



Myths and Facts Related to Use of the Guardianship Assistance Program

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Myth 1: Subsidized guardianship undermines reunification efforts.

Fact: Research from states that had kinship guardianship waivers shows that the availability of guardianship does not impact the rates at which children are reunified. In Illinois, Tennessee, and Wisconsin, reunification rates were not significantly different between families offered subsidized guardianship and those denied this choice.¹ For example, in Tennessee, 13.7% of children who were offered subsidized guardianship returned home as compared to 12.6% of children who did not have access to subsidized guardianship. In Illinois, after 10 years of offering subsidized guardianship, 5.2% of children offered subsidized guardianship returned home compared to 7.7% of children who did not have access to subsidized guardianship.

It is also important that to be eligible for federal assistance under GAP, reunification (and adoption) first must be determined not appropriate. There must also be efforts made to have discussions with the child's birth parent about guardianship before there can be a guardianship agreement.

Myth 2: Relative guardianship is not permanent enough and should not be considered a permanency option.

Fact: Research has shown that the availability of the guardianship option increases overall family permanence. And early on, the prospect of guardianship actually increases the number of relative adoptions. Relatives are more likely to consider adoption when they have a chance to seriously consider its impact on permanence for the child. The Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections Act) requires that there be a determination before guardianship can be approved that return home and adoption are not appropriate permanency options for the child. It specifically requires that adoption must be discussed with potential relative guardians. It also makes it easier for guardians who are caring for children with special need to adopt these children at a later time, should they want to do so.

Research from Illinois, the state with the longest standing guardianship waiver, found no appreciable differences in stability and well-being among comparable groups of adopted and guardianship children. The Illinois research looked at four important qualities of permanence: intent, continuity and commitment, sense of belonging and respected social status and guardianship did at least as well as adoption on all of them. The children in guardianship intended to stay with their caregivers, were still residing with them when evaluated, and felt like part of the family, as children in adoption did.²

Myth 3: Guardianship assistance will displace adoption.

Fact: The Fostering Connections Act requires that adoption must be determined to be inappropriate for the child before considering guardianship assistance. It also requires that the agency discuss adoption with the prospective guardian as an alternative to legal guardianship and that the agency document the prospective guardian's reasons for not pursuing adoption in the child's case plan. Federal law now also makes clear that if a child is eligible for federal adoptions assistance when placed with a guardian that the child would continue to be eligible should the guardians decide later to adopt.

Research in Wisconsin demonstrated no displacement of adoption by subsidized guardianship. However, research from Illinois and Tennessee that showed that subsidized guardianship did displace adoption for some children. If these children would have remained in foster care longer with relatives, some eventually would have been adopted by them, but those children would have spent more time in foster care and those not adopted would have been left to languish in foster care.

States must consider the respective benefits of adoption and guardianship for individual children in terms of stability, well-being, and reduction in the length of stay in foster care. From Illinois there is evidence that if you control for age the stability for subsidized guardianship and adoption assistance is the same. Evidence from Illinois, Tennessee, Minnesota, and Montana have demonstrated no evidence that suggests children who exited care with adoption assistance are more safe or have better well-being outcomes than children who exited to subsidized guardianship.³ The availability of both also reduces the length of stay for children in foster care.

Myth 4: The availability of the Guardianship Assistance Program will result in more relatives bringing children into the child welfare system so they can qualify for GAP assistance.

Fact: There is no evidence from states that have implemented state subsidized guardianship programs that foster care caseloads have risen as a result of making subsidized guardianship available. In fact, research from Illinois and Tennessee show a decline in foster care caseloads after the implementation of guardianship.⁴ Most relatives raising grandchildren, nieces and/or nephews see themselves doing it temporarily until the children's parents are able to resume parenting, and hope that the children and their parents can be reunited. Many relatives only consider formal foster care as a last resort when they cannot access needed supports for the children they are raising in other ways. Even then, relative caregivers may be reluctant to ask for help for fear of having the children removed from their care. There are also safeguards in place, including court oversight, to ensure that children generally only enter foster care when their safety is at risk.

Myth 5: The Guardianship Assistance Program option will end up costing more money in the long-run in our state.

Fact: The federal Guardianship Assistance Program is most likely to result in cost savings when a state has previously been providing assistance to relatives caring for children in foster care so they can care for them permanently. Thirty eight states and the District of Columbia were doing so before the Fostering Connections Act was passed. States that opt into GAP will receive federal dollars to help support the program. This will allow these states to redirect state dollars previously used to support their state guardianship programs.

Evaluations of GAP-like efforts also have demonstrated that offering such assistance to families resulted in a reduced average length of stay, which has resulted in cost savings for the states. Research from Illinois and Wisconsin shows that subsidized guardianship reduces the number of days a child is in foster care. After 10 years of testing in Illinois, findings demonstrated that offering subsidized guardianship to families reduced the average length of stay in foster care by 22 percent (269 days).⁵ After three years in Wisconsin, offering the subsidized guardianship option reduced the average length of stay in foster care by 32% (133 days).⁶ Minnesota's guardianship waiver demonstration showed a reduction in length of time in care between those children that had guardianship available to them as a permanency option and those that did not. Children in the experimental group with guardianship as an option spent an average of 435 days in care after assignment versus an average of 567 days for those assigned to the control group without guardianship as an option.⁷

States with guardianship programs also have seen administrative savings result when foster care cases are closed and children are moved to guardianship without the administrative oversight that was formerly required. States opting into GAP that have not previously supported guardianship programs will also likely see savings in administrative costs. For example, case plans, case reviews, and other efforts made to oversee the care of the children are no longer necessary. Worker visits and arrangements for parent child visits are no longer required either. In Illinois, the accumulated administrative savings amounted to \$54.4 million at the end of the first five years of the demonstration for the 30,781 children ever assigned to the intervention group.⁸ In Tennessee, the state would have spent over \$1 million in unnecessary foster care costs without subsidized guardianship.⁹

In the end though, even if there were not savings, the cost of keeping a child in foster care with federal dollars could end up costing at least as much as placing a child with a guardian with federal GAP assistance but guardianship is certainly the better investment for the child and the state.

Myth 6: Subsidized guardianship is only appropriate for older children.

Fact: In the past, a small number of states have restricted guardianship to older children because they felt it was inappropriate for younger children who would be more likely to be reunited with their parents or adopted from foster care. GAP protects against the inappropriate use of guardianship in another way. It requires that reunification and adoption must be determined to be inappropriate for a child before guardianship may be considered. As a result, it is not necessary to limit eligibility by age or in other ways and in fact federal law does not permit such a limitation. Families that choose guardianship most often do so because they are uncomfortable with severing the child's family ties – a requirement for adoption and a concern that transcends a child's age. Guardianship preserves family relationships for children of all ages and allows grandma to stay grandma and not legally require her to become "mom".

Myth 7: If children move from foster care to guardianship with relatives they will likely re-enter care.

Fact: Experience to date in states has shown that relative guardianship appears to be about as stable as adoption. Kinship guardianships are no more likely to disrupt than are adoptions. The state of Iowa reported no significant differences in the stability of guardianship placements between experimental and control groups in placement disruptions or foster care re-entries. In 2009, research in Illinois shows that there is little difference in the stability of children living with

guardians and adoptive parents two years post finalization (96% and 98% stability, respectively); five years after finalization, the stability of guardianships and adoptions was 89 percent and 95 percent, respectively).¹⁰

There are also a number of protections in GAP that are intended to help ensure that the guardianship will ensure the child a permanent home. There must be prior discussions about guardianship, where possible, with the birth parent and with the guardian, and youths 14 years or older must be consulted as guardianship is being considered. All of these are intended to promote the permanence of guardianship.

Myth 8: If a child is placed in guardianship with a relative, the child will never be able to be adopted.

Fact: It is incorrect to say that a child in a guardianship will never be able to be adopted. Even though adoption must be determined inappropriate initially, federal law anticipates that a guardian may later decide to adopt the child for whom he or she is caring. In fact, the Fostering Connections Act specifically provides that if a child is eligible for federal adoption assistance payments at the time guardianship is ordered, the child would continue to be eligible for adoption assistance should the child later be adopted by the guardian.

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Sources:

¹ Subsidized Permanent Guardianship Assessment and Evaluation, Submitted to the Tennessee Department of Children and Family Services on January 15, 2010 by Children and Family research Center and Westat; Testa, M. Subsidized Guardianship: Testing the Effectiveness of an Idea Whose Time Has Finally Come, May 2008 on Children and Family Research Center Web Site; SUBSIDIZED GUARDIANSHIP ASSESSMENT AND EVALUATION Interim Evaluation Report, May 30, 2008, Submitted to: Wisconsin Department of Health and Family Services, Division of Children and Family Services, Submitted by: Westat; Children and Family Research Center, School of Social Work, University of Illinois at Urbana-Champaign; and Institute for Research on Poverty, University of Wisconsin-Madison.

² Testa, M and Cook, R. (2001). The Comparative Safety, Attachment, and Well Being of Children in Kinship Adoption, Guardianship and Foster Homes. Paper presented at the Annual Research Conference. Association for Public Policy, Analysis, and Management. Washington DC, November 3, 2001.

³ Profiles of the Title IV-E Child Welfare Waiver Demonstration Projects prepared for Children's Bureau by James Bell Associates, June 2010.

⁴ Assisted Guardianship Waiver Demonstrations: Lessons in Implementing a New Permanency Alternative and key Evaluation Findings. Presented at the Agency and Courts Meeting, Washington DC, August 2009, Mark Testa, George Gabel, John Tuohy, Elizabeth Black, Leslie Cohen, Erwin McEwen.

⁵ Testa, M. Subsidized Guardianship: Testing the Effectiveness of an Idea Whose Time Has Finally Come, Children and Family Research Center, May 2008...on Children and Family Research Center Web Site.

⁶ Assisted Guardianship Waiver Demonstrations: Lessons in Implementing a New Permanency Alternative and key Evaluation Findings. Presented at the Agency and Courts Meeting, Washington DC, August 2009, Mark Testa, George Gabel, John Tuohy, Elizabeth Black, Leslie Cohen, Erwin McEwen.

⁷ Summary of Subsidized Guardianship Waiver Demonstration, prepared for the Children's Bureau ACYF, Prepared by James Bell, July 2009.

⁸ Illinois Subsidized Guardianship Waiver Demonstration: Final Evaluation Report Testa, M.F., Cohen, L., & Smith, G. with Westat, Inc, July, 2003.

⁹ Subsidized Permanent Guardianship Assessment and Evaluation, Submitted to the Tennessee Department of Children and Family Services on January 15, 2010 by Children and Family research Center and Westat.

¹⁰ Conditions of Children in or at Risk of Foster Care in Illinois: An Assessment of Their Safety, Stability, Continuity, Permanence and Well-Being, In Press 2009) Editors Tami Fuller.