

THE KINSHIP CAREGIVER SUPPORT ACT

S. 2706

SUMMARY

On July 21, 2004, Senators Clinton (D-NY), Snowe (R-ME) and Daschle (D-SD) introduced the Kinship Caregiver Support Act (S. 2706). The bill takes three important steps to assist children being raised and cared for by grandparents and other relatives. The Act: (1) establishes a Kinship Navigator Program; (2) establishes a Kinship Guardianship Assistance Program to provide federal assistance to states to assist relative caregivers and their children; and (3) ensures notice to relative when children enter foster care. Each of these steps is described in detail below.

KINSHIP NAVIGATOR PROGRAM

Findings

- The 2000 U.S. Census reports that more than 4.5 million children in the United States are living in grandparent-headed households – a 30% increase from 1990 to 2000, and an additional 1.5 million children are living in households headed by other relatives.
- 2.4 million grandparents reported that they were primarily responsible for meeting the basic needs of their grandchildren; parents were not present in about one-third of these families.
- Grandparents and other relatives raising children often face a variety of unnecessary barriers, including difficulties enrolling children in school, authorizing medical treatment, maintaining their public housing leases, obtaining affordable legal services, and accessing a variety of federal benefits and services. Almost one-fifth of grandparents responsible for their grandchildren live in poverty.
- Kinship caregivers can help keep children from entering foster care but need services and supports.

Purpose

- To establish kinship navigator programs in states, large metropolitan areas, and Indian tribal organizations to assist kinship caregivers to navigate their way through existing programs and services; to help them learn about and obtain assistance; and to meet the needs of the children they are raising, as well as their own needs.

- To promote effective partnerships between government organizations, private not-for-profit agencies, and community- and faith-based organizations to help them more effectively and efficiently serve kinship care families and address the fragmentation that creates barriers to meeting their needs.
- Funding for kinship navigator programs can help kinship care families better use existing programs and services and increase the capacity of government, private not-for-profit, community- and faith-based agencies, and related federal programs (such as the National Family Caregiver Support Program) to better serve the needs of kinship care families.

Grantees

- Grantees may include states, cities of one million or more people, agencies serving a large metropolitan area including counties, and Indian tribal organizations.
- These grantees must have experience in addressing the needs of kinship caregivers or children and experience in connecting children or caregivers with services that address various human service needs.
- Grants are for three years. A qualifying grantee would receive annual federal funding for each of these 3 years. In the first year 100% of funding would be from the federal government, with this amount reduced to 75% in year two and 50% in year three. Half of the non-federal part of the matching funds may be "in-kind."

Use of Grant Funds

- Activities may be delivered directly by the state grantee, the entity applying for the metropolitan area, the Indian tribal organization, or through grants or contracts with other public or private not-for-profit agencies, including community- and faith-based organizations, that have experience in connecting kinship caregivers with the services and assistance they need.
- Funds may be used for activities that help to link kinship caregivers to the services and assistance required to meet the needs of the children they are raising and their own needs, such as:
 - ➔ Establishing and maintaining a toll-free information and referral system that assists kinship caregivers, kinship care providers, kinship care support group facilitators, and others to learn about and link to:

- eligibility and enrollment information for local, state, and federal benefits including but not limited to, education (including pre-school, elementary, secondary, post-secondary, and special education), family support services, early intervention services, help with mental health, substance abuse, domestic violence problems, HIV-AIDS, legal services, child support, housing assistance, child care, SCHIP and Medicaid, SSI, SSDI, TANF, and Food Stamps.
 - relevant training to assist kinship caregivers in obtaining benefits and services and performing their care giving activities.
 - relevant legal assistance and help in obtaining access to legal services provide outreach to kinship care families, in collaboration with schools, pediatric care clinics, senior citizen centers, and others, to link them to eligible services and assistance.
 - establish, distribute, and regularly update a kinship care resource guide, website, and/or other relevant outreach materials.
- ➔ Promoting partnerships between government, private not-for-profit agencies, and community- and faith-based organizations to help them more efficiently and effectively serve the needs of kinship care families. As well as to familiarize them about their special needs, policies that affect their eligibility for a range of health, mental health, social service, child welfare, and other services and benefits, and how to make policies more supportive of kinship care families.
 - ➔ Establishing and supporting a kinship care ombudsman who has the authority to actively intervene with state agency staff or service providers to help ensure that kinship caregivers get the services they need and for which they are eligible.
 - ➔ Supporting activities that are designed to assist kinship caregivers in obtaining benefits and services; and activities designed to improve care giving services.

Application and Eligibility Requirements

- The applicant must describe the steps it will take during the first six months of the grant to:
 - ➔ identify gaps in services for kinship care families in their state, metropolitan area, or area served by the Indian tribal organization and the specific activities that are needed;

- convene partners to assist in the operation of the kinship navigator program;
 - utilize and/or develop relevant technology;
 - outreach to kinship caregivers about the kinship navigator program; and
 - develop a plan for reaching kinship caregivers, ensuring they can access the kinship navigator program, and following up to ensure they actually receive necessary services and supports.
- The applicant must specify how it will involve the following on an ongoing basis in the planning and operation of the kinship navigator system:
 - kinship caregivers and representatives of kinship care support organization;
 - relevant government agencies (aging, mental health, mental retardation/developmental disabilities, substance abuse treatment, health, youth services, human services, education, child welfare, and child support enforcement);
 - not-for-profit services providers;
 - community- and faith-based organizations;
 - educational institutions; and
 - other state or local agencies or systems that promote services coordination or information and referral services, including the 2-1-1 information systems where applicable.
 - The applicant must describe how it will coordinate its activities with other state or local agencies that promote services coordination and referral services for children, families, and seniors, so as to avoid duplication of services and the fragmentation of services that prevents kinship care families from getting the help they need; and how it will encourage regional cooperation among agencies, particularly those in border communities that may cross jurisdictional lines, to ensure that kinship care families, will get help.

Administration of the Program

- The program will be administered by the Administration for Children and Families within the U.S. Department of Health and Human Services (HHS).

In administering the program, the Administration for Children and Families will consult from time to time with the Administration on Aging.

Funding

- \$25 million is authorized for FY 2005, \$50 million for FY 2006, and \$75 million for FY 2007.
- A grantee match will be required of 25% in FY 2006, the second year, and 50% in FY 2007, the third year. Up to 50% of the match each year may be in-kind.
- HHS may withhold up to 1% of the funds under the navigator program to provide technical assistance to the grantees related to the purposes of the grant.

SUBSIDIZED GUARDIANSHIP OPTION THROUGH TITLE IV-E

- States may apply to provide kinship guardianship assistance payment through Title IV-E of the Social Security Act. This does not require a waiver through HHS, but does require a change to a state's plan.
- If a state does not provide kinship guardianship assistance payments under this option, then cities with a million or more people within that state may apply directly to HHS to provide a kinship guardianship program.

Agreement with Guardian

- If a state implements this service, they must negotiate and enter a written agreement with the perspective relative guardian. They must provide a copy to the kinship guardian and certify that the child will be eligible for health coverage through the state Medicaid program.
- In any case where the relative guardian and child move during the course of the agreement, the agreement shall remain in effect regardless of the state residency of the relative guardian.

Services and Assistance

- The agreement with the kinship guardian must explain how payments, if any, will be provided; the additional services and assistance the child and relative will be eligible for; the procedures for obtaining such services; and state payment of nonrecurring expenses associated with obtaining the legal guardianship.

- Assistance payments to the relative guardian will be based on consideration of circumstances and needs of the relative and child and equal to foster care maintenance payments.
- Adjustments to the payment may be made periodically based on relevant changes, with the concurrence of the relative guardian.
- The child must be under age 18, a full-time student in high school or its equivalence under age 19, or until the age of 21, if the child has a physical or mental disability.

Child's Eligibility

- The child must have been removed from his or her home pursuant to a voluntary placement agreement or the result of a judicial determination, under the care of a state agency for a 12-month period, and eligible for foster care maintenance payments under Title IV-E foster care funding.
- Returning home or adoption are not appropriate options for the child and the child demonstrates a strong attachment to the relative guardian and the guardian has a commitment to the child.
- If the child is 14 or older, he or she must be consulted.
- Siblings who may not be covered by these eligibility requirements may be placed in the same kinship guardianship families if the state and the relative are in agreement. The kinship guardianship payments may be made on behalf of these siblings.

NOTICE OF CHILDREN ENTERING FOSTER CARE

- Within 60 days of child's removal from custody of the parent or parents, the state must give notice to all adult grandparents and other adult relatives, including relatives suggested by the parent(s).
- Exceptions can be made to this requirement in cases of family or domestic violence.
- The notice must provide specifics that the child has been removed and explain the options a relative may have in the care and placement of the child according to federal, state, or local law.

*Child Welfare League of America
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