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*Policy Brief***Supporting Grandfamilies:
Federal and State Policy Reforms**

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Abstract

The last few years have seen increased media attention on the heroic and vital role of grandparents, other relatives, and family friends in raising and supporting our nation's children. Several recent crises, including the opioid epidemic and children being separated from their parents at the Southern border, have caused journalists to see and acknowledge the essential role of grandparents and other relatives in stepping forward when parents cannot raise their children. This positive coverage is seen and heard by our nation's lawmakers. More than ever, they are interested in learning about grandfamilies, their strengths and needs and how they can better support them. GrAND Voices, the national network of grandparent and other relative caregiver advocates, have resonated throughout the halls of Congress with two new laws to help prevent children from entering foster care and to support relatives and parents caring for them. Both the Family First Prevention Services Act (Family First Act) and the Grandparents Raising Grandchildren Act, enacted in 2018, will make more services and supports available to grandfamilies. Pending legislation, introduced in spring 2019, will further support grandfamilies by making long-needed policy reforms, and will address challenges and other gaps in Family First Act implementation. In addition to federal activity, state lawmakers are also striving to better support the families. Legal options, such as standby guardian laws and educational and health care consent, can only be created at the state-level. State legislators are responding to constituent needs by passing new laws so that relative caregivers can access necessary services on behalf of children they raise. Although much still remains to be done to support grandfamilies around the country, progress is happening in greater strides than ever. GrAND Voices and those of us who work with them are determined to continue the momentum to truly support all grandfamilies whether inside or outside the child welfare system.

Keywords: Grandfamilies, Kinship Care, Policy, Federal, State, Child Welfare, Temporary Assistance for Needy Families, Social Security, Foster Family Home Licensing

The opioid epidemic, the separation of children from parents at the Southern border and increasing immigration enforcement have all led to widespread national and local media coverage of the heroic and vital role grandparents, other relatives, and family friends have in raising and supporting our nation's children. This positive coverage is seen and heard by our nation's lawmakers. More than ever, they are interested in learning about grandfamilies, their strengths and needs and how they can better support them. GrAND Voices, the national network

of grandparents and other relative caregiver advocates, have resonated throughout the halls of Congress with two new laws to help prevent children from entering foster care and to support relatives and parents caring for them. After roughly two years of advocacy from national nonprofit organizations, GrAND Voices, foster youth, and birth parents, Congress enacted the Family First Prevention Services Act of 2018 (Family First Act). Last year also saw passage of the Supporting Grandparents Raising Grandchildren Act of 2018. That Act, which calls for the establishment of a national council, will for the first time coordinate federal government agencies, so that kinship care comes out of its silo and is an articulated part of every relevant policy discussion and action across government agencies, including Health and Human Services, Education, Housing and Urban Development and several others. Pending legislation, introduced in 2019, will further support grandfamilies by making long-needed reforms to Social Security and Temporary Assistance for Needy Families, and will address challenges and other gaps in Family First Act implementation. Policymakers at the state and local levels are complementing federal efforts to support grandfamilies. State legislators are engaged in their vital work to expand the legal options available to relative caregivers so they can access necessary services on behalf of children they raise. Although much still remains to be done to support grandfamilies, progress is happening in greater strides than ever, thanks in large part to the elevated voices of the caregivers themselves.

GrAND Voices

Generations United, with support from Casey Family Programs and the W.K. Kellogg Foundation, created and manages a network of 69 relative caregiver advocates called GrAND Voices. These caregiver voices representing 44 states, the District of Columbia and 11 tribes advocate for families at the federal and state levels and have testified in Congress, presented at the White House, and met with many members of Congress and their staff.

Diverse and eloquent GrAND Voices have been instrumental in recent federal advances for grandfamilies and have inspired and informed Generations United in all its work on behalf of the families.

Federal Laws Recently Enacted and Pending Legislation

Family First Prevention Services Act

GrAND Voices were heard as the Family First Prevention Services Act finally became law in February 2018 after two years of their passionate advocacy. This piece of landmark child welfare legislation addresses an array of services and programs, and has several provisions directly impacting grandfamilies. Although the law is considered child welfare legislation, it focuses on preventing children from entering foster care and will have a profound impact on those grandfamilies outside the system. Federal funds are now available for all evidence-based kinship navigator programs. These programs can serve grandfamilies outside the system, those at risk of entering the system and those within the system. In addition to kinship navigator programs, there is a focus on services and programs to help prevent all children, including those in grandfamilies, from having to enter the child welfare system. In the event the children do have to enter the system, there is a provision seeking to address barriers to licensing relatives as foster parents. The importance of connection to relatives is emphasized throughout the law.

- *Allows for federal reimbursement for kinship navigator programs*

For the first time, the federal government will provide on-going 50 percent federal reimbursement to all states, territories and eligible tribes that operate evidence-based kinship navigator programs. Kinship navigator programs are essentially initiatives that provide information, referral, and follow-up services to grandparents and other relatives raising children to link them to the benefits and services that they or the children need. Kinship navigator programs have existed in various parts of the country for at least twenty years, and starting in 2009, the federal government funded two rounds of competitive Family Connection Grants as called for in the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act) to a few jurisdictions wanting to implement these programs. Based on the success of these programs and some existing state programs, the Family First Act opened up federal funding to all states, territories and tribes wanting to operate kinship navigator programs (Beltran, *Kinship Navigator analysis*, 2019). The funding flows to the child welfare agencies, but the law requires those agencies to collaborate with existing grandfamilies and other service providers. The funds called for in the Family First Act is new money considered an “entitlement,” which means it does not take money away from other child welfare programs and is not capped by amount or time. The ongoing federal reimbursement remains at 50 percent of the cost to operate the program, regardless of changing costs over time. Grandfamilies do not need to satisfy any federal eligibility guidelines to access these programs, and the children do not have to meet federal income eligibility requirements under Title IV-E of the Social Security Act (Title IV-E) even though the kinship navigator funding flows from that source of child welfare financing.

In order for a kinship navigator program to be eligible for federal reimbursement, the programs must be evidence-based and must meet requirements that were laid out in the Fostering Connections Act. These requirements include a strong emphasis on collaboration with existing grandfamilies service providers and other agencies that provide information and referral, such as 211 and 311, and most importantly, consultation in the planning and operation of these programs with grandfamilies themselves. To be considered evidence-based, the programs must have promising, supported or well supported practices, and their model or the one on which their program is based must be included in a new federal Clearinghouse. As of July 2019, the new “Title IV-E Prevention Services Clearinghouse” does not yet include any kinship navigator programs. The Clearinghouse rejected two kinship navigator models it had considered for inclusion: the Children's Home Society of New Jersey and Children's Home, Inc. in Florida (HHS, 2018). Both of those programs were Fostering Connection Act grantees. Advocates are continuing to work to ensure that kinship navigator models are included in the Clearinghouse.

For those jurisdictions that did not yet have a kinship navigator program or that wanted to enhance their program or evaluate it, two separate pots of federal money were appropriated for fiscal years 2018 and 2019 as part of the budget process. Both years, about \$20 million has been made available on a non-competitive basis to states, tribes and territories that applied for the funds, so they can position themselves for on-going federal reimbursement under the Family First Act. For these funding opportunities, the programs did not have to meet the federal requirements during the project period, as long as the programs were designed to ultimately fulfill them. Forty-six states, two territories and eight tribes applied for and received 2018 funds. Delaware, Idaho, Maine, and South Dakota are the four states that did not apply (Beltran, *Kinship Navigator analysis*, 2019). As with reimbursement under the Family First Act, the funding goes directly to the child welfare

agency, but they are required to coordinate with existing service providers and that coordination can include subcontracting with existing providers to run all or part of the kinship navigator program. The deadline for applying for the FY 2019 opportunity was March 15, but the government has not yet shared information about which jurisdictions applied.

Due to the failure to include a kinship navigator program in the Title IV-E Clearinghouse, along with other delays, Generations United is advocating that Congress appropriate an additional \$20 million for fiscal year 2020.

- *Federal reimbursement for prevention services*

Also for the first time, the Family First Act allows federal child welfare dollars to be used on evidence-based services and programs to prevent children from entering foster care by supporting the triad of generations in grandfamilies -children, kinship caregivers and parents. Unlike kinship navigator programs, which can be open to all children being raised in grandfamilies, eligibility for prevention services requires children to be “candidates” for foster care who are at imminent risk of entering care and can safely remain at home with parents or with kinship caregivers. Even though the money flows from Title IV-E, the children do not have to meet Title IV-E income requirements, just as they do not have to with kinship navigator programs.

If children are considered “candidates” by the child welfare agency, kinship caregivers or parents of these children can also get services if they are needed to prevent the children’s entry into care. These prevention services and programs include mental health treatment, substance abuse prevention and treatment, and in-home parent skill-based supports, which may be provided for up to 12 months. There is no lifetime limit on accessing these services, and if necessary, services may be provided for unlimited consecutive 12-month periods. Children can either remain at home with their parents or be placed with relatives while any or all members of the triad (children, parents and relative caregivers) receive prevention services and parents’ complete treatment and services outlined in the child’s prevention plan.

Relatives who have adopted or have legal guardianship of a child – including those who may be receiving adoption or guardianship assistance – are also eligible for these prevention services if the adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement.

If the prevention services are unsuccessful at keeping the child from needing to enter foster care, relatives remain eligible to become the child’s licensed foster parents anytime during or after the 12 months of prevention services.

- *Seeks to improve licensing standards for relative foster family homes*

About thirty-two percent of all children in foster care are placed with relatives (AFCARS, 2018). However, many of these relatives who care for children in the legal custody of the child welfare system are not licensed providers. Without licensure, the children and caregivers are subject to the rules and restrictions of the child welfare system, but do not receive the same level of support as children in the care of non-relative foster parents. The federal Adoption and Foster Care Automated Reporting System (AFCARS) does not require states to differentiate between those children in licensed foster care with relatives versus those simply placed with relatives while the state maintains legal custody of the children. As a result, it is unknown how many children are in the legal custody of states with unlicensed and unsupported caregivers, but many advocates suspect that it is many, if not most, of the 140,675 children in

foster care who are with relatives (AFCARS, 2018). Many states gloat that they have a high placement rate with relatives, but fail to note this important distinction.

The Family First Act seeks to break-down barriers so more relatives can become licensed foster parents, and consequently these children and caregivers will receive monthly foster care maintenance payments, the services that accompany licensure and a pathway to exit foster care into federally funded Guardianship Assistance Programs (GAP). Thanks to the 2008 Fostering Connections Act, GAP is an option offered to states and tribes, which for the first time allows them to use federal child welfare monies to finance monthly financial assistance to licensed relative foster parents who become guardians of the children in their care. Over 45 jurisdictions offer GAP, but the relatives must be licensed for the children to access this supported permanency option (Beltran, *Subsidized Guardianship* analysis, 2019).

States and tribes have the authority and responsibility under federal law to create their own foster home licensing standards that are “in accord” with national standards (42 U.S.C. § 671 (a)(10)(A)). However, up until the Family First Act, there were no comprehensive national standards for states and tribes to refer to as guidance. Consequently, standards often vary significantly from state to state, are overly restrictive, and have more to do with socioeconomic ideals and litigation than safety of children. State standards, for example, may require foster parents to have high school diplomas, own their own cars, and have homes that meet strict square footage requirements. In order to break down some of these unnecessary non-safety related barriers, the Family First Act requires the Children’s Bureau in the U.S. Department of Health and Human Services to identify National Model Foster Family Home Licensing Standards (National Model) for states, territories and tribes to use to compare their foster home licensing standards against and report back to the Children’s Bureau on their comparison. In February 2019, the Children’s Bureau released this National Model, which for the first time gives states and tribes guidance that seeks to address unnecessary barriers.

The Children’s Bureau used the National Association for Regulatory Administration Model Family Foster Home Licensing Standards (NARA Model) as the “main source” for its National Model (HHS, 2019). Generations United, the American Bar Association (ABA) Center on Children and the Law, and NARA, with support from the Annie E. Casey Foundation, developed the NARA Model through a multiyear process that included researching all state licensing standards and consulting with an array of licensing professionals. The NARA Model’s primary purpose is to help ensure children in foster care are safe while also establishing a reasonable, common-sense pathway to enable more relatives to become licensed foster parents. The NARA Model contains a complete set of the categories necessary to license a safe family foster home and is designed to eliminate unnecessary barriers caused by licensing standards.

Although the National Model did not incorporate all of the NARA Model, nothing in the National Model contradicts the NARA Model. Consequently, Generations United, the ABA and NARA, among other national organizations, encourage state, territories and tribes to use both Models in their comparison process as there are certain NARA definitions, principles, provisional licensing standards, and tools that will provide important guidance and additional clarity (Generations United, *FAQ*, 2019).

Although the Family First Act required states, territories and tribes to report back to HHS on the comparison of their standards with the National Model by March 15, 2019 or request an extension, jurisdictions should consider the requirements under the Family First Act as creating an ongoing opportunity to improve foster family home licensing standards and practices. States and tribes should establish workgroups or taskforces with multiple stakeholders, including

relative caregivers, youth, judges, attorneys, caseworkers and licensors. The multiple voices in that group can be leveraged to fully explore which standards and practices are causing barriers for relatives to become licensed in a particular state or tribe. Common barriers include restrictive criminal history background checks that bar applicants from becoming foster parents for any type of criminal history, even non-violent crimes that occurred decades ago. These types of crimes do not serve as barriers under federal law, and those standards can be reexamined, along with other restrictive standards such as applicant's income, educational-level and vehicle ownership.

In addition to the standards themselves, states and tribes should take this opportunity to examine their procedures for licensing relatives; the training required of relatives seeking licensure to ensure it is tailored and meaningful to them; how front line workers are presenting the option to become licensed to relatives; and the creation and sharing with relatives of balanced, written tools explaining the financial and legal ramifications of becoming licensed or not.

- *Works to ensure that each child in foster care has a family*

If children need to come into the custody of the child welfare system, the Family First Act encourages a family for every child by restricting the use of federal funds for group placements that are inappropriate and by encouraging family connections where group care is appropriate. Federal funds may only be used for a few specific types of group placements, including a qualified residential treatment program (QRTP). To be considered a QRTP, the program must facilitate outreach to the child's family members, including siblings and close family friends known as "fictive kin"; and the child's family must be a part of the child's treatment, including family-based support for at least six months after the child is discharged from group care. As part of the assessment to determine if a QRTP placement is necessary, the placement preferences of the family must be considered, and children must be placed with their siblings unless it is not in their best interest. If the placement preferences of the family are not followed, the reasons must be documented as part of that assessment process.

- *Extends child and family services programs*

The Family First Act extends funding for five years for two critical service programs for children and families in the child welfare system-- The Stephanie Tubbs Jones Child Welfare Services Program and The Promoting Safe and Stable Families Program.

- *Improves the John H. Chafee Foster Care Independence Program*

The Act extends to age 23 the financial, housing, counseling, employment, education, and other appropriate supports and services to former foster care youth. It further extends eligibility to age 26 for Education and Training Vouchers.

- *Reauthorizes the Adoption and Legal Guardianship Incentive Program*

The Act reauthorizes for five years the Adoption and Legal Guardianship Incentive Payment program, which allows states to receive incentive payments based on improvements in increasing exits from foster care to adoption or kinship guardianship.

The Family First Transition and Support Act of 2019

As with most laws, implementation is where problems are discovered. Although a major advancement, the Family First Act, like most laws, is not perfect. To address some of the issues that have emerged, the Family First Transition and Support Act of 2019 was introduced in Congress in spring 2019 to help jurisdictions transition to the new funding model under the Family First Act. Among many provisions, this pending legislation would make more services available to grandfamilies by expanding funding for the following kinship placement supports:

- Crisis stabilization services, including case management, transportation, assistance with housing and utility payments, and access to adequate health care and child-care assistance.
- A kinship placement crisis stabilization fund to make direct cash payments to relative caregivers for the immediate needs of children placed with them.
- Family finding, including intensive family-finding efforts that use search technology to find family members for children in, or at risk of entering, foster care.
- Family group decision-making.
- Assistance for relatives requesting help in becoming licensed foster family homes.

In addition to striving to provide all these important services to grandfamilies, the legislation would finally eliminate the outdated Title IV-E income eligibility requirements for foster family homes. As of July 2019, to be eligible for federal foster care and family support, children must be removed from homes that meet income eligibility guidelines dating from the 1996 Aid to Families with Dependent Children (AFDC) law. This legislation would eliminate this requirement, commonly referred to as the “look back.”

Grandparents Raising Grandchildren Council

At the Fifth National Grand Rally in Washington, D.C., after Congressional testimony from a GrAND Voice, Senators Susan Collins (R-ME) and Bob Casey (D-PA) announced that they were introducing legislation, called the Supporting Grandparents Raising Grandchildren Act. A year later, in 2018, the legislation became law.

This Act calls for the establishment of a Council to support relative caregivers, and its formation is well underway. Members will include leaders from key federal agencies, grandparent and other relative caregivers, and non-federal government employees who are expert in the strengths and challenges of the families. By fall 2019, HHS will announce the Council members, with the first meeting occurring prior to the end of the year. Their work will seek to better coordinate resources for the families and will conclude with a Report to Congress. Generations United will strive to help inform the Council’s important work, and there will be a process for public input.

The Grandfamilies Act

While the Council is forming, Congress is considering legislation that would make a number of important reforms to support grandfamilies. On May 23, 2019, the Grandfamilies Act was introduced by Senator Bob Casey (D-PA) and Rep. Danny Davis (D-IL). This legislation, which Generations United helped inform and endorses, includes a broad range of provisions to help grandfamilies:

- *Improves access to Social Security for children raised in grandfamilies*

Currently, among children raised by non-parental relatives, only grandchildren raised by their grandparents can receive Social Security benefits based on the work record of their caregivers. This legislation would for the first time allow children being raised by other relatives – such as aunts or uncles – to be eligible based on their caregivers’ work records too. This reform would be consistent with the way grandfamilies are treated in other federal programs and tax credits. Only Social Security currently limits benefits to children raised by non-parental relatives to those children being raised by grandparents.

The Grandfamilies Act would also update the benefit rules for Social Security so that dependent children under age 18 qualify for benefits when they have been in the legal custody of grandparents and other relatives who receive Social Security for at least one year.

- *Addresses barriers to grandfamilies’ access to Temporary Assistance to Needy Families (TANF)*

TANF is often the only source of financial support for children being raised by relatives both outside and inside the foster care system. Its support of children in relative care is one of the four primary purposes of TANF: “to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives” (PRWORA, 1996). There are two types of TANF grants, child-only and family, and this Act strives to improve access for both types.

Child-only grants are smaller amounts than family grants and are envisioned under federal law as only for the child based on the child’s income. A few states over the years, including Arizona, Nevada, Oregon and Washington, began means-testing caregiver income for these grants (Beltran, *TANF Policy Brief*, 2014). Other states may have imposed time limits and work requirements on these grants as well. Under this Act, those state practices would be explicitly contrary to federal law and, if continued, would incur a financial penalty.

There is one permissible exception that allows caregiver income to be means-tested for specially designed state-operated programs that provide enhanced TANF payments for low-income grandfamilies, programs such as Louisiana’s long-running Kinship Care Subsidy Program. All states must still offer child-only TANF that does not means-test caregiver income, but they can also offer a program that provides a larger TANF payment for low-income grandfamilies.

For family grants, the legislation would exempt income, asset and resource tests for caregivers age 55 and older who are raising related children and would not require them to meet work requirements. A few states already exempt asset tests and/or older caregivers from work requirements, but many do not. If states did not make these exemptions, they would also incur significant financial penalties.

A major obstacle for grandfamilies trying to access either type of TANF grant is caused by the federal requirement that caregivers assign their right to collect child support to the state. The state agency then pursues the parents for that support. Under this legislation, what is known as the “good cause exemption” to the requirement to assign child support would be explicitly expanded to go beyond fear of violence and include situations, for example, where caregivers do not want to create another challenge for parents who may be trying to re-parent and need all their income to stabilize their situation.

The legislation would also require state agencies responsible for TANF to employ a resource employee to share information with older relative caregivers on legal options regarding care of the child and how each option corresponds to benefits and services, and to serve as a liaison with other agencies and organizations providing supports. The state agency is further required to share written materials with older caregivers that explain these options, the requirements to become a licensed foster parent, benefits and services corresponding to these options, including TANF requirements and information about the good cause exception to assigning child support enforcement to the state. There are significant financial penalties to states that do not meet these requirements.

- *Requires data collection*

The Act includes data reporting requirements to measure grandfamilies' economic well-being.

- *Promotes creation of state temporary guardianship laws*

The Grandfamilies Act provides financial incentives to states to offer temporary guardianship laws so that older relative caregivers have the legal authority to access services, such as school enrollment or health care, on the child's behalf. States that have such laws and are federally reimbursed for kinship navigator programs under the Family First Act, will be reimbursed for 75 percent of the expenses of operating the navigator program, rather than 50 percent if they do not have such a law.

- *Authorizes funding for support services in grandfamily housing*

The Senate bill authorizes funding for support services, service coordinators, and shared service space in specially designed affordable grandfamily housing, which exists in various jurisdictions around the country and is being developed in others.

- *Encourages streamlined support to grandfamilies*

The Act emphasizes coordination and would authorize funding for states to create a statewide support plan for grandfamilies, in addition to directing the U.S. Department of Health and Human Services to issue guidance to states to help them maximize use of existing programs.

- *Authorizes the creation of a National Technical Assistance Center on Grandfamilies*

Finally, the legislation authorizes \$5 million to create a much-needed National Technical Assistance Center on Grandfamilies to provide direct assistance to states and others interested in best supporting grandfamilies.

State Laws Recently Enacted

One of the reasons a Grandfamilies National Technical Assistance Center is so necessary is that many of the laws that have the most direct impact on all grandfamilies are created at the state-level with 51 resulting variations. The federal government does not have the authority to create care and custody laws, including those concerning adoption, guardianship or power of attorney (Generations United/Dave Thomas Foundation for Adoption, 2018). Consequently, Congress can use financial incentives to encourage states to pass laws such as temporary guardianships as in the Grandfamilies Act, but they cannot create the laws themselves. Advocacy and technical assistance at the state level is essential to ensure that grandfamilies have

access to a continuum of legal relationship options and that legal services are available to them to help navigate the process.

Expansion of Standby Guardian Laws

In response to the many children being separated from their foreign-born parents, Maryland and New York expanded their standby guardianship laws to allow adverse immigration actions, such as parental or caregiver detention or deportation to be a triggering event (Generations United, 2018). Standby guardian laws were created in the 1980s in the wake of the AIDS epidemic. These laws allow parents to designate a standby guardian in the event of their incapacity, debilitation or death; upon that triggering event, the person designated as the standby files a petition in court to be so named and thereby has the authority to consent and access services on behalf of the child. In May 2018, Maryland expanded its standby guardian law to include “adverse immigration action” as a triggering event. About a month later, New York expanded its standby guardian law to similarly include “administrative separation” as a triggering event. New York’s law is more expansive and also allows a legal guardian, legal custodian or primary caretaker like a grandparent, in addition to a parent, to complete a form with two witnesses, and designate another individual to serve as the “standby guardian”. In the event the parent/guardian or primary caregiver is detained or deported, the standby guardian would immediately have guardianship of the child when they get notice of that “administrative separation” and within a certain time period would need to file a petition with the court to be appointed the guardian.

Educational and Health Care Consent Laws

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

To ensure that children in grandfamilies can obtain health care and a tuition-free public education, at least 25 states have health care consent laws and 17 have educational consent laws (Generations United, 2014). These laws allow relative caregivers to access these services for the children they raise without the need for legal custody or guardianship. A caregiver completes an affidavit under penalty of perjury that they are the primary caregiver of the child; then, by presenting the form, the caregiver can consent to treatment or enroll the child in school.

California first enacted one of these budget neutral laws in 1994 and more states joined it in the years following. Now, twenty-five years later, we still see states interested in pursuing these laws. Since the last policy update, Georgia passed an educational consent law that allows relative caregivers to consent, on behalf of the children they raise, to educational services, medical services related to academic enrollment, and participation in curricular and extracurricular activities. Like many other such laws, parental rights are protected. The decisions of the kinship caregiver are superseded by any contravening decision of a parent or a person having legal custody of the child, provided that the superseding decision does not jeopardize the life, health, safety, or welfare of the child.

Conclusion

As predicted in the last policy update in this Journal, there is more good news for grandfamilies. The momentum to support the families is growing, and as advocates, we must be ready to respond to policymaker and media requests, in addition to being proactive about the

supports and services that are needed. With a new Grandparents Raising Grandchildren Council, and federal financial support for kinship navigator programs and other prevention services, GrAND Voices and other advocates are at the brink of ensuring that all three generations in grandfamilies are better supported so that each child has a family.

References

- Adoption and Foster Care Analysis and Reporting System, Report No. 25 (August 10, 2018). Retrieved from: <https://www.acf.hhs.gov/sites/default/files/cb/afcarsreport25.pdf>
- Beltran, A. (2019) *Kinship Guardianship: summary and analysis*. Retrieved from: www.grandfamilies.org/Topics/Kinship-Navigator-Programs/Kinship-Navigator-Programs-Summary-Analysis
- Beltran, A. (2014). *Policy Brief: Improving grandfamilies' access to temporary assistance for needy families*. Retrieved from: www.grandfamilies.org/Portals/0/documents/Home%20page/GU%20Policy%20Brief%200-%20TANF%20Assistance%20Final%202.pdf
- Beltran, A. (2014). *Policy Brief: State educational and health care consent laws*. Retrieved from www.grandfamilies.org/Portals/0/documents/GU%20Policy%20Brief%20October%202014.pdf
- Beltran, A. (2019). *Subsidized Guardianship: summary and analysis*. Retrieved from: www2.grandfamilies.org/SubsidizedGuardianship/SubsidizedGuardianshipSummaryAnalysis.aspx
- Family First Prevention Services Act, Public Law No. 115-123 (2018). Retrieved from: www.grandfamilies.org/Portals/0/Documents/FFPSA/ffpsa-pages-from-law-language.pdf
- Family First Transition and Support Act of 2019, S. 1376 and H.R. 2702 (2019). Retrieved from: www.congress.gov/bill/116th-congress/senate-bill/1376?q=%7B%22search%22%3A%5B%22Family+First+Transition+and+Support+Act+of+2019%2C+S1376%22%5D%7D&s=1&r=1
- Generations United (2019). *Frequently asked questions on national model foster family home licensing standards*. Retrieved from: www.grandfamilies.org/Portals/0/Documents/FFPSA/FAQ%20National%20Model%20Standards%200207.pdf
- Generations United (2018). *State of Grandfamilies Report – Love without borders, grandfamilies and immigration*. Retrieved from: www.grandfamilies.org/Portals/0/Grandfamilies-Report-SOGF2018.pdf
- Generations United & Dave Thomas Foundation for Adoption (2018). *Brief – Adoption and Guardianship for Children in Kinship Foster Care*. Retrieved from: www.grandfamilies.org/Portals/0/Documents/2017/2018-Grandfamilies-Adoption-Guardianship-Brief%20%282%29.pdf
- Grandfamilies Act, S. 1660 and H.R. 2967 (2019). Retrieved from: www.congress.gov/bill/116th-congress/house-bill/2967?q=%7B%22search%22%3A%5B%22HR+2967%22%5D%7D&s=1&r=1
- Maryland Sen. Bill No. 1239 (2018). *Appointment or Designation of Standby Guardian Adverse Immigration Action*. Retrieved from:

- <http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=03&id=sb1239&tab=subject3&ys=2018RS>.
- National Association for Regulatory Administration. (2018). *Model Family Foster Home Licensing Standards*. Retrieved from: www.grandfamilies.org/Portals/0/Model%20Licensing%20Standards%20FINAL.pdf
- New York Surrogate's Court Procedure, section 1726 (2018). *Standby Guardians*. Retrieved from: www.nysenate.gov/legislation/laws/SCP/1726
- Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. § 601 (a)(1). Retrieved from: www.law.cornell.edu/uscode/text/42/601
- Senate Bill 186 (2017), Georgia General Assembly. Retrieved from: www.legis.ga.gov/Legislation/en-US/display/20172018/SB/186
- Supporting Grandparents Raising Grandchildren Act, Public Law No: 115-196 (2018). Retrieved from: www.congress.gov/bill/115th-congress/senate-bill/1091/text
- Title IV-E of the Social Security Act, 42 U.S.C. § 671 (a)(10)(A). Retrieved from: www.law.cornell.edu/uscode/text/42/671
- U.S. Department of Health and Human Services (HHS), Administration on Children, Youth and Families, (2018). ACYF-CB-PI-18-11 *Program Instruction: Kinship navigator programs*. Retrieved from: www.grandfamilies.org/Portals/0/Documents/FFPSA/ACYF-CB-PI-18-11%20Title%20IVE%20Kinship%20Navigator%20Programs%20.pdf
- U.S. Department of Health and Human Services (HHS), Administration on Children, Youth and Families, (2019). ACYF-CB-IM-19-01 *Information Memorandum: National model foster family home licensing standards*. Retrieved from: www.grandfamilies.org/Portals/0/Documents/FFPSA/final%20AECF%20model%20licensing%20standards.pdf