, subsidized guardianship offers children in foster care a safe and permanent home. Advocates and child welfare stakeholders often cite the following examples to illustrate when and why subsidized guardianship is the best option for a child, the biological family, and the family taking-in the child.¹,²

The Child

✓ An older child who cannot go home and needs a permanent placement, but does not want to terminate the legal relationship with their birth parent(s).

✓ Siblings who cannot be placed together but would like to retain their familial connection. A child may become upset if the sibling enters into an adoptive family and legally sever ties from the rest of the biological family.

✓ A child who should not return to the home, but TPR can not be justified legally.

✓ A child who must be removed from the biological parent(s) and is not eligible for adoption for any reason.

The Guardian

✓ The potential guardian who is financially unstable and cannot afford to sufficiently provide for the child due to the increased monetary burden. This is often the case with retired grandparents orkin who have families of their own, as well as cases in which the child has costly special needs not fully covered by Medicaid.

✓ A kin caregiver who would like to take in a child but does not feel comfortable terminating the rights of the child’s parent(s) – often out of love, respect, or hope that that person will experience change that will allow them to take their child back.

✓ Families of certain ethnicities may find TPR culturally inappropriate, but nonetheless want to find a permanent placement for a child in foster care. This is particularly important because both Black and Latino children are disproportionately represented in foster care in the state.


Subsidized Guardianship: A New England Analysis

Facing the Barriers

DCYF Policy: Promoting Adoption and Reunification Over Guardianship

ASFA asserts that permanency in any home, rather than only with a child’s biological parents, is in the best interest of the child. Thus, New Hampshire gradually began to increase the use of TPR and adoption after ASFA, though only minimally.

In 2005, DCYF established a hierarchy of permanency options for children exiting foster care. Case workers are intended to pursue these options in order, ruling out one before moving to the next.

Reunification is still considered the most desirable outcome, assuming that it can be done expeditiously and without compromising the safety of the child. Adoption is listed as the second most favored permanency option, as it provides legal permanency for the child with an adoptive family.

Guardianship is the third most favored option, including a preference for guardianship by kin. New Hampshire has a relatively broad definition of kin, including relatives of blood, marriage, or adoption, as well as close family friends.

Another Planned Permanent Living Arrangement (APPLA), is the least favored option and may include a variety of living arrangements, provided that the youth has a stable connection to an adult that will last beyond the age of 18.

The State Motto: “Live Free or Die” Reflected in Child Welfare Policy

Low Taxes and Frugal State Spending

A commonly cited barrier to establishing subsidized guardianship in New Hampshire is a perceived lack of funding. While unfunded initiatives are difficult to pass in most states, they are particularly difficult in New Hampshire, where a longstanding culture of small government and low state spending often hampers extensive social programming. Taxes are low, and there is no income tax. This restricts state money available for programming.

Stakeholders in the field tend to feel that other child and family policy priorities are more pressing, including education. Child welfare funding is not at the forefront of legislative priorities.

In fact, many states have implemented subsidized guardianship programs without any increase in funding, as they have paid for the program through a waiver in Title IV-E of the Social Security Act, a federal matching grant funding foster care and adoption subsidies, among other child welfare programs. While Title IV-E waivers are no longer available, a movement is afoot for the federal government to begin matching guardianship subsidies through Title IV-E funds, just as it currently matches adoption and foster care subsidies.

Non-Interventionism: Social Programs and the Role of Government in the Family

A related barrier to subsidized guardianship in New Hampshire is a prevalent ideology of small government, as reflected in the state motto, “Live Free or Die.” One legislator commented, “We tend to believe that government is not the answer, especially in family issues.”

The state government is historically non-interventionist, emphasizing individual responsibility and a minimal role of government in resident’s personal lives, including finances and family matters. This ideology is clearly linked to the low state taxes and minimal social programming. As a result, some residents think that state money should not be provided to families caring for kin.
Many organizations throughout New Hampshire offer legislative advocacy for child and family policies, as well as support services for guardianship, kinship, foster and adoptive families.

**Casey Family Services**
LEADERSHIP: Ed Rennells, Regional Director
CONTACT: 1 (800)417-7375
MISSION: “In addition to our foster care, post-adoption and transition to adulthood programs, we are proud of the Resource Centers we created in two schools to support at-risk families.”
WEB SITE: www.caseyfamilyservices.org/area_new_hampshire.html

**Child and Family Services of New Hampshire**
CONTACT: 1 (800) 640-6486
MISSION: “Child and Family Services is an independent nonprofit agency dedicated to advancing the well-being of children by providing an array of social services to strengthen family life and by promoting community commitment to the needs of children .”
WEB SITE: www.cfsnh.org

**Children's Alliance of New Hampshire**
LEADERSHIP: Ellen Shemitz, President
CONTACT: (603) 225-2264
MISSION: “The Children's Alliance of New Hampshire is a statewide, nonprofit advocacy organization with over a decade of experience working on behalf of the health and well being of the children of this state.”
WEB SITE: www.childrennh.org

**New Hampshire Division for Children, Youth, and Families**
CONTACT: 721-4451
MISSION: “To assist families in the protection, development, permanency, and well-being of their children and the communities in which they live.”
WEB SITE: www.dhhs.state.nh.us/DHHS/DCYF

**NH Catholic Charities**
LEADERSHIP: Dominique Rust, Interim Director
CONTACT: (603) 669-3030
MISSION: “Through a network of offices and parishes throughout the ten counties, the largest private non-profit organization in the state prides itself in its services that heal, comfort, and empower persons in need and to advocate for social justice.”
WEB SITE: www.catholiccharitiesnh.org

**AARP, New Hampshire**
LEADERSHIP: Richard Chevrefils
CONTACT: (603) 629-0066
MISSION: “Offers information and referrals to grandparents and other seniors raising children.”
WEB SITE: www.aarp.org/states/nh

**Families First Health and Support Center**
LEADERSHIP: Pamm Mattingly, RAPP Coordinator
CONTACT: (603) 422-8208
MISSION: “Offers family support for kinship caregivers in the Portsmouth area through parenting classes, support groups, and family outings.”
WEB SITE: www.familiesfirstseacoast.org

**UNH Cooperative Extension**
LEADERSHIP: Charlene Baxter, Program Leader
CONTACT: (603) 862-2485
MISSION: “Offers parenting education to kinship caregivers and others throughout the state through newsletters and workshops on infant and toddler care and development, parenting fact sheets and publications, a website, and parent education.”
WEB SITE: www.extension.unh.edu

**New Hampshire Family Voices**
LEADERSHIP: Martha-Jean Madison, Co-Director
CONTACT: (603) 271-4525
MISSION: “A Family-to-Family Health Information Center which supports families with special needs, emotional, physical, and chronic illnesses, and disabilities.”
WEB SITE: www.nhfv.org
Minority Overrepresentation

Advocates of subsidized guardianship often argue that it is a good alternative to adoption in families where TPR is not culturally appropriate – thus, it may be particularly appropriate for families of certain ethnic minorities. Notably, nearly all child welfare stakeholders in New Hampshire indicated that this ethnic issue is not pertinent in New Hampshire due to the small population of ethnic minorities. However, data suggest that Black children are dramatically overrepresented in foster care in the State. Whereas Black children compose only 1% of all children in the state, they compose 4% of those in foster care. Further research should investigate whether subsidized guardianship may be a viable solution to address this issue by creating an appropriate avenue for minority children out of foster care.

Educate the Legislature

As detailed earlier in this report, the New Hampshire legislature can be slow to pass child welfare legislation due to most legislators’ lack of knowledge of the field and rapid turnover that can thwart attempts to mobilize ongoing change. Thus, it is crucial to adopt a strategy for keeping “This strong voice at the local level can either promote or inhibit good legislation.”

the legislature on top of any issue, such as establishing an advocate who is likely to stay in office for more than one term.

Mobilize Local Stakeholders

New Hampshire’s tradition of devolving power to the people and funding responsibilities to the county level results in the need for local-level advocacy in order to make change.

“(The system) results in ... meaningful and strong communication with community district offices, as well as regional and county administrators…. This strong voice at the local level can either promote or inhibit good legislation,” a DCYF administrator said.

As an advocate, one will have to decide what strategy would be most effective to move the community to think differently about subsidized guardianship. It may be possible to galvanize support for the program by emphasizing that it keeps children with their families – a powerful pro-family argument that could appeal to both professionals and lay people.

Alternatively, publicizing the 2003 Illinois evaluation that demonstrated subsidized guardianship’s permanency and stability may mobilize the research and professional community.

Recommendations for Research

DCYF should partner with universities to increase qualitative and quantitative research:

Future research should involve the following:

1. Interviewing New Hampshire families on their needs and preferences;
2. Examining the cultural implications of expanding the program by tracking the demographics of children who may benefit from guardianship placements;
3. Compare the rate of re-entry for children in guardianship to the rate of re-entry for children in adoption while controlling for variations in subsidy amounts and services provided;
4. Conducting a cost benefit analysis of creating a subsidized guardianship program option.

14 Data from Child Welfare League of America ndas.cwla.org/data_stats


Special Thanks:

Cathy Atkins, Adoption Program Specialist, NH DCYF

Gail DeGoosh, Foster Care Specialist, NH DCYF

Gail Snow, Permanency Specialist, NH DCYF

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Daniel Itse, NH State Representative

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Course Advisor: Molly Mead, PhD, Tufts

Created in Partnership with Casey Family Services and Tufts University’s Department of Urban and Environmental Policy and Planning
Executive Summary

Federal child welfare legislation, the 1997 Adoption and Safe Families Act (ASFA), endorses guardianship as a permanency option for children leaving foster care. Guardianship allows children to exit foster care into a permanent living arrangement without termination of parental rights (TPR). Evaluations of subsidized guardianship programs in other states have found that subsidized guardianship is in fact as permanent and secure as adoption and that states with subsidized guardianship programs benefit from higher permanency rates. Guardianship is also believed to be particularly beneficial for children at risk of languishing in foster care, such as older youth and children of color.

Currently, Rhode Island’s Department of Children, Youth and Families (DCYF) offers a limited subsidized guardianship program initiated in an internal memo in 1997. While DCYF does not have a formal policy for subsidizing guardianship, the memo states that only non-kin guardians are eligible for guardianship subsidies, making Rhode Island the only state that currently limits guardianship subsidies to non-kin guardians. All children exiting foster care to the care of kin guardians are encouraged to apply for child only welfare funds available through the Family Independence Program (FIP), despite the fact that the subsidy amounts and support services available to guardians through that program are minimal in comparison to both foster care maintenance rates and adoption subsidies.

Rhode Island’s current subsidized guardianship program is a vastly underutilized permanency option for children in state care, as the number of children receiving guardianship subsidies is estimated by DCYF administrators to be between 20 and 24 cases. This underutilization is likely due to the lack of knowledge of the benefits of guardianship as a permanency option for youth in foster care by local caseworkers and administrators, lack of a formal policy on guardianship, and inadequate financial subsidies and support services for children who exit from foster care to the care of guardians.

DCYF administrators and child advocates have recently expressed interest and enthusiasm in expanding and improving Rhode Island’s subsidized guardianship program. Despite the fiscal and ideological barriers cited by these individuals, the State appears to be moving towards making much needed changes to their current program. If DCYF can pool efforts and funds with other child welfare agencies, the State is likely to succeed in endeavors to improve subsidized guardianship and increase permanency for children and youth in foster care.
Rhode Island in Context

The Wellbeing of Rhode Island’s Children

The number of children in Rhode Island living in poverty has increased significantly during the past decade. Census data show that the total number of children living in poverty jumped from 13.5% in 1990 to 16.9% in 2000. Areas in which children are at the greatest risk of living in poverty include Central Falls (41%), West Warwick (41%), Woonsocket (32%), and Providence (25%).

Rhode Island is the most densely populated New England state. While Rhode Island is ranked within the top 16 states for median family income ($46,199), it is ranked 38th for the number of children living in poverty and 6th out of New England States.

Racial/Ethnic Disparity in Child Poverty

Not only is poverty dramatically impacting Rhode Island’s children and families, but it is particularly prevalent for children and families of color. Data indicates that children of color are significantly more likely to live in poverty, to enter the child welfare system, and to remain in foster care without exit to a permanent and stable living arrangement.

Relative Caregivers in Rhode Island

In 1994, 17,224 children in Rhode Island were reported as living with relative caregivers. Many of these children are also vulnerable to the effects of poverty. For example, a large proportion of children cared for by relative caregivers live with their grandparents, many of whom subsist on fixed incomes. Caring for a dependent child may not have been part of a relative caregiver’s long term financial plan, and the financial strain of caring for a dependent child can be great.

Looking to the Future

DCYF has begun exploring opportunities to expedite the exit of children at risk of languishing in foster care to safe and stable homes. Subsidized guardianship is a method of promoting exits of children at risk of impermanent living arrangements into living arrangements that are safe, familiar, and conducive to maintaining cultural and familial bonds. Therefore, DCYF should be actively working towards improving their subsidized guardianship program.
Subsidized Guardianship: A New England Analysis

Guardianship in Rhode Island

Grounded in Research

Developmental research has shown that children develop and function best when they are in safe and stable living arrangements. However, finding permanent placements for children who have been removed from their biological parents is a challenge for social service agencies. ASFA promoted four permanency options designed to move children from foster care into stable living arrangements, including reunification with the biological parent, adoption, guardianship, and alternative planned permanent living arrangements (APPLA).

What is guardianship?

Guardianship is a legally established permanency option for children and youth in foster care. Guardianship allows kin, family friends, or other adults with a vested interest to provide care for children who have been removed from the care of their parent(s) without terminating the parental rights of the parent. Therefore, the child can be placed in a familiar, safe, and stable environment in which they can receive the care that they require while maintaining familial, cultural, and religious connections that might be severed if the child were placed with an adoptive family. Finally, guardianship is an appropriate permanency option for youth considered “hard to place,” such as older youth who may not want to be adopted, and children of racial and ethnic minorities.

What are guardianship subsidies?

Guardianship subsidies exist in 35 States and the District of Columbia. Guardianship subsidy programs provide financial assistance and other services aimed at decreasing the economic burden of caring for a child. Subsidies are usually comparable to welfare subsidies or to foster care maintenance payments. Guardianship subsidies can also include other supports and services, such as health care benefits and child care benefits.

currently, Rhode Island has a limited, case-by-case subsidy program for youth who exit foster care into guardianship.

DCYF allocates guardianship subsidies on a case-by-case basis for non-kin guardians who are not eligible to receive Temporary Assistance for Needy Families (TANF) payments.

All other care-giving arrangements must seek assistance through FIP, which allocates monies according to TANF regulations and rates, but does not require the legal commitment of a guardianship to receive benefits.

What are the benefits of subsidizing guardianship?

Evaluations of subsidized guardianship in other states have shown the following benefits:

- Subsidized guardianship increases permanent placements for children.
- Children in subsidized guardianship are just as safe from abuse and neglect as children in adoptive placements.
- In measures of stability, safety, and well-being, subsidized guardianship and adoption are equivalent placements for children.
- Subsidized guardianship programs can be cost neutral.3
### Subsidized Guardianship: A New England Analysis

#### Permanency for Specific for Populations

<table>
<thead>
<tr>
<th>(A) Children Waiting to be Adopted</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaskan/Nat. American</td>
<td>2.8%</td>
</tr>
<tr>
<td>Asian/Pacific Islander</td>
<td>0.6%</td>
</tr>
<tr>
<td>Black</td>
<td>26.5%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>19.6%*</td>
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<tr>
<td>White</td>
<td>71.3%</td>
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<tr>
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<td>3.5%</td>
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<tr>
<td><strong>Number</strong></td>
<td>317</td>
</tr>
<tr>
<td>*May be exaggerated due to Hispanics being counted both by race and ethnicity</td>
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<table>
<thead>
<tr>
<th>(B) Ages of Children in Foster Care Waiting to be Adopted</th>
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<tbody>
<tr>
<td><strong>Under 1 year</strong></td>
</tr>
<tr>
<td><strong>1-5 years</strong></td>
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<tr>
<td><strong>6-10 years</strong></td>
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<tr>
<td><strong>11-15 years</strong></td>
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<td><strong>16-18 years</strong></td>
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<td><strong>19+ years</strong></td>
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<tr>
<td><strong>Number</strong></td>
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<table>
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<tr>
<th>(C) Ethnicity of FIP Families*</th>
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<tbody>
<tr>
<td>White</td>
</tr>
<tr>
<td>Hispanic</td>
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<tr>
<td>Black</td>
</tr>
<tr>
<td>Asian</td>
</tr>
<tr>
<td>Native American</td>
</tr>
<tr>
<td>Other/Not Reported</td>
</tr>
<tr>
<td>*Percentages are for all families receiving FIP subsidies, not just loco parentis</td>
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</table>

<table>
<thead>
<tr>
<th>(D) Exits from Foster Care</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
</tr>
<tr>
<td>Adoption</td>
</tr>
<tr>
<td>Guardianship</td>
</tr>
<tr>
<td>Reunification</td>
</tr>
<tr>
<td>Other*</td>
</tr>
<tr>
<td><strong>Number</strong></td>
</tr>
<tr>
<td>* “Other” includes children exiting foster care to emancipation. 71 children were emancipated in 2004.</td>
</tr>
</tbody>
</table>

Subsidized guardianship is thought to be a particularly beneficial method of increasing exits to safe and stable homes for specific populations of youth.

**Children in Foster Care with Kin**

In 2004, 39% of youth in foster care were placed with a kin care giver. Guardianship enables families to maintain connections and, unlike foster care, as a permanency option case management is closed. When the case is closed families can lead their lives without the disruption and stigma of involvement with child welfare services.

**Older Youth**

Data shows that Rhode Island youth exiting foster care above the age of 12 are 17% less likely to enter into adoption than children under 12. Therefore, alternative permanency options may be necessary to aid older youth in finding stable homes. In 2004, 71 children in foster care in Rhode Island were emancipated. If youth emancipate without support systems, literature suggests that they face considerable challenges and are less likely to succeed in the work force and less likely to achieve positive educational outcomes.

**Youth of Racial and Ethnic Minorities**

While White children comprise 85% of Rhode Island’s total population, they compose only 73.6% of the children in foster care, and only 71.3% of the children waiting for permanency placement. In contrast, Black children comprise 4.5% of the total state population, 19.2% of the children in foster care, and an alarming 26.5% of children waiting for permanency. This, data suggests that children of color are particularly vulnerable of languishing in care. Due to cultural traditions of informal kin care giving, guardianship may be a particularly beneficial option for children of color in DCYF care.

Note: Due to the inaccuracy of available data, Hispanic children are not discussed.
The FIP Alternative

DCYF generally refers kin guardians to FIP to receive child only subsidies. Under FIP the family is given child only benefits according to TANF rates. The child is considered eligible provided they are living with a kin caregiver and are not receiving additional assistance, such as SSI, in excess of income limitations.

The DCYF non-kin guardians subsidy and child-only FIP subsidy are equal in amount. However, they are significantly less than both foster care payments and adoption subsidies.

Lack of adequate financial assistance is often a disincentive to take on permanent care giving responsibilities and can put children and families at increased risk of poverty related problems such as poor nutrition, mental and physical health problems, and housing instability.

Eligibility Requirements for Subsidies:

In order to apply for a guardianship subsidy through DCYF, a child’s social worker must prove that:

• the guardian and child(ren) are not related,
• the child is at least 12 years old and/or part of a sibling group,
• reasonable efforts to return the child(ren) home have failed,
• adoption is not in the child(ren)’s best interest,
• TPR is inappropriate.

In addition, the DCYF social worker must prove that case management services are no longer necessary, that there is a stable relationship between the child and the proposed guardian, that there is parent and guardian consent, and that guardianship will not “harm the child.”

Requiring non-kin status, setting age restrictions, requiring that adoption be negated, and using language connecting “guardianship” and “harm to the child” are barriers to both guardianship and permanency. These policies contradict research, which shows guardianship to be beneficial to children and families, and as permanent as adoption.

In 1994 DCYF released an inter-office memorandum outlining the criteria for subsidized guardianship cases and procedures for seeking a guardianship subsidy. Over a decade later, DCYF does not have a formal subsidized guardianship policy and continues to operate the subsidized guardianship program based on the 1994 memo.

Currently, guardianship subsidies are only offered on a case by case basis to non-kin caregivers who are not eligible for TANF subsidies. Kin caring for youth who are eligible to receive TANF funds receive subsidies through the Family Independence Program (FIP).
Benefits for Guardians

Financial Benefits,
Financial Necessities

DCYF grants guardianship subsidies based on the rate that the family would receive from the FIP program under TANF. These rates begin at $327.00 provided the child is not receiving other benefits such as SSI or Veteran’s benefits. The rate for more than one child under guardianship is graduated, as it also is graduated under FIP.

In comparison:

- adoption subsidy averages $450.00, 8
- foster care rates average $465.00. 6

For multiple children, DCYF’s graduated guardianship subsidy for each child is far less than DCYF’s adoption subsidy, which doubles for each child.

Unlike adoptive parents, most family members and individuals who become guardians do not have the opportunity to plan for the additional financial burden of caring for a child. Therefore, subsidies and supports are a necessity for the functioning of these families. While surrounding states, such as Massachusetts and Connecticut, recognize the financial need of guardianship families and provide benefits equal to adoption subsidy rates, Rhode Island provides limited financial assistance to these families.

All Rhode Island stakeholders interviewed recognized guardianship as a valuable permanency option for maintaining family connections. However, by offering inadequate subsidies and supports and limiting those benefits to non-kin guardians, DCYF is creating a disincentive for relative care givers to become legal guardians.

<table>
<thead>
<tr>
<th>Benefits for Guardians</th>
<th>Subsidized Adoption 8</th>
<th>Subsidized Guardianship 7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per Child Benefit (Monthly)</td>
<td>$465.00</td>
<td>$327.00</td>
</tr>
<tr>
<td>2nd Child</td>
<td>$930.00</td>
<td>$449.00</td>
</tr>
<tr>
<td>3rd Child</td>
<td>$1,395.00</td>
<td>$554.00</td>
</tr>
<tr>
<td>RIte Care</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Child Care</td>
<td>YES*</td>
<td>NO</td>
</tr>
<tr>
<td>Other Services**</td>
<td>YES</td>
<td>YES (limited)</td>
</tr>
</tbody>
</table>

*Referral for services, respite, etc.
**Provided the guardian meets income requirements

Additional Benefits

The additional benefits under DCYF’s guardianship subsidy are limited to:

- Health care under the RIte Care program,
- Referral services upon request

RIte Care benefits can be of great assistance to families and are automatically provided to children, unless the guardian is able to provide health care benefits to the child. Also, children determined to be in need of special medical assistance are also eligible for medical case management services. Finally, while children in subsidized guardianships are not eligible for case management services, as their cases with DCYF are technically closed upon approval of the guardianship subsidy, they can seek referrals for services from the department upon request. All subsidies are provided to the family until the child reaches the age of 18, or until the child graduates from high school (up to the age of 19). 7
Bearing the Burden

DCYF's guardianship subsidy program is funded through state foster care funds. Whereas adoption subsidies are supported by Federal Title IV-E funds, the fiscal burden of guardianship subsidies rests solely on the state budget.

DCYF administrators indicated the lack of Federal funds as a primary barrier to expanding services.

Federal Medicaid Title XIX funds are used to support children receiving Rite Care, Rhode Island’s Medicaid managed care program. Title XIX funds are drawn from Medicaid funds and are federally reimbursed at a rate of 55 percent federal / 45 percent state funds. State legislation does not allow guardianship cases to be eligible for Title XIX funds, however, the federal government allows greater flexibility in using Title XIX funds to support child welfare programs.

Rhode Island has been highly successful in reducing the total number of families receiving TANF benefits through the FIP program since the enactment of the Personal Responsibility Work Opportunity and Reconciliation Act (PRWORA). However, there has been an increase in the number of child only TANF subsidies from 15 percent in 1997 to 34 percent in 2004. While only three percent of child only grants are relative caregiver subsidies, the increase in other child only grants may decrease the availability of TANF funds for expanding relative care giver subsidies.

Federal Cuts

The recently proposed Federal Budget cuts will directly effect Rhode Island’s ability to expand their subsidized guardianship program. The cuts proposed by the House Budget resolution are estimated to effect Rhode Island from the year 2006 to 2010 with:

• $83 million to $112 million in cuts to Medicaid,
• $8 million to $16 million in cuts to food stamps,
• $13.7 million in cuts to TANF and Child Care,
• $3.2 million in cuts to Foster Care and Adoption Assistance,
• and $800,000 in cuts to the Social Service Block Grant.

Lack of Formal Policy: DCYF administrators and staff have expressed confusion within the department as to who is eligible for the guardianship subsidy and if guardianship is truly a permanent option.

Ideological Barriers: Common concerns among stakeholders include: lack of finality, risk of interference from biological parents, and caregivers informally returning children to their biological parents.

Lack of Research: Guardianship subsidies are not independently tracked by DCYF to create the data necessary for controlled analysis. The lack of tracking of guardianship cases complicates analysis of cultural and ethnic implications.

Uncertain Economics: People are hesitant to believe expansion of the program will be cost neutral. Administrators argue that the overwhelming number of children in need of case management services will result in a steady case replenishment and no cost savings.

Intra-State Agency Programming: During interviews, administrators cited the problematic lack of cooperation among state agencies and an unwillingness to pool federal and state funds. The lack of intra-department spending requires subsidized guardianship cases be divided by DHS and DCYF.

Lack of Flexibility: Inflexible federal Title IV-E funds for families receiving services through DCYF prevents the expansion of the subsidized guardianship program.

State Social Service Budget Cuts: Legislators have not protected services for children and families from budget cuts. While a marginal increase in foster car payments has recently been approved by the legislature, improving and expanding permanency options for children in state care has not been a priority. In light of recent budget cuts proposed by Governor Donald Carcieri, DCYF administrators report that it nearly impossible to entertain the idea of expanding programs.
## Advocacy Efforts

In recent years advocates from both within and outside of DCYF in Rhode Island have helped spur discussions around subsidized guardianship in RI.

**DCYF Program Improvement Plan (2003)**
- Included strategies to improve and expand Rhode Island’s subsidized guardianship program.
- Strategies included applying for a Title IV-E waiver, examining methods on increasing TANF benefits to be per child instead of graduated, and creating an informational resource for services available to guardianship families.

**Issue Brief: Grandparents and Other Relative Caregivers in Rhode Island Rhode Island Kids Count (2005)**
- Outlined the challenges that Rhode Island caregivers experience with limited fiscal assistance and raised subsidized guardianship as a method of alleviating these challenges.

**State Administrative Round Table Discussions (2006)**
- Casey Family Services of Rhode Island organized a luncheon to discuss the barriers and potential solutions to expanding Subsidized Guardianship in the State.
- DCYF administrators plan to convene in March of 2006 to discuss issues of expanding permanency options through expanding their subsidized guardianship program.
- Formal policy is currently being formulated to replace the 1994 Memo outlining Rhode Island’s current Subsidized Guardianship program.
Creating a clear cut and comprehensive policy:

✓ Expand, improve, and solidify the 1994 Memo on guardianship into a policy on subsidized guardianship;
✓ Administrators should involve direct service workers and guardianship families in the development of the policy;
✓ Advocates and DCYF should invite administrators and program implementers from surrounding states such as Massachusetts and Connecticut to discuss subsidized guardianship in their states;

Changes to the existing policy:

• Change the language of the memo to prevent guardianship from sounding like an option secondary to adoption and to prevent implications that guardianship is potentially “harmful” to children,
• Include a provision in DCYF’s policy requiring that caregivers be fully informed of all potential permanency options available to them, including guardianship, and
• Provide educational benefits for post-secondary education.

Disseminate information:

✓ DCYF should provide staff trainings and education on Rhode Island’s subsidized guardianship option.
✓ Advocates should organize roundtable discussions between direct service staff and administrators on the benefits of expanding permanency options to include guardianship.

Dollars can make sense:

• DCYF and DHS should explore fiscal options to provide subsidies to non-kin guardians, and increase the subsidies and services available to guardians.
• Partnership between DCYF and FIP can enable financing each child only TANF case and each DCYF subsidized guardianship case as an individual subsidy so the rate can double for siblings in guardianship arrangements.
• DCYF administrators should explore methods of funding subsidized guardianship programs in surrounding states such as Massachusetts and Connecticut.

Future research:

• Increase qualitative, quantitative and economic research on the results of utilizing subsidized guardianship
• DCYF should explore partnering with local universities in order to increase qualitative and quantitative research

Research should include:

✓ Interviewing Rhode Island guardianship families on their needs and preferences;
✓ Examining the cultural implications of expanding the program by tracking the demographics of children who may benefit from guardianship placements;
✓ Comparing the rate of re-entry for children in guardianship to the rate of re-entry for children in adoption while controlling for variations in subsidy amounts and services provided;
✓ Tracking subsidized guardianship cases in order to facilitate accurate research on these cases;
✓ Conducting a cost benefit analysis of moving children into subsidized guardianship.
Subsidized Guardianship: A New England Analysis

References

Works Consulted:

1 Data retrieved from Kids Count Data Book on www.kidscount.org.
2 Data retrieved from www.census.gov.
6 “Grandparents and Other Relative Caregivers in Rhode Island.” (May, 2005) Rhode Island Kids Count.
8 Savage, K. (Personal communication, March 23, 2006).
10 The analysis by The Center on Budget and Policy Priorities assumes that Medicaid and Food Stamp spending are cut proportionate to R.I.'s share of Federal spending. The Center on Budget and Policy Priorities “House Budget Resolution Would Require Much Deeper Cuts in Key Low Income Programs Than Senate Budget Plan.” (March, 2005). Accessed on March 2, 2006 from WWW.cbpp.org/3-30-05budhtm.
12 The State of Rhode Island Program Improvement Plan. (April, 2005).

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Executive Summary

The state of Vermont does not currently have subsidized guardianship. Although a small, but growing group is beginning to create movement surrounding this topic, subsidized guardianship has yet to take hold as a pertinent issue.

Permanent legal guardianship in Vermont is defined by the federal Adoption and Safe Families Act (ASFA). This form of guardianship is underutilized by caseworkers, one reason being that the financial burden on families that are eligible for permanent legal guardianship is too vast without a subsidy.

The aim of this report was to investigate the history of permanent legal guardianship, to determine the barriers to obtaining a subsidy, and to create viable policy recommendations that will help this issue progress. A number of key stakeholders were interviewed, including state administrators, legislators, advocates, and caseworkers. Their input gave insight into the state of Vermont’s child welfare policy and ideology, and many provided recommendations to improve guardianship in Vermont.

Six barriers to obtaining subsidized guardianship have been frequently mentioned, and these should be addressed when advocating for such a policy. These barriers include: a lack of state funds, a lack of correct knowledge surrounding the current permanent legal guardianship statute, prevailing attitudes about the family, the current permanent legal guardianship statute itself, geographical barrier as a rural state, and cultural barriers.

Four recommendations for creating a subsidized guardianship program include: creation of a detailed cost/benefit analysis, concurrent advocacy for federal aid, a cost neutral program design, inclusion of guardianships created through probate court in any advocacy effort, and increased research and documentation of guardianship and kinship care.

Subsidized guardianship can be beneficial to a number of children in Vermont’s foster care system. As the push for subsidized guardianship comes to the fore, it is key to recognize that the best interests of the child are best entertained when all permanency options are viable options.
Vermont Demographics

Vermont is a rural state with a population of approximately 621,394.[1] Its largest city is Burlington, which has a population of 39,828.[2] The average family size is 2.96 people, and the median income per family is $40,856 per year. The livable wage for such a family is approximately $42,695 per year.[3] 86.4% of Vermonters have their high school degrees, and 29.4% have a Bachelor’s degree.[4]

13,001 of the total child population of 137,446 has been recorded as living in poverty. This brings the child poverty rate in Vermont to 9.6%.[5]

Racial/Ethnic Breakdown

Vermont is a homogenous state. Its child population is 94.5% White, 0.8% Black/African-American, 0.4% American Indian, 1.2% Asian, and 1.2% Hispanic/Latino. In comparison, Vermont’s foster care population is 96.3% White, 1.7% Black/African-American, 0.2% American Indian, and 1.5% Hispanic/Latino. Asian and multi-racial children do not carry statistics for that year, and there is also 0.2% of data missing for that year.[6]

Age Breakdown

While 1-5 year-olds are the largest single age group of children in foster care, a majority of children in foster care are aged 6-15 years.

Child Welfare Spending

In 2002, the Department of Children and Families (DCF) spent $43,886,480 in federal funds and $23,379,427 in state funds on child welfare. No local funds were spent.[7]
Most children in the Vermont foster care system are either reunified with their families or adopted. In 2002, 62.9% of children in care were reunified with their parents, and 20.5% were adopted. In Vermont, the number of children in guardianship may vary, depending on the definition of guardianship being used.

ASFA’s definition of “Legal Guardianship” is as follows: “A judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision making. The term ‘legal guardian’ means the caretaker in such a relationship.”

“Guardianship” in Vermont is a broad term and can be obtained through a number of avenues. Permanent legal guardianship (as defined by ASFA) can only be obtained for children in DCF custody through family court (but is tracked by the probate court). The law is clear in the fact that this option should be used for children over the age of twelve and where adoption is not an option.

Other guardianships, known as “minor” or “temporary” guardianships, are created through probate court. While temporary guardianships are given in cases where children are expected to be reunified with their parents, minor guardianships are expected to be more long-term. Neither of these are subsidized, nor are they considered permanent under ASFA.

Subsequently, some CHINS cases in Vermont are referred directly to probate court. When such referrals are made, no DCF custody is established, and the case is treated as a temporary guardianship.

Given the parameters set by law, caseworkers underutilize permanent legal guardianship as a permanency option, even for its intended population, for two reasons:

1. Caseworkers are not educated in the population for whom permanent legal guardianship can be and should be used.
2. Caseworkers who might employ permanent legal guardianship as an option often fail to do so because the guardianship family may not have the financial resources to meet the needs of the child.

The Need for Subsidized Guardianship

Many legislators, state administrators, and advocates have noted that the state and federal adoption subsidies, as well as current post-adoption services, have helped contribute to the success of Vermont’s adoption program. These informants have stated that without the availability of subsidies and services, many families would find it difficult to adopt children out of the foster care system. Conversely, state administrators familiar with reunification services have recognized the need for increased supports surrounding reunification. This recognition supports the importance of subsidies in supporting families that have been involved with the foster care system. “Subsidies would be one of the mechanisms used to help families to take care of their own,” stated Sara Kobylenski, DCF Field Director.

“Without the subsidy, [guardianship] is just a less viable option,” said George Belcher, probate judge.

While no advocacy effort currently surrounds the issue of subsidized guardianship, a number of legislators, state administrators, and advocates have pinpointed particular Vermont foster care populations that would be best served, should a subsidy come into existence.

Older Youth: Older youth tend to “age out” of the foster care system without being placed in a more permanent option. Many children placed in the system are not adopted, and some cannot be reunified with their biological parent(s). At the same time, some children/older youth may make it clear that they have an established connection to their biological parent(s). At the same time, some children/older youth may make it clear that they have an established connection to their biological parent(s) and do not want to be adopted.

“That child still needs permanence; that child still needs to know that the next knock on the door is not going to take that child out of the home,” Belcher said.

Low rates of reentry are indicative of the effectiveness of the current permanency options in addressing the needs of children and youth in the Vermont foster care system. Vermont has an overall re-entry rate of 10.2% of children re-entering care within the first 12 months of placement.[1] In addition, Vermont’s rate of re-entry from adoption is 12%.[2] However, those who do re-enter the system may have benefit from a permanent guardianship, if subsidies had been provided to make that a feasible option.

Who Benefits?

Ten out of 17 interviewees noted that such youth would benefit from subsidized guardianship, especially since permanent guardianship would allow them with the ability to maintain contact with their biological parent(s).

Kin Caregivers with Financial Restrictions: Some families are more than willing to take in related children to keep them out of state care. However, the mean income in Vermont is $40,856[3]; many families do not have the financial means to do this. If a subsidy were provided, it is believed that more families may step forward to take care of their kin.

Reluctance for “Legal Parenting”: A number of potential caregivers are willing to take a child in to provide a stable home life, but are not willing to assume the legal role of “parent” to the child. Many grandparents may fall into this category. Grandparents often see themselves in their role as “grandparent,” and they see the legal assumption of the “parent” role as confusing for the child and the family as a whole.

No Termination of Rights: Some families may not want to dissolve the legal rights of the biological parent(s).

“No Termination of Rights: Some families may not want to dissolve the legal rights of the biological parent(s).

“From the parent’s perspective, [they] would not voluntarily relinquish rights but would agree to permanent guardianship, especially if they know that the family member will get financial support,” noted Judi Daly, a caseworker.

Parents may be comforted knowing that financial supports exist. It is “doubly tragic [when adoption and TPR is forced] because you also TPR the extended family,” noted Fred Ober, DCF Child Protection Director.

[2] Dept. of Children and Families
Subsidized guardianship does not exist in Vermont; however, Legal Guardianship is an option.

Realigning State Agencies and Courts

The creation of the family court system in 1991 required the Department of Social and Rehabilitation Services (SRS) (now DCF) to reexamine the jurisdiction of the probate court system.

The Permanency Planning and Implementation Committee (PPIC) was formed through a federal block grant by SRS as part of the Court Improvement Project on Permanency Planning to research and evaluate the roles of both court systems in addressing the needs of children and families in the foster care system. PPIC members included department administrators, social workers, advocates, lawyers, judges, foster parents, and kin.

The Push for Guardianship

As ASFA became federal law, the group began a large push to encourage guardianship as a permanency option. In late 1998, PPIC began drafting a policy to create guidelines for including guardianship as a permanency option for children and youth in the Vermont foster care system. The bill provided for the creation of permanent legal guardianships through the family court system.[1]

The original bill included provision for a subsidy and the line of appropriation for that subsidy. It addressed all federal guidelines for obtaining a Title IV-E waiver.[2] The feasibility of obtaining a federal Title IV-E waiver was assessed first by SRS and then by PPIC. The investigations determined that the waiver would only allow for flexibility of existing funds and not for increased federal funds. The bill, written in late 1999 and submitted to the legislature in early 2000, did not include a subsidy[3] (see box).

The Permanent Legal Guardianship Act (PGLA) was approved by the legislature in 2000 with a sunset clause. In 2002, the legislature reexamined the policy, and a number of advocates, including members of PPIC, successfully lobbied to remove the sunset clause.

Next Steps

A Subcommittee Task Force on Minor Guardianships in Probate Court, created in 2004, led to a renewed interest in exploring options for subsidizing guardianship in Vermont. PPIC dissolved in 2005, with no further action toward creating a federal or state subsidy.


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Evolving Policy: Writing-out Financial Support from SRS for Permanent Guardians

As PGLA was drafted, a number of discussions and debates centered around the inclusion of a subsidy. Ultimately, the act included language for the potential creation of a state program, but it made no further mention of such a program.

Potential for a Subsidy:

“In the event that the income and assets of the parents do qualify the minor for governmental benefits, the benefits may be conferred upon the minor by payment to the guardian.”


Reassessing the Potential:

“Concerns were raised ... whether the benefits language ... could somehow be construed as requiring SRS to continue foster care payments.”


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Eliminating the Potential:

“Where the minor has been in the custody of the Commissioner of Social and Rehabilitation Services immediately prior to the creation of the guardianship, the Commissioner shall have no further duty of support or care for the minor after the creation of the permanent guardianship unless the Commissioner contractually agrees, in writing, to such support.”

-Permanent Guardianship Statute, Sect. E. (Feb. 5, 1999)
Subsidized Guardianship: A New England Analysis

Barriers to Subsidized Guardianship

Those most active in the child welfare arena in Vermont attribute the lack of advances in attaining a guardianship subsidy to an absence of interest in the legislature and DCF; however, further exploration has uncovered other underlying barriers.

Financial Issues

Without a federal waiver, Vermont is forced to create a subsidy with state funds. Legislators, state administrators, and advocates alike think Vermont’s budget is unable to fund new programs. A number of alternatives have been suggested in addressing this issue.

- **Appropriate:** PGLA contains a provision for attaching state funds to permanent legal guardianship; however, limited funds nullify this option.
- **Restructure:** Instead of separate funding for different permanency options, a large pot of money should be reserved as a “permanency fund.” The subsidy amount for each option should be equal, so as to create a fair choice in permanency options, but not create a preference within those options. Vermont has not “previously had the right blend of imagination and leadership in the same place at the same time in order to do this [obtain subsidized guardianship] in a sound, fiscal way,” Sara Kobylenski, DCF Field Director, said.

Lack of Knowledge/Education

A lack of knowledge on the part of key stakeholders is vital to understanding the current use and misuse of subsidized guardianship.

- **Disseminate:** Legislators and state administrators must understand the reasons behind creating a guardianship subsidy.
- **Reeducate:** Some interviewees were either not informed or misinformed about PGLA and the child welfare system. Some were unaware of the advocacy history surrounding subsidized guardianship.
- **Train:** Few caseworkers and judges are familiar with permanent legal guardianship as a tool to establish permanence.[1] Not many of those who are informed, understand in which situations to effectively use this tool.

“‘There’s also a sense that we can protect the kids better if they’re in our care,’” said Trine Bech, child advocate. “I think that may be true physically, but emotionally that may not be true.”

[1] Vermont Juvenile Court Reassessment Report

Attitudes About the Family

Prevailing attitudes about the family also act as barriers to obtaining subsidized guardianship. Three notions work together to create a general ambivalence about subsidized guardianship.

- **Intergenerational Dysfunction:** “The apple doesn’t fall far from the tree” is a misinformed stereotype. People are hesitant to unite a child with kin due to a fear of perpetuating the cycle of bad parenting. As proven by the rates of reentry of children in subsidized guardianship in other states, as well as the rate of reentry of children who are in permanent legal guardianship in Vermont, this notion is generally untrue.[1]

- **Familial Obligations:** As a state valuing self-sufficiency, self-reliance, and decentralization, the general consensus is that the state should not contribute or interfere with the family duty to maintain the well-being of all of its members. It is believed that the overarching notion is state funds should be spent on the welfare of the masses, not the individual families.

- **Permanent Competition:** Despite being written into state law, permanent legal guardianship is still seen as an option less preferable to reunification and adoption. A legislator stated that the overall mentality in Vermont towards permanence is “first and foremost reunification, then adoption.”

Barriers to Subsidized Guardianship

Kin Care in a Rural State

As Vermont is a rural state, one of the challenges to guardianship placement is distance. Caseworkers who do understand the proper use of guardianship as a permanency option may be reluctant to employ it when it means that the child would need to be uprooted from a town, school, and community and brought to a new area where that child does not have any roots. The dilemma is this: should the child be taken from the familiarity of the surrounding environment in favor of permanence with kin? Or is it better to find a foster home (or adoptive home) in the child’s immediate neighborhood? Caseworkers caught in such a dilemma may have good reason to choose the latter option, but the current lack of emphasis on guardianship may preclude some caseworkers from even entertaining it as an option.

The Current Permanent Guardianship Statute

The passing of PGLA seemed to be a step toward gaining another permanency option. While this victory did open the door to one other avenue of guardianship, it may also have blocked the path for further legislative victories in permanency.

“Because people were given a quarter of a loaf as a result of the [PLGA] process, that in itself became a block in taking other action because people could say, ‘Well, we’ve got guardianship.’ So the type of permanent guardianship that got written into the statute, I believe, served as a block to more action to get something deeper and better,” noted Kobylenski.

One reason behind the complacency surrounding subsidized guardianship since 2000 could be due to the relief felt for obtaining the smaller victory of permanent legal guardianship. The stagnation of momentum may have stagnated the whole movement.

Cultural Barriers

Vermont’s population is 96.8% White, and the racial/ethnic groups who traditionally utilize extended family in kinship care is not large in Vermont. Within the foster care system, there is a 50% overrepresentation of Black/African-American children. This is a population few Vermonters have cited as possible beneficiaries of subsidized guardianship. However, because other states have demonstrated that subsidized guardianship works well for this particular population, this dissonance should be further investigated in depth. [1]

“Many of those grandparents would do an excellent job of raising their grandchildren after raising their children if funding was available.”

–Fred Ober, Child Protection Director

[i] www.acf.hhs.gov
Little advocacy surrounds subsidized guardianship despite the fact that a number of stakeholders identified subsidized guardianship viability and the potential for the increased use of guardianship as a permanency option. Pertaining to issues akin to subsidized guardianship, three major movements are underway in Vermont.

**Post-Adoption Supports**

Adoption subsidies receive on-going, but nondescript, advocacy. Vermont is one of 30 states to provide a state adoption subsidy (in addition to federal Title IV-E subsidies given for adoption of abused/neglected children). In Vermont, all adopted children are eligible for the state adoption subsidy; however, not all families choose to receive the subsidy. Some families may not be granted a subsidy due to an increase in adoptions while the DCF budget remains constant.

**Temporary Guardianships**

A growing number of advocates want to create a subsidy for temporary guardianships granted through probate court for these reasons:

- A majority of guardianships in Vermont occur through probate court, without DCF involvement.
- Children placed in guardianship through probate court receive fewer subsidies than those who remain in long-term foster care. If eligible, these children can receive child-only grants through Vermont Economic Services, which do not take into account the income of the kin.
- Families who establish guardianship through probate court do so before any type of abuse or neglect has been substantiated.

“[Families are] trying to prevent the need for state government to intervene in the lives of their sons and daughters, their brothers and sisters; they’re trying to do the right thing, and by trying to do the right thing, they are excluded from the one avenue that the state has created,” said Trine Bech, an advocate.

While there is little doubt that these families would benefit from such a subsidy, it should be noted that guardianships created through probate court are not legally permanent. If Vermont was to adhere to ASFA’s goals of permanence, the emphasis and incentive may be better placed with guardianship through family court. Subsidizing permanent legal guardianship may reduce the number of temporary guardianships through probate court and create permanence for the children involved.

**Extended Kin**

The youth who “ages out” of the system is not said to have achieved permanence. DCF administrators would like to see the creation of “lifetime connections” to kin in the absence of a permanent home or parental figure. Efforts are afoot to explore the option of uniting youth with their kin in Vermont or in other states as “someone who they can have thanksgiving with.” This effort may begin to expand DCF’s definition of permanence away from the narrow focus on reunification and adoption to include guardianship as a more utilized option.

**Advocates: organizations working for child welfare in Vermont**

**Casey Family Services**
LEADERSHIP: Brian Southworth, Team Leader, Foster Care Services and Family Advocacy and Support
CONTACT: (800) 244-1408
MISSION: “We offer a continuum of the highest quality family advocacy and support, foster care, and post-adoption services.”
WEB SITE: www.caseyfamilyservices.org

**Vermont Kin as Parents (VKAP)**
LEADERSHIP: Lynn Granger, President
CONTACT: (802) 338-4725
P.O. Box 382
Winooski, VT 05404
MISSION: “VKAP is committed to support relatives who are raising children and to educate the public and community partners about the joys and difficulties these families experience.”

**Trine Bech, Consultant**
CONTACT: (802) 862-7160
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Burlington, VT 05401
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Policy Recommendations

“...because, in essence, what happens is the kids grow up in limbo. We know they have worse outcomes in terms of substance abuse, mental health issues and incarceration. So where do we want to pay out money? Do we want to pay it up front, or do we want to pay a lot more money down the line?”

–Trine Bech, Child Advocate

Below are recommendations for an effective advocacy campaign to establish subsidized guardianship:

**Concurrent advocacy efforts should be made on a federal level.** Rural states with small budgets in a fiscal crisis often cannot find the proper state funds to create and maintain new programs. States should not have to choose between funding social service programs at the expense of others. In the case of Vermont, a larger grant, not a flexibility waiver, is necessary for the creation of a subsidy. It is the job of the federal government to provide aid to such states that require help. Federal lobbying efforts should be made to establish a federal Title IV-E fund similar to that given to adopted children. Advocacy efforts surrounding the Kinship Caregiver Support Act and the Guardianship Assistance Promotion and Kinship Support Act should be made in order to reach these goals.

**Advocate for the creation of “fair and equal” permanency options.** Taking the financial factor out of a permanency decision creates fair and equal permanency options for children in foster care. Parents do not need to be prescribed a permanency option; they need to have a number of good options to choose from. Framing advocacy around the need for “fair and equal” options will subsequently open the dialogue for the creation of a guardianship subsidy.

**Include subsidized guardianship through probate court.** In advocating for “fair and equal” permanency options, the issue of fairness and equality for all children who are affected either directly or indirectly by the child welfare system, should be addressed. Those families who establish temporary guardianships through probate court as a means to prevent abuse and neglect should not be punished for doing so with a lack of subsidy. In fact, more families would be encouraged to act in a preventative manner if temporary guardianships were also recognized in the efforts surrounding subsidized permanent guardianship.

**Recommendations for Research**

DCF should explore partnering with local universities in order to increase qualitative and quantitative research:

Future research should involve the following:

1. **Interviewing Vermont families on their needs and preferences;**
2. **Examining the cultural implications of expanding the program by tracking the demographics of children who may benefit from guardianship placements;**
3. **Compare the rate of re-entry for children in guardianship to the rate of re-entry for children in adoption while controlling for variations in subsidy amounts and services provided;**
4. **Conducting a cost/benefit analysis of creating a subsidized guardianship program option.**
Subsidized Guardianship: A New England Analysis

References

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The Brookdale Foundation. “State Factsheet: Vermont.”  
www.brookdalefoundation.org
crs.uvm.edu/census/estimates/town
Dept. of Children and Families, Office of the State Foster Care Manager
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www.nacac.org
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aspe.os.dhhs.gov
www.leg.state.vt.us

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Michael Fisher, State Representative
Lynn Granger, Vermont Kin as Parents
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Don Mandelkorn, DCF
Pam Marsh, Attorney
Fred Ober, DCF
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Course Advisor: Molly Mead, PhD, Tufts
Created in Partnership with Casey Family Services and Tufts University’s Department of Urban and Environmental Policy and Planning
**Subsidized Guardianship: A New England Analysis**

**Analysis and Discussion of Subsidized Guardianship in New England**

**Comparison Chart of States and Subsidized Guardianship Programs**

<table>
<thead>
<tr>
<th>Alternative</th>
<th>Rhode Island</th>
<th>Vermont</th>
<th>New Hampshire</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Special Eligibility Requirements</strong></td>
<td>Subsidized Adoption</td>
<td>Child-Only (FIP)</td>
<td>Subsidized Adoption</td>
</tr>
<tr>
<td>TPR</td>
<td>Kin</td>
<td>TPR</td>
<td>Kin</td>
</tr>
<tr>
<td>&quot;Special Needs&quot;</td>
<td></td>
<td>&quot;Special Needs&quot;</td>
<td>**</td>
</tr>
<tr>
<td>Must rule out non-subsidized placement</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Per Child Subsidy Amount</th>
<th>One Child</th>
<th>Two Children</th>
<th>Three Children</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>One Child</strong></td>
<td>$450*</td>
<td>$327</td>
<td>$578*</td>
</tr>
<tr>
<td><strong>Two Children</strong></td>
<td>$900</td>
<td>$449</td>
<td>**</td>
</tr>
<tr>
<td><strong>Three Children</strong></td>
<td>$1,350</td>
<td>$554</td>
<td>**</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Additional Benefits</strong></th>
<th>Rhode Island</th>
<th>Vermont</th>
<th>New Hampshire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child care***</td>
<td>Medical</td>
<td>Medical</td>
<td>Medical</td>
</tr>
<tr>
<td>Medical</td>
<td>Child care***</td>
<td>Clothing $</td>
<td>Back to school $</td>
</tr>
<tr>
<td>Education</td>
<td></td>
<td></td>
<td>Holiday $</td>
</tr>
<tr>
<td>Respite</td>
<td></td>
<td></td>
<td>Referral Services</td>
</tr>
<tr>
<td>Referral Services</td>
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<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Funding Stream</strong></th>
<th>Rhode Island</th>
<th>Vermont</th>
<th>New Hampshire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title IV-E; Title XIX; Title XX; State</td>
<td>TANF; Title XIX</td>
<td>Title IV-E; Title XIX; State</td>
<td>TANF; Title XIX</td>
</tr>
</tbody>
</table>

* Adoption subsidies are based on state estimates for children without special needs. The amount of the subsidy may increase if the child is determined to be in need of additional support.

** Vermont’s adoption subsidy and child-only rates for two and three children are graduated. The actually amounts were not available.**

***Childcare subsidies are dependent on the age of the child and the financial eligibility of the guardian(s).
<table>
<thead>
<tr>
<th>Subsidized Guardianship</th>
<th>Connecticut</th>
<th>Massachusetts</th>
<th>Maine</th>
<th>Rhode Island</th>
<th>New Hampshire*</th>
<th>Vermont*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statute</td>
<td>1996</td>
<td>1983</td>
<td>2006</td>
<td>1994</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Special Eligibility Requirements</td>
<td>Public Act 97-272</td>
<td>State Code 110 Sec. 7.300-7.303</td>
<td>Lives with guardian 6 months prior</td>
<td>R.I.GL 40-11-12.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Per Child Subsidy Amount</td>
<td>$680</td>
<td>$540*</td>
<td>$496**</td>
<td>$327</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amount of Increase Per Child</td>
<td>Per child</td>
<td>Graduated</td>
<td>Case by case</td>
<td>Graduated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional Benefits</td>
<td>• Medical</td>
<td>• Medical</td>
<td>• Medical</td>
<td>• Medical</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Child Care</td>
<td>• ETV</td>
<td>• Child-care</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• $500</td>
<td>• Medical</td>
<td>• Medical</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>exceptional circumstance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funding Stream</td>
<td>State (DCF); Title XIX</td>
<td>Waiver; Title XIX</td>
<td>State (DSS); Title XIX</td>
<td>State (DCYF); Title XIX</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Alternatives for Guardians in States Without Subsidized Guardianship**

Caring for the physical and emotional needs of a child who has been involved with the child welfare system can be extremely challenging. These challenges can be alleviated through supports provided by the state and federal government, allowing a caregiver to adequately support and nurture a child in their care. Vermont and New Hampshire currently lack subsidized guardianship programs. Rhode Island has a limited subsidized guardianship program for non-kin guardians, but kin guardians, who compose the majority of guardianships in the state, must seek support from
other programs. The “Limited Alternative” table describes some of the alternative programs that caregivers may choose to pursue in the absence of subsidized guardianship.

As the above table illustrates, there are two main categories of alternative programs that individuals may consider when deciding whether they will take on the responsibility of permanently caring for a child who has been removed from the care of their biological parent(s): subsidized adoption and child-only welfare payments. These programs have different eligibility requirements. Subsidized adoption requires the TPR in all states, and in Rhode Island and New Hampshire, the child must also meet the definition of “special needs.” If the child is above the age of 12 and chooses not to be adopted, or if the prospective caregiver(s) does not wish to be involved in TPR, then adoption may not be a viable permanency option. In circumstances where kin choose to enter into guardianship instead of adopting the child or allowing the child to remain in foster care, they are eligible for child-only support payments through Transitional Assistance to Needy Families (TANF). There are no options for non-kin guardians in New Hampshire or Vermont to receive subsidies.

There are significant discrepancies in the support services and subsidies offered to guardianship families in Rhode Island, New Hampshire, and Vermont in comparison to Connecticut and Massachusetts. As data indicates, child-only TANF subsidies are significantly less than adoption subsidies and foster care maintenance payments, especially when faced with caring for more than one child or a sibling group. There are also fewer support services available through TANF than through adoption. Not only are referral services, education benefits, and respite services not available, but families also have to bear the social stigma of seeking out welfare assistance through TANF. The lack of supports and financial benefits offered to guardians in Rhode Island, New Hampshire, and Vermont are a disincentive for many families to take on the responsibility of permanently caring for a child. If families are faced with the reality of inadequate support when
considering taking on the legal responsibility of caring for a child, they may be more likely to provide foster care. However, foster care is not a permanent option for children, involves the interference of state social service workers in the lives of families, and creates a great financial burden on state social service budgets due to costs accrued in case management.

### Basic Foster Care Maintenance Payment

<table>
<thead>
<tr>
<th>Age</th>
<th>Vermont</th>
<th>Rhode Island</th>
<th>New Hampshire</th>
<th>Maine</th>
<th>Massachusetts</th>
<th>Connecticut</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-5</td>
<td>$464</td>
<td>$438</td>
<td>$373</td>
<td>$502</td>
<td>$520</td>
<td>$687</td>
</tr>
<tr>
<td>6-11</td>
<td>$515</td>
<td>$415</td>
<td>$406</td>
<td>$502</td>
<td>$546*</td>
<td>$703</td>
</tr>
<tr>
<td>12+</td>
<td>$570**</td>
<td>$480</td>
<td>$479</td>
<td>$502</td>
<td>$565</td>
<td>$773</td>
</tr>
</tbody>
</table>

* Massachusetts rate is $546 for children ages 5-11.
** Vermont's rate increases at age 13, not 12.

Foster care maintenance payments are intended to meet the basic financial needs of children in state care. The guardianship subsidies offered in Connecticut, Massachusetts, and Maine are comparable to foster care maintenance payments. However, in comparison to foster care maintenance payments, the child-only welfare payments available to children living with kin guardians in Vermont, New Hampshire, and Rhode Island offer significantly less support. Therefore, the adequacy of lower support payments given to children exited to guardianship in these states is questionable. In addition to the financial supports, foster children receive a number of additional benefits such as clothing allowances, holiday and birthday funds, respite services, case management services, and education benefits. These additional supports can make significant increases in the quality of life for a child. Unfortunately, these additional supports are usually not

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available for children in subsidized guardianship and are never available to children receiving child-
only funds through TANF.

**Comparing Exits from State Care and Custody**

The table below presents rates of children and youth aging out of the foster care system into
the four permanency options endorsed by ASFA, as well as the number of youth emancipating, or
aging out of the system.

<table>
<thead>
<tr>
<th>Total Children in Foster Care</th>
<th>Total Exits from Care</th>
<th>Emancipation</th>
<th>Exits from Foster Care (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Adoption</td>
</tr>
<tr>
<td>CT</td>
<td>6,007</td>
<td>2,787</td>
<td>N=32</td>
</tr>
<tr>
<td>MA</td>
<td>12,510</td>
<td>5,548</td>
<td>N=726</td>
</tr>
<tr>
<td>ME</td>
<td>3,084</td>
<td>740</td>
<td>N=33</td>
</tr>
<tr>
<td>NH</td>
<td>1,291</td>
<td>512</td>
<td>N=56</td>
</tr>
<tr>
<td>RI</td>
<td>2,383</td>
<td>1,378</td>
<td>N=62</td>
</tr>
<tr>
<td>VT</td>
<td>2,183</td>
<td>657</td>
<td>N=89</td>
</tr>
</tbody>
</table>

*% may not equal 100 because of missing data
** “Other” includes both children who are missing from state custody as well as APPLA

Notably, while the number of youth emancipating is comparable for five of the New
England states, a remarkable 726 youth in Massachusetts aged out of foster care in 2002 – a figure
approximately 20 times larger than the other states. This figure is particularly notable given
Massachusetts’ widely used subsidized guardianship program, which is often touted for its utility in
finding placements for older youth who are at risk of emancipating from the system. Moreover,
even when looking strictly at the other four states’ emancipation rates, no clear correlation exists
between lower rates of emancipation and states that have subsidized guardianship programs.
Subsidized Guardianship: A New England Analysis

Connecticut’s low rate of exits to guardianship may partially be explained by the lack of post secondary education benefits that acted as a disincentive to exiting to guardianship. Since 2002, Connecticut has made great improvements to their subsidized guardianship program, including education benefits, which may have resulted in increased exits to guardianship since the data in the table above was collected. Given the complex nature of child welfare issues and the myriad differences in how different state child welfare agencies operate, it would be hasty to assume that these subsidized guardianships programs are therefore not significantly benefiting youth in these states.

Another notable finding is that reunification is clearly the most frequently used permanency option across all New England states in reflection of ASFA priorities. Importantly, it is obviously prioritized above adoption in all states despite research indicating that adoption is actually more beneficial to most children than reunification. Furthermore, rates of children exiting into guardianship vary dramatically from state to state, ranging from 7.9% in Massachusetts to .4% of those in Maine, with no consistent correlation between the existence of a guardianship subsidy and the number of children exiting into guardianship in the New England states.

Comparing Child Welfare Funding

Child welfare spending in New England varies by state. Total spending on child welfare in New England states ranges from $58,082,763 to $634,846,929 (including program subsidies and supports as well as training and administrative costs).

Five states (Massachusetts, Connecticut, Maine, Rhode Island, and Vermont) utilize only state and federal funds. New Hampshire, the New England state with the least state and federal funds appropriated for child welfare, also relies on local funding in its child welfare budget.
Vermont, despite having the largest percentage of federal funding (65.24%) in its child welfare budget, does not have any type of subsidized guardianship program. Massachusetts, the state with the lowest percentage of federal funding (39.32%), was the first state in the nation to create such a program. Small states with a heavier reliance on federal funding may find it difficult to create new programs, as federal funds offer less flexibility in their use. In the absence of a federal waiver, a possible solution to this problem could be the utilization of SSBG monies for the creation of new programs or to supplement existing programs.

Maine has approximately 600 more children in foster care than Rhode Island, despite the states’ similar populations. However, Maine has a smaller child welfare budget than Rhode Island. At the same time, Maine has recently initiated a state guardianship subsidy; while, Rhode Island interviewees have referenced a lack of funding to sustain current programs, let alone expand them.

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Review of Weaknesses/Barriers and Strengths/Benefits Reported

The research team conducted interviews with over 62 stakeholders across the New England states. Respondents were asked in interviews to identify strengths and benefits of subsidized guardianship. These findings are presented in the table below.

<table>
<thead>
<tr>
<th>Strengths and Benefits of Subsidized Guardianship, by State</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Kin Caregivers</strong></td>
</tr>
<tr>
<td>CT (N=10) 90.0%</td>
</tr>
<tr>
<td>ME (N=9) 80.0%</td>
</tr>
<tr>
<td>MA (N=12) 75.0%</td>
</tr>
<tr>
<td>NH (N=6) 50.0%</td>
</tr>
<tr>
<td>RI (N=9) 100.0%</td>
</tr>
<tr>
<td>VT (N=16) 62.5%</td>
</tr>
<tr>
<td>TOTAL (N=62) 77.4%</td>
</tr>
<tr>
<td><strong>Critical Financial Benefit</strong></td>
</tr>
<tr>
<td>CT (N=10) 30.0%</td>
</tr>
<tr>
<td>ME (N=9) 70.0%</td>
</tr>
<tr>
<td>MA (N=12) 33.3%</td>
</tr>
<tr>
<td>NH (N=6) 66.7%</td>
</tr>
<tr>
<td>RI (N=9) 55.6%</td>
</tr>
<tr>
<td>VT (N=16) 56.3%</td>
</tr>
<tr>
<td>TOTAL (N=62) 51.6%</td>
</tr>
<tr>
<td><strong>Older Youth</strong></td>
</tr>
<tr>
<td>CT (N=10) 10.0%</td>
</tr>
<tr>
<td>ME (N=9) 10.0%</td>
</tr>
<tr>
<td>MA (N=12) 66.7%</td>
</tr>
<tr>
<td>NH (N=6) 16.7%</td>
</tr>
<tr>
<td>RI (N=9) 77.8%</td>
</tr>
<tr>
<td>VT (N=16) 56.3%</td>
</tr>
<tr>
<td>TOTAL (N=62) 43.5%</td>
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<tr>
<td><strong>No TPR</strong></td>
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<tr>
<td>CT (N=10) 20.0%</td>
</tr>
<tr>
<td>ME (N=9) 30.0%</td>
</tr>
<tr>
<td>MA (N=12) 33.3%</td>
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<tr>
<td>NH (N=6) 50.0%</td>
</tr>
<tr>
<td>RI (N=9) 66.7%</td>
</tr>
<tr>
<td>VT (N=16) 56.3%</td>
</tr>
<tr>
<td>TOTAL (N=62) 40.3%</td>
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<tr>
<td><strong>Customized Permanency</strong></td>
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<tr>
<td>CT (N=10) 40.0%</td>
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<tr>
<td>ME (N=9) 30.0%</td>
</tr>
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<td>MA (N=12) 16.7%</td>
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<td>NH (N=6) 50.0%</td>
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<td>RI (N=9) 44.4%</td>
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<td>VT (N=16) 56.3%</td>
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<tr>
<td>TOTAL (N=62) 40.3%</td>
</tr>
<tr>
<td><strong>Increases Permanency Rates</strong></td>
</tr>
<tr>
<td>CT (N=10) 20.0%</td>
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<tr>
<td>ME (N=9) 20.0%</td>
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<tr>
<td>MA (N=12) 25.0%</td>
</tr>
<tr>
<td>NH (N=6) 0.0%</td>
</tr>
<tr>
<td>RI (N=9) 66.7%</td>
</tr>
<tr>
<td>VT (N=16) 56.3%</td>
</tr>
<tr>
<td>TOTAL (N=62) 35.5%</td>
</tr>
<tr>
<td><strong>Limits State Intrusion in Family</strong></td>
</tr>
<tr>
<td>CT (N=10) 20.0%</td>
</tr>
<tr>
<td>ME (N=9) 10.0%</td>
</tr>
<tr>
<td>MA (N=12) 8.3%</td>
</tr>
<tr>
<td>NH (N=6) 0.0%</td>
</tr>
<tr>
<td>RI (N=9) 11.1%</td>
</tr>
<tr>
<td>VT (N=16) 6.3%</td>
</tr>
<tr>
<td>TOTAL (N=62) 9.7%</td>
</tr>
<tr>
<td><strong>Culturally Relevant Placement</strong></td>
</tr>
<tr>
<td>CT (N=10) 20.0%</td>
</tr>
<tr>
<td>ME (N=9) 0.0%</td>
</tr>
<tr>
<td>MA (N=12) 16.7%</td>
</tr>
<tr>
<td>NH (N=6) 0.0%</td>
</tr>
<tr>
<td>RI (N=9) 11.1%</td>
</tr>
<tr>
<td>VT (N=16) 0.0%</td>
</tr>
<tr>
<td>TOTAL (N=62) 8.1%</td>
</tr>
</tbody>
</table>

Interviewees across New England most frequently cited the preponderance of kin caregivers as a strength of subsidized guardianship (77.4%). Interviewees commonly discussed the applicability of guardianship to kin caregiving as well as the benefit of supporting these situations. This response was most often given in the four states that either have a subsidized guardianship program or are in the process of establishing one – Rhode Island, Connecticut, Maine, and Massachusetts. Interestingly, despite Rhode Island’s Department of Children, Youth, and Families choice to only provide guardianship subsidies to non-kin caregivers, 100% of respondents indicated that support of kin caregiving was a benefit of utilizing guardianship as a permanency option.
Roughly half (51.6%) of respondents overall identified the critical financial benefit to families provided by subsidized guardianship. Many of these respondents noted that the subsidy provided kin with the necessary resources to take in children whom they would otherwise be unable to care for.

Many respondents across the states also cited that subsidized guardianship is particularly beneficial for older youth (43.5%). Additionally, 40.3% of respondents overall cited the advantage of avoiding a TPR, as well as the benefit of simply having one more permanency option for families to choose from. Approximately a third of all respondents (35.5%) reported that subsidized guardianship is valuable for increasing permanency rates. Lastly, 9.7% of respondents indicated that the program limited state intrusion on family matters, and 8.1% reported that it provided a viable alternative for minority families for whom TPR is culturally inappropriate. Notably, no respondents in Maine, New Hampshire, and Massachusetts reported the latter benefit, perhaps due to the relatively small minority populations in these states.

Interviewees also were asked to indicate what they saw as subsidized guardianship’s most fundamental weakness, as well as barriers to its establishment or expansion. Findings indicate relatively consistent concerns across the states, despite the prominent differences in their individual programs. Nonetheless, certain discrepancies from state to state should be noted. Frequently noted responses are presented in the table below.
As indicated in the table on the previous page, the most commonly cited objection to subsidized guardianship is a perception that it is impermanent, or less permanent than other permanency options such as, adoption and reunification. Notably, this finding was particularly robust in New Hampshire (83.3%), which does not have a subsidized guardianship program and lacks a significant advocacy movement on its behalf.

The second most commonly cited objections to subsidized guardianship across all New England states were issues related to funding the program (43.5%) and a lack of ongoing services for guardianship families (43.5%). The issue of funding was most often cited in Vermont (100%) and New Hampshire (83.3%). In both states, this may be related to a scarcity of state funds available for child welfare programs in general. Also, in New Hampshire, this finding may be further attributable to a strong political culture of frugality and low state spending.

Other frequently noted barriers to subsidized guardianship’s expansion or establishment include: overlap with other existing programs, lack of advocacy or knowledge about the program, and various ideological conflicts. Each of these responses was cited by 21% of respondents across all New England states. Importantly, overlap with other programs (such as adoption, mediated
adoption, TANF, etc.) was never reported in Massachusetts, Connecticut, and Maine. This finding may be because Massachusetts and Connecticut are the two states with widely used subsidized guardianship programs, and Maine is extremely close to implementing its program; thus, stakeholders in these states may be more likely to recognize the unique role of the subsidized guardianship in the array of programs and services available.

Furthermore, New Hampshire stakeholders indicated a lack of interest, knowledge, and advocacy drastically more frequently than those in any other state; this barrier was reported by all interviewees in New Hampshire, compared to between zero and 22.2% of stakeholders in the other states. While ideological barriers were cited in all states except Rhode Island, Maine cited ideology as the greatest barrier to expanding and providing subsidized guardianship. Since Maine has recently enacted subsidized guardianship, this finding may suggest that ideologies can be changed when advocacy efforts to establish the program are strong.
Subsidized Guardianship: A New England Analysis

Recommendations

Permanent legal guardianship should be seen as a viable option for children in foster care. All families have unique circumstances and needs, and a wide variety of permanency options should be made available accordingly. These options should be clearly defined as well as equally promoted and subsidized.

How to achieve:

• Advocates can organize roundtable discussions between direct service staff and administrators on the benefits of expanding permanency options to include guardianship.

Guardianship programs should offer proper pre- and post-guardianship support services. Pre- and post-guardianship services and supports should be made available to all families in order to ensure the proper adjustment of the family. These services may be similar to those offered to foster and adoptive families, such as training, referrals, support groups, and respite services. Also, necessary support services should be provided to guardians in the event that the biological parent(s) attempts to reclaim custody of the child. These services may include legal aid, mediation support, and case management.

How to achieve:

• Explore fiscal options to provide support services to guardians.

• Encourage advocacy groups to organize support groups for guardians.

• Create partnerships with local law schools to gain legal assistance for guardianship families.
Subsidy allocations to families should be monitored. State social service agencies should closely monitor families to ensure that subsidies do not continue after a child has left family care. Also, the option for limited case management services should remain open in order to address the unique problems that can arise in guardianship placements. Monitoring of subsidies also can assist in tracking the efficacy of subsidized guardianship programs.

How to achieve:

- Create technologies linking payment systems to child welfare databases.
- When children exit foster care, their cases are closed, and the administrative costs of case management are decreased. A portion of the money saved from decreased caseloads can be allocated to the creation of an adoption and guardianship review team that provides limited case management and monitoring services.

Improvements and increased efforts should be made to properly educate the public about subsidized guardianship. In order to improve and promote subsidized guardianship programs, it is essential that advocates, local stakeholders, legislators and the general public are properly educated on this issue. Education and advocacy in states that lack subsidized guardianship programs may inspire organizations and individuals to support the establishment of a program in their state. This education could dispel myths and help disseminate correct information about the program. Furthermore, increased education and dissemination of information in states that have subsidized guardianship programs could enhance the visibility of guardianship and promote its expansion within the state.
Subsidized Guardianship: A New England Analysis

How to achieve:

- Advocacy groups and child welfare agencies should develop resources that are informative, grounded in research, and user friendly to increase public awareness of the effectiveness of subsidized guardianship.

- Such materials should be disseminated among legislators and child welfare agency administrators.

Community stakeholders should be kept at the forefront. In creating child welfare policies, it is important to keep in mind those whom are most affected: the children and the families. The child in foster care can be forgotten as policy is drafted, arguments are made, and funds are appropriated. Policy should be created in the best interests of the child, and therefore should include clear provisions for implementation, consist of viable options, and be administered in a child-friendly timeframe.

How to achieve:

- Keep in mind all types of families, and ensure that policies will work to the benefit of children who come from those families.

- Ensure that policy is written clearly—clear definitions of those affected and policy provision should be included.

Disparities in race/ethnicity should be addressed. In all New England states, the Disproportionality Ratio for Black/African-American children in the foster care system is greater than two. For Massachusetts, Connecticut, Maine, New Hampshire, the Disproportionality Ratio for Hispanic children in the foster care system is also greater than two. However, only 8.1% of all
respondents cited culturally relevant placements as benefits to subsidized guardianship, contributing to an application of the visibility hypothesis. Additional research should be done in support of subsidized guardianship as a culturally relevant placement option, and evaluations should be made in relation to the use of subsidized guardianship specifically for children of color.

**How to achieve:**

- More research specifically regarding Disproportionate Representation in New England states should be conducted and should influence the policymaking process.

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**Accurate data should be maintained, and reliable evaluations should be conducted.** Advocacy for the creation of subsidized guardianship policy can be strengthened with data keeping and program evaluations, as recommended in the 2004 Pew Commission on Children in Foster Care:

> “The Commission’s proposal to make guardianship assistance a Title IV-E reimbursable expense would result in increased federal costs of about $70 million in the first year of implementation. These costs would rise to about $90 million by the fifth year of implementation. These estimates were developed by the Urban Institute using data from the U.S. Department of Health and Human Services (HHS) Adoption and Foster Care Analysis and Reporting System (AFCARS), the Institute’s kinship care and child welfare fiscal surveys, and the Institute’s National Survey of America’s Families. Due to the lack of reliable national data on assisted guardianship, there are several limitations to the estimates. Given these limitations, the figures
presented here are likely to under-estimate the actual cost of expanding the IV-E entitlement to guardianship assistance.”

As noted above, data and evaluation findings may demonstrate and highlight the benefits of subsidized guardianship, especially to particular cohorts of children and youth in foster care. Additionally, records of data and program evaluations can point to further improvements in existing programs. Research should also be qualitative and take into account the expressed needs of children and families in the child welfare system.

How to achieve:

- Child welfare agencies should explore partnerships with local universities to gain assistance with research and evaluations.

- Evaluations and research should specifically explore the following:
  - Examine the cultural implications of expanding the program by tracking the demographics of children who benefit from guardianship placements,
  - Compare the rate of re-entry for children in guardianship to the rate of re-entry for children in adoption while controlling for variations in subsidy amounts and services provided,
  - Conduct a cost-benefit analysis of moving children out of foster care and into subsidized guardianship.

State and federal funding should reflect the commitment to establishing guardianship as a permanency option. Programs thrive when they are properly funded, and subsidized guardianship programs are no exception. A sufficient portion of state funds should be appropriated in order to

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provide subsidy amounts large enough to sustain guardianship families, as well as fully-trained and supported administrators and caseworkers. A clear majority of states have demonstrated their belief in and support for subsidizing guardianship through appropriate funding of their programs. The Pew Commission noted that:

“The current federal financing structure limits states’ ability to respond appropriately to the unique needs of the children in their care, since the vast majority of federal dollars available for children who are abused and neglected are restricted to the costs of foster care.”

As such, greater advocacy for a federal program to supplement and support state programs should be established.

**How to achieve:**

- A regional lobby effort should be made in advocacy of federal bills currently in the House and Senate. Such an effort would demonstrate the need for proper federal support, especially for states with smaller state budgets.
- State legislatures should find creative ways in which to appropriate a proper amount of state money into funding a quality subsidized guardianship program. Creativity in utilizing funding streams should be employed—and creation of subsidies should not be at the expense of other programs.

**Advocates should recognize the greater context in which subsidized guardianship is situated.** Subsidized guardianship may partially overlap with other existing programs in the services offered and the cohorts served. As such, subsidized guardianship should be created or improved while considering interaction with related policies and program. In sum, when advocating for

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subsidized guardianship policy, focus should include the larger picture of expanding and increasing permanency.

**How to achieve:**

- Common populations served among various programs should be determined. Once this is done, programs should be streamlined to ensure that that population receives the optimal amount of services.

- Creation of new programs should work in tandem with existing programs to better serve particular populations. Any overlap should be complimentary, not antagonistic.
Subsidized Guardianship: A New England Analysis
APPENDIX: Methods

The five-member team researched general background information about subsidized guardianship and foster care throughout the nation. They examined scholarly articles, reports written by child advocate organizations, and other academic sources. After completion of preliminary research, team members examined 5 of the 6 New England States (CT, NH, ME, VT, RI) individually. Massachusetts, the remaining state, was divided and researched between team members.

These research areas included, but were not limited to: legislative history, demographics, funding streams, budget appropriations, departments administering programs, process that kin must go through in order to obtain guardianship status, types of subsidies, and general ideology of the state.

Team members developed an interview protocol to follow while conducting interviews. Each team member interviewed approximately 14 people in each state. These stakeholders included: 2-3 advocates, 2-3 legislators or legislative aids, 2-4 direct services workers, 2-4 direct service administrators, 2-3 Casey Family Services caseworkers, and 2-3 Casey Family Services administrators. Interviews were transcribed and responses were coded. The codes were tabled and analyzed in terms of stakeholder’s ideas on the benefits and concerns surrounding subsidized guardianship.
Subsidized Guardianship: A New England Analysis
APPENDIX: References


Subsidized Guardianship: A New England Analysis


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Subsidized Guardianship: A New England Analysis


Vermont Department of Children and Families, Office of the State Foster Care Manager.


Federal Laws:


APPENDIX: IRB Approval

TUFTS UNIVERSITY

TO: Katherine Rollins, Leah Jacobs, Kim Lucas, Christy Moulin, Lauren Nadler
This letter is your official notification that your research project

Casey Family Services: Subsidized Guardianship in New England

(Protocol Number 0602023)

is exempt from further IRB review for the following reason:

2. Research involving the use of educational tests, survey procedures, interview procedures, or observation of public behavior UNLESS the information is recorded in a manner in which the subject can be identified AND disclosure would place the subject at risk of criminal or civil liability or be damaging to financial standing, employability, or reputation. This does not apply where the subjects are children except where it involves passive observation of public behavior.

Please be sure to print a copy of this notification for your files.

Helen A. Page
IRB Administrator

March 1, 2006

Date of Email Notification

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