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*Policy Brief***Supporting Grandfamilies During the Covid-19 Pandemic:
Federal Flexibility and New Funding**

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Street, NW Washington, DC 20001**Abstract**

The Covid-19 pandemic has elevated and heightened the challenges and inequities that grandfamilies face. Unlike parents, with automatic legal rights and responsibilities to the children, grandfamily caregivers are often left to navigate systems that impact them but do not understand them. Federal response to the pandemic began by perpetuating these existing challenges. The CARES Act failed to explicitly name grandfamilies for system support, and they and those who work with them had to individually advocate in local communities. Later in the response efforts, federal legislation specifically called out supports for grandfamilies by providing unique federal funding flexibilities for kinship navigator programs and by funding the first ever National Technical Assistance Center on Grandfamilies and Kinship Families. This new Center and the ongoing work of the Federal Advisory Council to Support Grandparents Raising Grandchildren present promising opportunities for holistically improving the systems of support for grandfamilies.

Keywords: grandfamilies, kinship, policy, federal, child welfare, intergenerational housing, kinship navigator programs, Covid-19

For almost two years, the Covid-19 pandemic has heightened the longstanding challenges and inequities grandfamilies have faced whether raising children inside or outside the foster care system. “Family will take care of family” is the often-heard refrain, not acknowledging the reality that grandfamily caregivers are raising children they did not plan or expect to raise and lack the automatic legal relationship to the children that parents have. Caregivers have to hire attorneys and go to court to obtain those rights and responsibilities. Without legal paperwork, they may not be able to access health care for the children or make alternate care plans should the caregivers die, which is more likely for grandfamily caregivers than others during the pandemic. Almost half of all grandparent caregivers are over age 60, 25% of these caregivers have disabilities, and grandfamilies are more likely to have Black or Indigenous members than the general population, all of which put grandfamily caregivers at greater risk for contracting and dying from Covid-19 (Generations United, 2020).

Augmenting these challenges, the many systems and silos like aging, child welfare, education, housing, and health care that can serve these families typically only refer to “parents or guardians.” Both the caregivers and agency staff often do not understand program eligibility

requirements or services as they impact grandfamilies. Implementation of the CARES Act, enacted by Congress during the initial stages of the pandemic, demonstrated the problem grandfamilies often face in accessing support and the need for systems to coordinate. That Act provided expansive, new funding to the many systems that impact grandfamilies. But without explicitly naming the families as populations who needed to be reached, many have been overlooked. The public health emergency has renewed the urgency to break down systemic barriers to services and supports and to more responsively help the families.

Congress has indicated that it understands the work that must be done. Through separate legislation enacted well into the pandemic, it appropriated \$10 million for the first-ever National Technical Assistance Center on Grandfamilies and Kinship Families to break down those barriers. It provided new flexible funding opportunities for kinship navigator programs that link caregivers and the children they raise to community-based services and supports in many systems and silos. In addition to the ongoing work of the Federal Advisory Council to Support Grandparents Raising Grandchildren, the new National Technical Assistance Center and robust kinship navigator programs will work to coordinate services to the families, educate systems on how best to holistically support the families both during the pandemic and beyond, and reach out to families to inform them of Covid relief such as the expanded child tax credit and new affordable housing opportunities.

The CARES Act

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) became law in March 2020 and authorized more than \$2 trillion to mitigate the impact of the Covid-19 pandemic on individuals, state, tribal and local governments, nonprofit organizations, and for-profit industries. Although grandfamilies were implicitly included in many programs that were funded to help families, systems like child welfare, housing, or education often overlook grandfamilies if they are not explicitly named. The legislation did not specifically include them or address the barriers that grandfamilies face, and consequently the CARES Act left it to grandfamilies' advocates both to address existing barriers to services and work to ensure that the increased funding reached the families.

Generations United, with Casey Family Programs, initiated a local advocacy effort with GRAND Voices at the forefront. GRAND Voices is a national network of over 70 grandfamily caregivers who advocate for their own families and those like them. In virtually all the states and 12 tribes, these caregivers work to elevate grandfamilies' strengths and challenges and ensure that they are considered in state and local supports.

GRAND Voices shared critical information with local policymakers, such as the fact that grandfamily caregivers aged 55 and older are eligible for supportive services through the National Family Caregiver Support Program (NFCSP), administered by Area Agencies on Aging (AAAs). The CARES Act appropriated an additional \$100 million for the NFCSP, almost simultaneously with passage of the Supporting Older Americans Act of 2020. That law removed the long-standing provision that only up to 10% of the NFCSP funds could be used to support grandfamilies. Now, AAAs can respond to their own community needs without an artificial limitation. Grandfamilies raising their voices are critical to ensuring that relief funds reach the families, and systemic barriers are addressed.

Consolidated Appropriations Act of 2021

At the end of 2020, the Consolidated Appropriations Act of 2021 was signed into law, providing unprecedented support for kinship navigator programs. These programs have the capacity to break down systemic barriers and help connect caregivers and children to the services they need, while also educating the systems about the families' unique needs and how to serve them.

Temporary 100% Federal Reimbursement for Kinship Navigator Programs

Starting in April 2020 through September 2021, the Federal government provided 100% reimbursement for kinship navigator programs that met the basic requirements under federal law for such a program. The jurisdiction's child welfare agency approved to operate and use federal funds under Title IV-E of the Social Security Act (i.e., Title IV-E agency) could apply for this reimbursement opportunity. To qualify, the Title IV-E agency was required to show that it was providing or contracting with a nonprofit service provider to operate a kinship navigator program connecting caregivers to services and supports for themselves and the children in their care; collaborating with grandfamilies, other service providers, and 2-1-1 or 3-1-1; and conducting outreach in the community. If it had such a program, the Title IV-E agency could be completely reimbursed for any new or existing services that were not covered by other federal kinship navigator funds, without meeting any evidence-based standards. The agency needed to simply provide an assurance that it "is or will be" evaluating its program (ACYF, March 2021).

If approved, these agencies' kinship navigator programs were reimbursed for providing families with concrete goods, legal assistance, technology, and direct financial support for up to four months, even if similar goods or services were never provided by the particular program (ACYF, March and August 2021). Expenses to evaluate kinship navigator programs, administer the programs, create websites, and other resources were all fully reimbursable, as was Covid-19 testing and protective gear (ACYF, March 2021).

Despite this opportunity, and the fairly streamlined application to request reimbursement, not all jurisdictions took advantage of it, but at least 20 states and tribes did. Of those that did not access the reimbursement, reasons varied from not knowing about the opportunity to inability to surmount internal contracting and fiscal hurdles in the relatively short time frame.

Additional Funding for the Title IV-E Prevention Services Clearinghouse

By temporarily waiving the evidence-based standards between April 1, 2020, through September 30, 2021, and allowing for full federal reimbursement of kinship navigator programs, the Consolidated Appropriations Act reacted to challenges posed by the Title IV-E Prevention Services Clearinghouse (Clearinghouse), which is the pathway to ongoing federal reimbursement for kinship navigator programs. Lawmakers further sought to address those challenges by appropriating the Clearinghouse with \$2.75 million to support its work.

The Family First Prevention Services Act of 2018 (Family First Act) allows for 50% ongoing, uncapped Title IV-E federal reimbursement for kinship navigator programs that are found by the Clearinghouse to meet its evidence-based standards of "promising," "well-supported" or "supported." Other kinship navigator programs can follow a model in the Clearinghouse with fidelity and also receive the ongoing funding. When the Consolidated Appropriations Act became law, no kinship navigator program was yet included in the Clearinghouse, and no one could take advantage of the 50% reimbursement. As a result, the

Consolidated Appropriations Act took the step of temporarily waiving the evidence-based requirements and allowing full reimbursement of kinship navigator programs for 18 months.

Three years after the Clearinghouse began operations, it included its first and only kinship navigator program. That “promising” model, while helpful, is limited to the small group of kinship families with children who have open child welfare cases (Clearinghouse, 2021). Work continues to ensure that a kinship navigator program that serves and supports the many more kinship families outside the child welfare system is included in the Clearinghouse. Managed and supported by Generations United, University of Washington, and Casey Family Programs, an effort is currently underway with Maine, Montana, Vermont, and Wyoming to build and evaluate a program that serves all kinship families, whether inside or outside child welfare.

The Clearinghouse has been posing ongoing obstacles to kinship navigator programs and other prevention services. Requirements to have control groups if seeking a “well supported” or “supported” program and firm start and end dates to services pose unique challenges to kinship navigator programs. These programs, which have existed for over 20 years, must often provide fluid services to grandfamilies’ needs that change over time. The nature of Clearinghouse requirements is not designed with these programs at top of mind, and its assistance to jurisdictions seeking guidance has been severely limited.

The new funding for the Clearinghouse should help it better respond to programs requesting assistance with questions about its *Handbook of Standards and Procedures* (Clearinghouse, 2019). In July 2021, the Clearinghouse asked for public comments about its work. Hopefully, this is the first step in reforming how it considers programs for inclusion.

Fourth Year of Title IV-B Funding for Kinship Navigator Programs

In addition to new funding available under Title IV-E, for the fourth consecutive year, the Consolidated Appropriations Act provided \$20 million for states, territories, and eligible tribes to develop, enhance, or evaluate kinship navigator programs through Title IV-B of the Social Security Act. Applications for these noncompetitive grants were due to the Children’s Bureau at the end of May 2021, with funding distributed in the fall of 2021.

Expand the Supply of Grandfamily Housing

Among the most unexpected of the Consolidated Appropriation Act’s support of grandfamilies was its appropriation of \$5 million to expand the supply of intergenerational dwelling units for older caregivers raising children through a law enacted almost 20 years ago and not funded for over 12 years: LEGACY. LEGACY was the nation’s first affordable housing law for grandfamilies. After it was enacted and funded, two housing programs were developed for grandfamilies with caregivers aged 62 and older in Smithville, Tennessee, and Chicago, Illinois (GU, 2019). This new appropriation will allow for more housing for grandfamilies. Under the law, the units must have at least two bedrooms and be equipped with design features to meet the special physical needs of older people and young children. The projects must also ensure that occupants are provided a range of services that are tailored to help older people, children, and intergenerational families.

Funds for development of the intergenerational dwelling units will be administered through the US Department of Housing and Urban Development. Nonprofit organizations will be eligible to apply through an application process. Other similar housing developments have been created without LEGACY funding (Generations United, 2019). However, those housing

developments require a complicated mix of limited public and private financing. Dedicated support from Congress shows a commitment to the importance of this type of affordable housing. Kinship navigator programs must collaborate with housing providers to share information about these housing opportunities.

American Rescue Plan Act of 2021

Building on a year of Covid-19 federal legislative responses, the American Rescue Plan Act became law in March 2021 and focused its support on children, families, and older adults. Most notably for grandfamilies and those who strive to support them, the first-ever National Technical Assistance on Grandfamilies and Kinship Families was authorized, funded, and awarded to Generations United.

National Technical Assistance Center on Grandfamilies and Kinship Families

Among its provisions, the American Rescue Plan Act provides \$10 million for a National Technical Assistance Center on Grandfamilies and Kinship Families. Generations United submitted a proposal to the Administration for Community Living (ACL) and it was awarded the cooperative agreement at the end of September 2021 (ACL, Sept. 2021).

Generations United will build and manage this Center with its partners—USAgging, the National Caucus and Center on Black Aging, the National Indian Child Welfare Association, Zero to Three, and Child Trends—along with subject matter experts including GRAND Voices with lived expertise (Generations United, 2021a). For the first time, a National Technical Assistance Center will be able to holistically assist the many systems, including aging, education, health, housing, nutrition, and child welfare, so their services and supports to the families are no longer in silos, but rather are accessible, leveraged, and maximized. It will provide training, technical assistance, and resources for government programs, nonprofit and other community-based organizations, and Indian Tribes, Tribal organizations, and urban Indian organizations that serve grandfamilies and kinship families (Generations United, 2021a).

Expanded Child Tax Credit

In addition to funding the first-ever National Technical Assistance Center on Grandfamilies and Kinship Families, the American Rescue Plan Act expanded the child tax credit, increasing its amount, providing for advance payments, and making it refundable for those who do not earn enough to file a tax return or owe taxes. The expansion provides the opportunity to lift millions of children out of poverty (Marr et al., 2021). Although the expanded credit is currently only available for tax year 2021, an active advocacy effort is working to build upon and continue the child tax credit expansion into tax year 2022 and beyond.

Most grandfamilies should be eligible for this tax credit (Generations United, 2021b). But, as with other supports, information regarding the families' eligibility is limited and specific outreach is nominal at best. The child tax credit, like intergenerational housing, is another support that the new National Technical Assistance Center can work to promote and integrate with supports from other systems.

Federal law essentially has a three-part eligibility test for the child tax credit that most grandfamilies meet: the child must be the relative and/or foster child of the caregiver claiming the child tax credit; the child must have lived with the caregiver for over six months of the year; and the child must have a valid Social Security number. There are no legal relationship

requirements. The taxpayer does not have to be the child's guardian, legal custodian, or adoptive parent.

The most common challenge with the eligibility test relates to the six-month residency requirement. This requirement is posing unique hurdles in 2021, since the advance payments are based on tax information provided in 2020 or 2019. It is unclear what grandfamilies can do to claim the advance payments if they started raising the child in early 2021 or how they can recoup payments that go to parents or other caregivers who might have claimed the child as a dependent in 2020 or 2019. Grandfamilies are again falling through the cracks.

Even without considering the unique circumstances of 2021's advanced tax credit payments, grandfamilies who take responsibility for a child for a portion of a tax year should be able to access this credit to help them meet the needs of the child they did not plan or expect to raise. Advocates are looking at how to provide prorated amounts for the tax credit, so that the individual who is raising the child can take the credit for the portion of the year that impacts them.

Immigrant children without a valid Social Security number are also overlooked by this tax credit, making it impossible for those who step up to raise them to access this tax credit. In these past few years of tragic separations of children from parents at the Southern border and relatives serving as host homes for these children, this tax credit is needed by many families.

A third ongoing challenge with the child tax credit eligibility requirements is with the definition of relative. Likely due simply to a drafting error, cousins caring for cousins are excluded from claiming the tax credit, unless the cousin caregivers happen to be foster parents. Advocacy efforts are also focused on addressing this issue.

The child tax credit, and the stimulus payments that were available to eligible individuals and families, further highlight challenges that grandfamilies face. Although grandfamilies were—and are—eligible for these supports, the media, policymakers, and government systems aim outreach at “parents” and their children, without elevating these unique families and providing access information directly to them. The new National Technical Assistance Center will work to ensure that systems better and explicitly support members of grandfamilies.

Federal Agency Flexibilities

In addition to the COVID relief coming from Congress, Federal agencies also sought to provide flexibilities within their policies. An example of one of the most significant flexibilities specifically impacting grandfamilies was the Children's Bureau instruction that grandfamilies could receive federal foster care maintenance payments during the period of provisional licensing (ACYF, 2020). Provisional licensing allows children to be placed immediately with kin after the child welfare system removes them from their parents, while the kin complete the full requirements for foster care licensing. This period is not usually federally funded, which often results in a disincentive to allow for this immediate placement of children with kin.

The Federal Advisory Council to Support Grandparents Raising Grandchildren, which began its work in August 2019, thoughtfully explored the many strengths and challenges of the families. After over two years of work, it submitted its initial Report to Congress on November 16, 2021. Among its many recommendations, the Report encourages the types of flexibilities that the federal government has been implementing, including “child welfare system approaches to better prioritize and support the placement of children with relatives when they cannot remain with their parents” (ACL, 2020, Nov. 2021). In addition to grandfamily caregivers and subject matter experts, several Federal agencies are part of this Advisory Council, whose work will

provide a model for continued collaboration on behalf of grandfamilies and will complement the work of the new National Technical Assistance Center.

Conclusion

The Covid-19 pandemic has heightened the long-standing inequities and challenges that grandfamilies face, but it has also presented opportunities. Renewed media and policymaker attention on the families has resulted in the first-ever National Technical Assistance Center on Grandfamilies and Kinship Families, the most expansive federal funding ever for kinship navigator programs, the Federal Advisory Council to Support Grandparents Raising Grandchildren, and a true opportunity to leverage all three to finally break down the systemic barriers that prevent grandfamilies from accessing services and supports.

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