

## **Written Testimony of Donna Butts, Executive Director, Generations United**

### **A Way Back Home: Preserving Families and Reducing the Need for Foster Care**

**Tuesday, August 4th, 10:00 AM**

Generations United is pleased to provide testimony to the Senate Committee on Finance. We applaud Chairman Hatch, Ranking Member Wyden, and members of the committee for your leadership in holding this hearing on preserving families and reducing the need for foster care. Every child deserves to grow up in a safe, stable and loving family. For about 7.8 million children that family is headed by kin—a grandparent, uncle, aunt or close family friend. While it may sound simple, the issues facing kinship families are varied and complex. The families are, however, united by one common factor. They believe beyond a shadow of a doubt in the importance of family. They believe children fare better when they are raised in a family, not a system and they are right.

My testimony today will focus on four specific areas:

- Notice to relatives when children are removed from their parents' care
- Licensing of kinship caregivers
- Preventing children from entering foster care
- Trauma-informed supports for kinship families

First, a little about Generations United -- Generations United is the national membership organization focused solely on improving the lives of children, youth, and older people through intergenerational strategies, programs, and public policies. Since 1986, Generations United has been the catalyst for policies and practices stimulating cooperation and collaboration among generations. We believe that we can only be successful in the face of our complex future if generational diversity is regarded as a national asset and fully leveraged. For almost twenty years, Generations United's National Center on Grandfamilies has been a leading voice for issues affecting families headed by grandparents or other relatives.

Despite the challenges facing kinship families, children fare well in the care of relatives. Compared to children in non-relative care they have more stability and are more likely to report feeling loved. Since 1996[i], federal law has affirmed that relatives should be the first placement choice. Research confirms that Congress is right to consider relatives first, because placement with relatives:

- Reinforces safety, stability, well-being
- Reduces trauma
- Reinforces child's sense of identity
- Helps keep siblings together
- Honors family and cultural ties
- Expands permanency options

- Can reduce racial disproportionality[ii]

While kinship families are diverse in terms of race, culture, income, and geography, many of their strengths, challenges and needs cut across these differences. Yet the degree to which they receive the supports and services they need is often tied largely to the way in which they happen to come into their grandparent, aunt or uncle’s care.

There are roughly four types of arrangements for children in kinship families.

- Children in licensed kinship foster families
- Children in unlicensed families who are under child welfare agency supervision
- Children who came to the attention of the child welfare agency, but are diverted to live with relatives without child welfare supports or services
- Children who never come to the attention of the child welfare agency because family steps in to care for them before referrals are made

The same children, with the same needs and strengths could land in any of these families. Yet children in licensed care are far more likely to receive the support services and benefits critical to meet their needs, while children with family outside foster care often have little to no support. Congress should act to ensure that all children in relative care get the supports they need to thrive regardless of the circumstances that brought them to live with grandma or another caring family member.

**Kinship Care as a Way to Preserve Families and Reduce the Need for Foster Care.**

Over a quarter of the foster care system already relies on relatives to care for children.<sup>i</sup> Based on the research and how we know children fare, a key way to preserve families, reduce reliance on group homes and promote permanency and better outcomes for children is to prioritize and support placements with kin when children cannot remain with the birth parents. Congress has enacted several provisions in the last few years to increase placements with relatives, including mandatory identification and notification of relatives when a child is removed from a parent’s care and the Guardianship Assistance Program. Congress further provided for important waivers, which allowed states and communities to use Federal child welfare monies to support kinship care and promote prevention. We applaud these advances and encourage efforts to further strengthen these provisions, and better support kinship families by:

- *Improving Identification and Notification of Relatives*
- *Reducing Barriers to Foster Care Licensure for Relatives*
- *Reforming Child Welfare Financing to Better Support Preventive and Post-Permanency Services such as Kinship Navigators*
- *Improving Access to Comprehensive, Trauma-informed Supports and Services*
- *Preserving and Coordinating Flexible Funding Sources that Fill in Service Gaps for Relatives Outside the Formal Foster Care System*
- *Elevating the Guardianship Assistance Program*

***Improving Identification and Notification of Relatives***

The Fostering Connections to Success and Increasing Adoptions Act of 2008 requires the states to exercise “due diligence” to identify and notify relatives within 30 days of a child’s removal from his/her parent’s home. Moreover, the notification requirement includes that the state “explains the options the relative has under Federal, State, and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice.” 42 U.S.C. §671(a)(29). Anecdotally, when we speak with caregivers and provide training to states, most know very little about this requirement and do not seem to be providing or receiving information concerning options, including the option to become a licensed foster parent. For those who do receive the information, many report that it was presented in a way that was confusing and even threatening. Many grandmothers have told us about getting a call in the middle of the night from a child welfare worker telling them to come pick up their grandchildren immediately or they will end up in foster care.

Once relatives answer this type of call, the agency should ensure that relatives have the right supports whatever placement choices they make. If the relative chooses not to become a licensed foster parent and instead wants the child diverted from the system, the agency should be clear with the caregiver that diversion typically means lack of legal status, lack of information about available financial assistance and health care, and fewer services for the parents. If the child comes to the attention of the child welfare system and without a willing relative the child would have to be brought into the system. The agency then has a responsibility to meaningfully connect the child and caregiver with available supports.

For American Indian/Alaska Native children, notice to and involvement of tribes, tribal-state collaborations and compliance with the Indian Child Welfare Act (ICWA) are important and unique tools for keeping families together. By working together, tribes and states can increase services to children and families, expand placement options (particularly with family), and help to ensure that interventions are culturally appropriate.

Generations United recommends changes to help ensure that relatives receive meaningful identification and notification with clear information and assistance, so they can digest their options and make the best decisions for the children. We recommend that Congress require that the notice to relatives be in writing and include information about additional community resources to help kinship families (other than the child welfare agency); that states define the steps necessary to constitute “due diligence” in identifying and notifying relatives; and that states document their efforts and responses identifying and notifying relatives.

### ***Reducing Barriers to Foster Care Licensure for Relatives***

Federal law allows states a great deal of flexibility in creating family foster home licensing standards. The Social Security Act at 42 U.S.C. § 671(a)(10) tells states that it must establish and maintain standards for foster family homes and child care institutions that are “reasonably in accord” with recommended standards of national organizations. Yet until now there were no comprehensive national standards. Due to this lack of guidance, licensing standards vary dramatically among the states and often pose unnecessary barriers. While states may offer waivers to non-safety related licensure barriers, many child welfare agencies do not use

waivers. Agency case workers may not be clear on how to get a waiver and it may take too long for already overburdened workers.

As a result appropriate relatives are often denied licensure causing children to be placed unnecessarily in group settings or in the limited pool of non-related family foster homes. In other cases, children are placed in unlicensed homes with relatives and consequently receive inadequate supports, which can cause placement instability.

For example, JJ and his siblings went to live with their grandparents when their father's drinking got out of control. His grandparents wanted to provide a safe and loving home for JJ, his two brothers and little sister. They struggled against the clock to make the required changes to the grandparents' house, so they would meet state requirements and be able to continue as a stable, unified family. JJ's grandparents had to file for bankruptcy because of their effort to make their home comply with foster care standards. A home filled with love, but not enough bedrooms.

During fall 2014, Generations United, the American Bar Association Center on Children and the Law, The Annie E. Casey Foundation, and the National Association for Regulatory Administration (NARA) released the first set of comprehensive model family foster home licensing standards. NARA, as the nation's association of human service regulators, took the added step of adopting them as its standards.

This model does away with artificial and potentially discriminatory barriers, such as requirements to own vehicles, be no older than age 65, have high school degrees, and live in homes with certain square footage in "accessible" (not rural) locations. In their place are reasonable standards that lead to safe and appropriate homes and families. For example, functional literacy is required, rather than high school diplomas, capacity standards are based on home studies, and other methods of transportation, including public transportation, may be used. Generations United recommends that Congress direct states to assess and make any necessary changes to their existing standards, using the NARA model as a tool.

### ***Reforming Child Welfare Financing to Better Support Preventive and Post-Permanency Services such as Kinship Navigators***

For every one child in foster care with a relative there are about 23 outside the system being raised by a grandparent, other extended family member or close family friend without a parent present.<sup>ii</sup> These families save taxpayers more than \$4 billion each year by preventing these children from entering foster care.<sup>iii</sup> Yet, these families face unique challenges and need support.

Grandparents or other relatives often take on the care of children with little or no chance to plan in advance. Consequently, they often face obstacles obtaining legal custody, addressing the children's education needs, accessing affordable housing, ensuring financial stability, and obtaining adequate health care for the children and themselves. Under current child welfare

financing laws, these families receive little or no preventative or supportive services to keep them together and out of foster care.

Kinship caregivers often keep families together at great sacrifice like the grandmother in Tennessee who worked at Vanderbilt University. Her grandson had been living on the streets with her son who had mental health issues. The grandson had no dental care. When she was given custody of him, his teeth were in such poor shape she spent down her retirement savings to have them fixed. Later, after joining a support group, she learned she could have accessed the State Children's Health Insurance Program and saved her retirement savings for the years she would need them for her own well-being.

Support and prevention services for these kinship families can prevent entry into the much more costly foster care system. Allowing states to flexibly use Title IV-E funds under the Social Security Act can prevent children from entering the foster care system, thereby reducing reliance on group homes, ensuring a family for every child, and decreasing the overall number of children in the foster care system.

Programs like kinship navigators, supported case management and access to quality mental health and behavioral health services can be critical to ensuring relatives receive the supports they need within their communities. These services can prevent children from entering or re-entering foster care after they are adopted or in permanent guardianships with relatives. Research is demonstrating strong outcomes for families receiving many of these innovative and evidence-informed services, such as those offered by A Second Chance Inc. in Pittsburgh, Pennsylvania and by the District of Columbia Child and Family Services Agency. However funding limitations have prevented comprehensive research on what packages of fully supported, effective kinship diversion services would look like in a state or local child welfare agency. Generations United recommends support for evaluation funds to identify and evaluate such promising practices.

### ***Improving Access to Comprehensive, Trauma-informed Supports and Services***

While many kinship caregivers report experiencing benefits, such as the emotional rewards that come with caring for children, they often also experience challenges. These can be even more daunting when caring for children who have experienced trauma, which often leads to complex mental health and behavioral issues. Therapeutic foster care provides residential level of services for children and youth in a family setting with specially trained caregivers. Sadly, too many children and their kinship caregivers are not informed about these supports and are left to manage serious mental health needs on their own. Without outside support, the children are at risk of re-entry into foster care or poorer outcomes. Generations United recommends urging states to ensure that kinship families have access to the same level of therapeutic services as non-relatives.

These services would help young people like Michael who at the age of 12 began a foster care odyssey that led to 16 placements before he aged out. While he repeatedly said he wanted to be with his extended family, he was moved from placement to placement. Even though the

facilities he entered for treatment all concluded he didn't have any major mental health issues, he was moved from one placement to another because he kept trying to get back to the fragments of his family.

One approach to ensure access to therapeutic services and other supports is to require states to designate a kinship care ombudsman or a primary kinship resource liaison at the child welfare agency who provides relatives with information about placement and visitation options; the role of the child welfare agency in each option; and how each option corresponds to which benefits, resources, and services would be available. This person would help ensure that relatives get access to the same types of comprehensive supports that non-relative foster parents receive. The kinship resource person would also act as a liaison with the caseworker assigned to the family, and other agencies and community organizations that provide resources and assistance to relatives.

***Preserving and Coordinating Flexible Funding Sources that Fill in Service Gaps for Relatives Outside the Formal Foster Care System.***

Children who are diverted from the child welfare system to “informal care” with relatives often do not have access to the financial and other supports available to relatives who are licensed or under agency supervision. For them, a small amount of monthly support through the Temporary Assistance for Needy Families (TANF) child only grant or community-based services funded by the Social Services Block Grant may be among the few places they can turn for assistance. The important role of these federal funding streams in supporting children in relative care must be recognized.

In 1996, Congress explicitly envisioned TANF as a critical support for kinship families: One of the four primary purposes of TANF is “to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives.”<sup>iv</sup> Almost two decades later, kin continue to rely on TANF as often the only source of financial support for helping them keep the families they raise together. Although TANF policy explicitly states that children cared for by relatives can receive TANF assistance, many kinship families face challenges accessing it, in large part because the actual framework of TANF was not designed with them in mind. Federal TANF rules were developed for young, low-income single mothers with no or minimal financial assets, whereas the majority of children in kinship families have a caregiver who is age 50 and older and 16 percent of them have a caregiver who is already retired.<sup>v</sup> TANF work requirements, time limits, and the requirement to assign child support enforcement to the state often do not often make sense for kinship families.

Generations United recommends that a number of things be done to make TANF more accessible to kinship families including collecting data and providing clear guidance on the “good cause” exception to complying with child support enforcement; making exemptions to work requirements and time limits; and increasing or eliminating asset limits for kinship caregivers.

***Elevating the Guardianship Assistance Program***

The Fostering Connections to Success and Increasing Adoptions Act of 2008 allows Federal reimbursement for states offering kinship guardianship assistance to children exiting foster care to permanent guardianship with relatives. To date, 31 states, the District of Columbia, and five Indian tribes are offering subsidized guardianship. Children in 19 states and the remaining tribes do not have access to this important permanency option. Generations United urges policymakers to continue to elevate the value to children of offering this permanency option.

Poet Maya Angelou, herself a grand success raised in part by her paternal grandmother said, “Today, people are so disconnected that they feel they are blades of grass, but when they know who their grandparents and great-grandparents were, they become trees, they have roots, they can no longer be mowed down.” All of America’s children deserve a way back home—a way to remain with the roots—the families—that grow our country’s next generation to be strong, productive and contributing citizens.

Thank you for the opportunity to offer testimony for this important hearing. I would be happy to answer any questions.

Please direct follow up questions regarding this testimony to Donna Butts at [dbutts@gu.org](mailto:dbutts@gu.org) or to Generations United’s National Center on Grandfamilies staff, Jaia Peterson Lent at [jlent@gu.org](mailto:jlent@gu.org) or 202-289-3979, or to Ana Beltran at [abeltran@gu.org](mailto:abeltran@gu.org).

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<sup>i</sup> Generations United. (2014). *The State of Grandfamilies in America: 2014*. Retrieved from <http://www.grandfamilies.org/Portals/0/14-State-of-Grandfamilies-Report-Final.pdf>

<sup>ii</sup> Ibid.

<sup>iii</sup> Ibid.

<sup>iv</sup> 42 U.S.C. § 601. The other three are: (2) end the dependence of needy parents on government benefits by promoting job preparation, work and marriage; (3) prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and (4) encourage the formation and maintenance of two-parent families.

<sup>v</sup> Annie E. Casey Foundation. (2012). *Stepping up For kids: what government and communities should do to support kinship families*. Retrieved from <http://www.aecf.org/resources/stepping-up-for-kids/>(citing Population Reference Bureau’s analysis of the 2011 Current Population Survey Annual Social and Economic Survey.)