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Grandma's Babies: The Problem of Welfare Eligibility for Children Raised by Relatives

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This article provides a brief history of children raised by relatives and examines the welfare eligibility of these families, emphasizing changes under the Personal Responsibility & Work Opportunity Act of 1996 (PR&WOA). The revolution in public welfare places many care-giving relatives at financial risk. Depending on their states' plans for implementing the PR&WOA, children and their relative caregivers may lose state support. The article presents the social welfare policy responses of a number of states to the problems of kinship care-giving, formal kinship foster care, the PR&WOA, and other social welfare provisions. Unintended consequences of welfare reform are highlighted.

Both legislative and public debate on the Personal Responsibility and Work Opportunity Act of 1996 (PR&WOA, P.L. 104-193) failed to consider that about 10% of children who received AFDC did so in the homes of care-giving relatives. Most of these family arrangements fall outside of the formal child welfare system, which also places children with their relatives. Formal kinship foster care has grown dramatically in only a few years, and it now accounts for half of foster care placements made in some states and many urban areas (Children's Research Institute, 1996).

This article explores the relationships among informal kinship care giving, formal kinship foster care, and U.S. social welfare policy, particularly the PR&WOA of 1996. Prior to the PR&WOA, care-giving relatives were able to receive "child-only" AFDC grants for children who had been eligible in their parents' homes.

In other cases, care-giving relatives who met eligibility requirements were included along with the children on an AFDC grant and Medicaid. The revolution in public welfare, including work requirements and lifetime eligibility limits for Temporary Assistance to Needy Families (TANF) and separation of Medicaid from TANF, places many care-giving relatives at financial risk. Depending on their states' plans for implementing the PR&WOA, relatives who are unlikely work force participants may lose state support for kinship care-giving.

The relationship between welfare reform and kinship care-giving is complicated further by the range of approaches used by states to provide formal foster care placement in the homes of relatives. In some states and localities, kinship foster homes are reimbursed at the same rate as traditional foster homes, while other states have allowed children in state custody to be placed in the homes of relatives who received AFDC "child only" grants. Some states pay relatives a rate intermediate between welfare and foster care, and some relatives receive no state aid while caring for children in state custody. The range of payment models already in use is becoming more complex as states respond to the PR&WOA and grapple with the eligibility of kinship caregivers under TANF.

This article provides a brief history of children raised by relatives, details the extent of this family form in the United States, and outlines their welfare eligibility and changes under the PR&WOA of 1996. It also presents the social welfare policy responses of several states to the problems of kinship care-giving, formal kinship foster care, the PR&WOA, and other social welfare provisions. Unintended consequences of welfare reform are highlighted.

HISTORICAL CONTEXT SURROUNDING CHILDREN RAISED BY RELATIVES¹

Children reared by grandparents and other close relatives form part of a cultural practice with roots in antiquity and branches extending world wide. Several regions are noted for the widespread practice of relatives fostering children, or kinship care. For example, it is a traditional family form throughout Oceania, including many countries of the Pacific rim and islands.

Luomala reports that in traditional Hawaiian culture "the grandparents' claim to grandchildren took precedence over that of the natural parents, who had to get their consent to keep a child to rear for themselves. The firstborn, if a boy, customarily went to the paternal grandparents; a girl went to the maternal grandparents" (1987, p. 16–17).

West Africa is another center of fostering within kinship networks, and the motivations for it are complex and diverse. Children may be sent to live with relatives for purposes of weaning, care when a family dissolves, instruction in a trade, attendance at school, or helping in the home of the caregiver (Castle, 1996). Castle notes that "in West Africa, fostering is rooted in kinship structures and affiliations and unlike its 'Western' connotations, the term is not necessarily perceived to be associated with families that are in some way disjointed or dysfunctional" (1996, p. 193). Bledsoe and colleagues come to similar conclusions: "One of the most striking features of rural West African families is that costs of raising children are rarely borne exclusively by biological parents; rather, they are shared by many people through the extended family and other social networks. This includes cost sharing within households as well as fostering out children to other households . . ." (1988, p. 627).

Within the European and Anglo/American traditions, relatives have tended to have a socially mandated role in child rearing when parents were absent or incapable. The Elizabethan Poor Law of 1603 made grandparents responsible for dependent grandchildren, and this English mandate was applied in the American colonies (Trattner, 1994). In modern times, the trend has been to limit financial responsibility to parents, and in some cases stepparents. However, a California law that required grandparents and adult siblings to reimburse the state for welfare costs was repealed only in 1971 (Mnookin & Weisberg, 1988), and the federal Deficit Reduction Act of 1984 established conditions under which a grandparent's income had to be considered when determining a child's eligibility for assistance (Mnookin & Weisberg, 1988).

For generations, many American children have also lived with relatives. Although it is normative within all ethnic groups for relatives to rear children who are orphaned or whose parents are unavailable to them, kinship care giving takes on special

significance within some ethnic and racial communities. For example, African-American children, who were excluded first by slavery and later by segregation from most early child caring institutions, have been especially likely to live with relatives. Throughout the twentieth century, family and community self-help, sometimes centered on the church, has provided for dependent African American children (Billingsley, 1992; Gray & Nybell, 1990; Scannapieco & Jackson, 1996). Stack (1998), who has researched extended kinship among African-Americans for more than twenty-five years, documents that work patterns over several decades, such as adult migration to the north to find factory jobs, resulted in children being left in the care of southern relatives during parts or most of some years. Some authors observe that helping patterns seen in African American families may echo earlier African traditions that were not successfully obliterated by slavery and the American experience (Martin & Martin, 1985; Yusane, 1990).

Following a pattern unique in U.S. history, many Native American children were placed in institutions, rather than being left to the care of family, kinship network, and ethnic community. This pattern of placement outside the culture became one impetus behind passage of the Indian Child Welfare Act of 1978, the first U.S. policy document to state an explicit preference for kinship placement (Matheson, 1996). Despite a history of Native American children being intentionally removed from their kinship circles, kinship has continued to be a central aspect of Native culture (Shomaker, 1989).

For a variety of social and economic reasons, which are discussed in the following section, the phenomenon of children living with relatives other than parents is growing. The emergence of what might be called a grandparent's rights movement has been fueled by two social trends: situations where grandparents assume care of children when neither parent is able to provide a home for them, and marriages that end in divorce, potentially limiting contact between children and relatives of the noncustodial parent. The national phenomenon of grandparents raising grandchildren has reached the popular press and the self-help book market (Creighton, 1991; DeToledo, 1995; Takas, 1995), as well as being a focus for professional intervention and academic

study (Burton, 1992; Chalfie, 1994; Jones & Kennedy, 1996; Minkler & Roe, 1993; Mullen 1996b) and for policy and legal advocacy (Czapanskiy, 1994; Hanson & Opsahl, 1996; Waysdorf, 1994). The needs of children being raised by grandparents and other relatives continue to challenge the public and child welfare systems to find appropriate responses.

SCOPE AND GROWTH OF CHILDREN LIVING WITH RELATIVES

According to available estimates, between 2.3 million and 4.3 million children in the United States live without their parents in the homes of relatives (Everett, 1995; Furukawa, 1991; National Commission of Family Foster Care, 1991, Saluter, 1996). Almost one and a half million live with grandparents alone (Saluter, 1996). This growing cultural phenomenon is not evenly distributed across racial and ethnic groups. African-American children make up forty-four percent of those living with grandparents without a parent in the home (Furukawa, 1991; Saluter, 1996). That pattern is about six times more common for African-American children, and one and a half times more frequent for Hispanic children, than it is for white, non-Hispanic children (Furukawa, 1991; see also Burnette, 1999). U.S. Census data may also under count children living with relatives and others. For example, one study reports that the proportion of African American children in "informal adoptions" has increased in recent years, from 13.3% living with extended family members in 1970 to 16.5% in 1989 (cited in Billingsley, 1992, p. 30).

However, kinship care giving is a cultural phenomenon not limited to families of color. Of the approximately three million American children reported by the U.S. Census reports as living with neither parent in 1995, more than half were white (Saluter, 1996). Evidence of the pervasiveness of kinship care-giving is found in the attention of the popular media (e.g. Creighton, 1991), in the number of available self-help books for those raising grandchildren and other juvenile relatives (e.g. Chalfie, 1994; DeToledo, 1995; Takas, 1995), and in the existence of support groups for kinship caregivers in many U.S. cities. Certain areas also have developed specialized social service programs, such as Kids 'n'

Kin (1996) in Philadelphia. Although informal kinship care is not limited to families in poverty, many of the children in the care of relatives received Aid to Families with Dependent Children (AFDC) because they were eligible in the homes of their biological families. As noted above, 10% of the 7.7 million children on the AFDC rolls were living without their parents in the homes of relatives (National Commission of Family Foster Care, 1991).

Explanations for the numbers of U.S. children being reared by relatives are varied. Earlier in the century, reasons were more likely to include parental death, the untenable life of single parents before day care centers or AFDC, and the material advantages some relatives might offer children. However, there are other explanations for the recent gradual rise in the proportion of all American children living in homes without their parents, from less than 2% in 1960 and 1970, to 2.2% in 1980 and 1988 (Saluter, 1989), to 3.3% in 1991 (Furukawa, 1991) and 4.3% in 1995 (3.9% if identified foster children are excluded) (Saluter, 1996). One factor is that some urban areas have lost part of a generation in the young child-bearing years to crack cocaine and other drugs, the HIV/AIDS epidemic, and crime and prison (Burton, 1992; Lee, 1994; Waysdorf, 1994). In the language of the streets, the parents are "on the street," and more stable grandparents and other older relatives have stepped into the parental void. Additional causal factors may include economic realities that make it difficult for young parents to succeed without help from older relatives in the form of money, housing, or relief from parenting responsibilities.

PUBLIC ASSISTANCE TO CHILDREN IN THE CARE OF RELATIVES: A HISTORICAL OVERVIEW

The federal Aid to Dependent Children program enacted in 1935 was preceded by various state aid programs for widowed mothers. Missouri and Illinois had established the earliest of them in 1911, and by 1935 only two states lacked such programs. Many states also expanded coverage to unmarried mothers and raised benefit levels to approach adequate support for the family (Trattner, 1994, p. 226). However, neither mothers' pensions nor the original AFDC program made provision for children living without their parents in the care of relatives (or, for that matter,

with single or widowed fathers). In 1965 when the Medicaid program was established and linked with AFDC eligibility, the value of a child-only grant paid to a relative caregiver increased substantially, and by the 1990s, 10 percent of AFDC grants went to relatives on behalf of eligible children. To be eligible, children had to be under age 18, living in the home of a relative within the first degree of kinship (grandparents, aunts and uncles, siblings), and deprived of parental support, with income and assets not exceeding standards for AFDC eligibility. Transfer of custody was not required.

Other public aid programs have been responsive in different degrees to adults raising the children of close relatives. In 1977 a U.S. Supreme Court Decision established a grandmother's right to live in public housing with her grandchildren (*Moore v. City of East Cleveland*), but the Court left unresolved whether such a family has the same Constitutional protections as a parent/child family (Baker, 1987). Some other aid programs, notably food stamps, have been more consistently available to children living in the homes of relatives with low incomes because eligibility is based on household size and income. Failure to meet income tests can deprive children in the care of relatives of participation in Headstart, WIC, and other programs, unless the children were certified for AFDC (Mullen, 1996).

PUBLIC ASSISTANCE TO CHILDREN IN THE CARE OF RELATIVES: THE PR&WOA

The Public Responsibility and Work Opportunity Act of 1996 (PR&WOA) brought fundamental change to the policy, in place since for most of the century, that children deprived of the support of an employed parent or parents deserve public support. By replacing AFDC with block grants to fund Temporary Assistance to Needy Families (TANF), with its work requirements and lifetime eligibility limits, the United States has taken two steps that impact children raised by relatives. First, eligibility for assistance under AFDC was defined by federal statute (though determined locally); under TANF, each state sets eligibility for its programs. Second, assuming that states continue child-only assistance to dependent children living with relatives, not only benefit levels

but exceptions and the application of new family caps are the responsibility of each state jurisdiction.

TANF requires that states submit a plan to the Department of Health and Human Services (DHHS) that outlines how the state will provide cash aid to families with children and provide parents with job preparation, work, and support services. These plans, based on federal guidelines, are divided into five key policy areas: requiring work; making work pay; limiting time on assistance; encouraging personal responsibility, and other key provisions. States have the flexibility to set a benefit rate and to determine what categories of families are eligible. Relatives caring for kin may fall into two broad categories that are discussed further below: relatives who receive child-only grants, and those who receive aid for both children and themselves.

Relatives receiving welfare assistance for children only. With few exceptions, relatives receiving child-only grants are exempt both from work requirements and time limits on benefits (U.S. Department of Health and Human Services, 1998). The child is receiving the benefit, not the relative, so there are no restrictions put on the relative. Additionally, when the child reaches adulthood, the time he or she received benefits as a child does not count towards the work or time requirements imposed on the adult recipient.

As adults leave the welfare roles under TANF, child-only cases have come to account for a larger proportion of total grants. Nationally, they have more than doubled, from about 10% of grants to more than 20%. In six states (Alabama, Arkansas, Mississippi, North Carolina, South Carolina, South Dakota), child-only grants now comprise 40% to 50% of the welfare roles (Vobejda & Havemann, 1999). Although not all of the 1.8 million child-only cases represent relatives caring for juvenile kin, the largest group is made up of kinship caregivers (Vobejda & Havemann, 1999). In the other cases, parents may be ineligible because of their immigration status or failure to meet other conditions of TANF.

A later section of this article discusses how specific states are using their new latitude to set policy for child-only cases. Although some are responding generously, others seem to be taking a more antagonistic view toward a segment of this group that has been referred to as "country club grandmothers" (Vobejda & Havemann, 1999). This pejorative is based on a stereotype

of these relatives as middle and upper income individuals who collect child-only payments for their relatives' children because the children's parents were AFDC-eligible.

Relatives receiving welfare aid and assistance for children. Unlike those who receive child-only grants, relative caregivers who themselves receive TANF are not automatically exempt from work and time limit requirements. Each state is able to exempt 20% of its caseload from the time requirements. Most have chosen not to exempt any family from the personal responsibility aspects of TANF (school attendance, immunizations, and check-ups). States tend to grant exemptions based on one or more of the following criteria: Age of parent or caregiver; mental or physical disability of parent or caregiver; care of a disabled dependent; victim of domestic violence; employment seeker, or high local unemployment rates.

Exemption from work requirements is most often based on the age of the child and/or the caregiver (parent or relative). The TANF provision allows states to exempt from work requirements and the JOBS program parents with children up to 1 year of age (6 years of age if child care is not guaranteed). Table 1 shows which states grant work exemptions based on the age of the child.

Caregivers who are not working after two months on assistance are required to participate in community service (hours optional by state). Most states (30) exempt caregivers if the child is less than one year of age. States vary in their approach to exemptions related to the age of the caregiver, which are not reported uniformly to the federal government. Examples drawn from several states illustrate the range of policies. Texas caregivers are exempt if the child is 4 or younger and or if the caregiver is 60 years of age or older. New York caregivers are exempt if the child is one year of age and or if the caregiver is 60 years old or older. South Carolina single-parent caregivers are exempt if the child is less than one year old, or less than 6 if day care is unavailable. Minnesota two-parent families must work immediately; single parent families are exempt if the child is one year of age or younger and or if the caregiver is 60 years old or older. Washington single parents were exempt until June 1999 if the child was one year or younger; then the age of exemption changed to three months (U.S. Department of Health and Human Services, 1998).

Table 1

<i>Age of Youngest Child Exemption From Work Requirement</i>	<i>States</i>
Over 1 Year:	Texas, Virginia, Vermont, New Hampshire, Alabama
Up to 1 Year of Age:	Washington, Nevada, Arizona, New Mexico, Kansas, Louisiana, Mississippi, Georgia, So. Carolina, Minnesota, Missouri, Illinois, Kentucky, Ohio, West Virginia, Pennsylvania, New York, Connecticut, Rhode Island, Maine, DC, Delaware, Alaska
6 months or younger:	Oregon, Idaho, Wyoming, North Dakota, South Dakota, Nebraska, Oklahoma, Arkansas, Tennessee, Florida, New Jersey, Massachusetts, Hawaii, Wisconsin, Indiana, Maryland
County Option:	California, Colorado, No. Carolina
No Automatic Exemptions:	Montana, Utah, Iowa, Michigan

Table adapted from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Planning, Research and Evaluation (1999). Temporary Assistance for Needy Families (TANF) Program: Second Report to Congress.

TANF stipulates that states can not use Federal funds for any part of a grant to provide assistance to a family that includes an adult who has received assistance for 60 months, whether they were consecutive or not. All state plans have implemented this policy, and some have taken the option to set lower time limits. Table 2 shows time limits by state. It is apparent that the PR&WOA and state responses to it have resulted in highly inconsistent policy responses to the problem of welfare-eligible children living in the homes of care-giving relatives.

STATE WELFARE POLICIES AFFECTING CHILDREN WITHIN AND OUTSIDE THE CHILD WELFARE SYSTEM

The devolution of U.S. public welfare into more than fifty state, district and territorial programs was an intent of the PR&WOA. Decentralization, state control, and the proliferation of different approaches to eligibility, work requirements, and time limits are planful, not unintended, consequences of this particular

Table 2

<i>Time Limit</i>	<i>State</i>
60 months	Alabama, Alaska, Colorado, Dist. Of Col., Hawaii, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Missouri, Montana, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Pennsylvania, South Dakota, Vermont, Washington, West Virginia, Wisconsin, Wyoming
Intermittent, e.g., 24 out of 60 months; lifetime of 60 months	Louisiana, Nebraska, Nevada, North Carolina, Oregon, South Carolina, Tennessee, Virginia
Less than 60 months lifetime	Arkansas, Connecticut, Delaware, Florida, Georgia, Idaho, Ohio, Utah
24 out of 60 months; lifetime of 60 for adults only	Arizona, Indiana
For adult applicants: 18 months but can be extended to (1) 24 months based on local economic conditions or if extension will lead to employment or (2) 60 months if no job available and adult participates in community service (2) For adult recipients: 24 months but can be extended to 60 months if no job available and adult participates in community service (3) Safety-net program for children beyond adult time limit	California
No limit if family has earned income and work 20 hours per week (2) 24 months for families with no child under age 13 and has no earnings (3) 60 months for all other families	Illinois
24 out of 60 months; no lifetime limit	Massachusetts
Will use state funds after 60 months	Michigan, Rhode Island
12, 24, and 36 months lifetime for adults only, time period depends on employability of head of household	Texas

Table adapted from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Planning, Research and Evaluation (1999). Temporary Assistance for Needy Families (TANF) Program: Second Report to Congress.

experiment with welfare reform. However, the public and Congressional debate that preceded passage of the PR&WOA rarely acknowledged that a proportion of AFDC grants went to children in the care of relatives of retirement age. Another proportion benefited children placed with younger, working relatives who need Medicaid benefits to take in children who may be ineligible for coverage under the relatives' own health insurance. Further, some of these relatives are giving care to foster children at the request of child welfare agencies.

States provide a range of financial support to children in state custody and placed with their relatives. Following the U.S. Supreme Court Decision *Miller v. Youkim* (1979), states must make federal foster care monies available to relatives who meet foster care licensing standards and who accept placement of eligible children in state custody. However, states are free to deny the foster care board rate when federal monies are not involved. Historically, federal funds have covered children who were eligible for AFDC while in their own homes. Despite the availability of federal foster care monies for relative placements, many states have licensed and paid few relatives as foster parents. However, other states have placed large numbers of foster children with relatives who receive the foster care board rate, and a few states have worked out intermediate rates of payments to relatives (Children's Research Institute of California, 1996). In most states, many relatives historically have cared for children in state custody with assistance from child-only AFDC grants or without state financial help. These mixed systems for reimbursing relatives are a prominent feature of the current child welfare system (Children's Research Institute of California, 1996; Scannapieco & Hegar, 1995).

The changes embodied in the PR&WOA of 1996 affect relative caregivers both within and outside the child welfare system. Those whose support derives from federal foster care funds (Title IV-E) are least likely to be affected in the short term. Also, those receiving child-only grants under TANF are exempted by federal law from work requirements and lifetime limits, though states are not required to offer child-only grants at all, and they may cap payments to families (AARP Grandparent Information Center, 1997). At greatest financial risk are care-giving relatives who are

themselves on a TANF grant, receiving a cash benefit and usually Medicaid. The policies of several states are reviewed in this section, and the policy implications of such diverse approaches to welfare eligibility are discussed in the final section of the article.

Maryland has created a special category of "caretaker relatives" who provide care to an eligible child or children, but who have no TANF-eligible children of their own. These care-giving relatives can be included in the grant which Maryland has elected to pay out of state funds, making the caregivers not subject to work the requirements and time limits required when federal monies are used. In addition, child-only TANF grants are available when no adult is on the grant, for example when the adult is not eligible due to income or when the adult is on a separate TANF grant (to which work requirements and lifetime limits would apply). These child-only cases in Maryland have grown to 26% of the TANF caseload, up from 10% to 15% of AFDC grants a few years ago (Born, 1999; Vobejda & Havemann, 1999). Maryland's willingness to use state funds and lack of any benefit ceiling protect many care-giving relatives from loss of benefits. However, a key group remains at risk: TANF-eligible caregivers who take in relatives' children must still meet federal work and lifetime limit requirements with respect to their own grants. Either returning to work or losing benefits may make continuing to care for a relative's child impossible. These realities may influence both families and agencies to place children primarily with older relatives who have other means of personal support (Social Security, pensions, SSI) or no other children in the home.

Like Maryland, Wisconsin and Florida have created new categories of assistance for families that care for related children (Vobejda & Havemann, 1999). In doing so, they have reduced substantially their official welfare roles, while alleviating problems for relative caregivers. The willingness to use state funds to support care-giving relatives who are not eligible for TANF is a constructive response that could be copied by other states.

Idaho has chosen to apply a family cap to care-giving relatives receiving child-only TANF grants. While the federal exemptions from work requirements and lifetime limits apply, Idaho will pay a set child-only grant, currently \$256/month, regardless of the number of children covered by the grant. Designed to penalize

families who have additional children while on welfare, family caps have other, probably unintended, consequences when applied to relative caregivers. Like most states, Idaho relies on welfare monies to support many kinship foster care placements. Welfare reform has created a disincentive for families to accept placement of more than one child (since the benefit is capped), though most foster children are part of sibling groups that ideally should be placed together. Both families and agencies may be influenced to separate brothers and sisters in order to spread the financial burden and access maximum state aid.

California has preserved child-only grants under TANF and applies no ceiling to the grant, which, as elsewhere, can be received either by parents not on the grant or by care-giving relatives. The proportion of child-only grants has grown rapidly over several years, due in part to a large number of cases where the parents' immigration status makes them ineligible for their own TANF grants. They may be able to receive child-only grants for offspring who are citizens because of their birth in the United States. Child-only grants are expected to grow dramatically because California's CalWORKS legislation allows families to keep a child-only grant after parental eligibility for TANF has expired due to time limits (Berrick, 1999; Vobejda & Havemann, 1999). Eligibility for child-only grants upon expiration of adults' TANF eligibility is a helpful policy that may be widely emulated.

In North Carolina, policy makers have expressed concern that parents who have exhausted their own eligibility for TANF will leave children with relatives who can receive child-only grants (Vobejda & Havemann, 1999). There the state goal is to remove adults from the welfare roles first, but emphasis is also being placed on closing child-only cases. Counties in North Carolina are able to provide job training, counseling or other services to grandparents and other relative caregivers to help them become self-sufficient (Vobejda & Havemann, 1999). Although the goal of removing care-giving relatives from TANF may be unrealistic and may affect kinship caregiving negatively, the idea of providing services to relatives raising children is a sound one.

This survey of representative state provisions concerning TANF eligibility for care-giving relatives has identified several helpful approaches. States are free to exempt 20% of their TANF

caseloads from work requirements, and this provision can be used to assist relative caregivers. Most states have chosen to use age of the parent or caregiver as one basis for exemption. Jurisdictions that fund grants to relative caregivers with state funds have protected many such families from loss of benefits. However, this approach will probably not be adopted by states historically unwilling to fund public welfare. It also is helpful that some states allow families to retain child-only grants when adult eligibility expires and that others provide social services along with financial assistance. Finally, states can make maximum use of federal foster care funds by licensing as foster parents eligible relatives willing to care for children in state custody.

DISCUSSION: DEVOLUTION OF WELFARE AND VARIATIONS IN SOCIAL POLICY

As already noted, the decentralization of decision making about welfare policy and encouragement of state innovation were *intended* consequences of welfare devolution under the PR&WOA. However, the variety of state responses to that legislation has created a patchwork quilt of welfare rules and benefits. This uneven social policy has consequences of its own that require examination.

In the past, unequal benefits between states have sometimes motivated mobile families and individuals to seek out high-benefit states, particularly during periods of regionalized economic crisis. Historically, states responded with residency requirements for welfare eligibility, most of which were eventually eliminated for federally funded programs. However, the PR&WOA allowed states to return to the concept of residency by permitting them to impose on new residents *home state* rules for up to twelve months. These could have involved temporarily limiting welfare eligibility to that available in the applicant's home state. Fortunately, California's use of a home state rule under the PR&WOA was struck down by the U.S. Supreme Court in its 1999 session as violating the constitutional right to travel (*Saenz v. Roe*, 1999; Asseo, 1999). Home state rules might have affected children and their relative caregivers when either moved between states. Any penalty for changing state residence to live

with family would contradict other U.S. social policy, for example the Adoption and Safe Families Act of 1997, which requires child welfare programs to facilitate interstate placements involving kinship homes.

Another policy problem arises out of the history of linking AFDC eligibility with access to a range of other services. Headstart, the Women, Infants and Children (WIC) nutrition program, school breakfast and lunch programs, and Medicaid conveyed automatic eligibility on children receiving AFDC (Mullen, 1996a). The absence of an AFDC program operating under federal guidelines will complicate the process of applying for these programs and may add to the problem of geographic inequality. A further wrinkle involves children in state custody. Since 1962, federal dollars have paid the foster care costs of AFDC-eligible children, while others have been supported with state and county funds. The replacement of AFDC with TANF leaves no clear basis for eligibility for federal foster care monies. At present, the Department of Health and Human Services has directed states to base that decision on the child's actual or hypothetical eligibility for AFDC in 1996 before the PR&WOA took effect (Woodard, 1999). Obviously, this hypothetical standard will require revision as time passes and actual 1996 eligibility rolls become less useful.

Another consequence of the decentralization of policy making under the PR&WOA is that advocacy groups for children, relative caregivers, and others now have both a harder time influencing policies and a more difficult task in informing their constituencies of welfare benefits and rights. Diverse groups such as the Children's Defense Fund, Child Welfare League of America, the Association of Retired Persons (which together form a coalition called Generations United), as well as the National Foster Parent Association all take a role in advocacy for dependent children and their relative caregivers. It is obvious from publications of these groups that it is now extremely difficult for them to publicize welfare changes and advocate for their constituencies (e.g. AARP Grandparent Information Center, 1997; Crumbley & Little, 1997; Takas, 1995). Isolation from effective advocacy is likely to leave kinship care providers even more vulnerable to misperceptions that, as a county-club set among welfare recipients (Vobejda & Havemann, 1999), they and the children in their care are the new unworthy poor.

NOTE

1. This section is adapted from Hegar, R. (1999), The cultural roots of kinship care. In R. Hegar and M. Scannapieco (eds), *Kinship foster care: Policy, practice, and research*, pp. 17–27. New York: Oxford Univ. Press.

REFERENCES

- AARP Grandparent Information Center. (1997). *Tips for grandparents: Welfare reform and your family*. Washington: Author.
- Asseo, L. (1999). Court rules on welfare benefits. Associated press release, 5/17.
- Adoption and Safe Families Act of 1997, P.L. 105–89.
- Baker, D.M. (1994). Homeless families: A right to integrity? In *Child, parent, & state: Law and policy reader*, edited by S. Randall Humm et al., pp. 255–288. Philadelphia: Temple University Press.
- Berrick, J.D. (1999). Personal correspondence. San Francisco, CA: University of California-Berkeley School of Social Work, 18 January.
- Billingsley, A. (1992). *Climbing Jacob's ladder: The enduring legacy of African-American families*. New York, NY: Simon & Shuster.
- Bledsoe, C.H., Ewbank, D.C., & Isiugo-Abanihe, U.C. (1988). The effects of child fostering on feeding practices and access to health services in rural Sierra Leone. *Social Science and Medicine*, 27 (6), 627–636.
- Born, C. (1997). *Life after welfare: An interim report*. Baltimore, MD: Maryland Department of Human Resources and University of Maryland School of Social Work.
- Born, C. (1999). Personal correspondence. Baltimore, MD: Maryland Department of Human Resources and University of Maryland School of Social Work, 13 January.
- Burnette, D. (1999). Custodial grandparents in Latino families: Patterns of service use and predictors of unmet needs. *Social Work*, 44 (1), 22–35.
- Burton, L. (1992). Black grandparents rearing children of drug-addicted parents: Stressors, outcomes, and social needs. *Gerontologist*, 32, 744–51.
- Castle, S.E. (1996). The current and intergenerational impact of child fostering on children's nutritional status in rural Mali. *Human Organization*, 55 (2), 193–205.
- Chalfie, D. (1994). *Going it alone: A closer look at grandparents parenting grandchildren*. Washington: American Association of Retired Persons.
- Children's Research Institute of California. (1996). *Kinship care in California: Executive summary*. Sacramento, CA: Author.
- Creighton, L. (1991). Grandparents: The silent saviors. *U.S. News & World Report*, 12/16/91, 80–89.
- Crumbley, J. & Little, R.L. (1997). *Relatives raising children: An overview of kinship care*. Washington: Child Welfare League of America.
- Czapanskiy, K. (1994). Grandparents, parents, and grandchildren: Actualizing interdependence in law. *Connecticut Law Review*, 26(4), 1315–1375.
- DeToledo, S. (1995). *Grandparents as parents: A survival guide for raising a second family*. New York: Guilford.

- Everett, J.E. (1995). Relative foster care: An emerging trend in foster care placement policy and practice. *Smith College Studies in Social Work*, 65 (3), 239–254.
- Furukawa, S. (1991). *The diverse living arrangements of children: Summer 1991. Current population reports. Household economic studies*. Washington: U.S. Department of Commerce, Bureau of the Census.
- Gray, S.S., & Nybell, L.M. (1990). Issues in African-American family preservation. *Child Welfare*, 69 (6), 513–523.
- Hanson, L. & Opsahl, I. (1996). Kinship care-giving: Law and policy. *Clearinghouse Review*, 30(5), 481–501.
- Hegar, R. & Scannapieco, M. (Eds.) (1999). *Kinship foster care: Policy, practice, and research*. New York: Oxford.
- Indian Child Welfare Act of 1978, P.L. 95–608, 92 Stat. 3069.
- Jones, L. & Kennedy, J. (1996). Grandparents united: Intergenerational developmental education. *Child Welfare*, 75 (5), 636–650.
- Kids 'n' kin. (1996). *Clearinghouse Review*, 30 (5), 519.
- Lee, F. (1994). AIDS toll on elderly: Dying grandchildren. *New York Times*, Nov. 21, A1+.
- Luomala, K. (1987). Reality and fantasy: The foster child in Hawaiian myths and customs. *Pacific Studies*, 10 (2), 1–45.
- Mannix, M.R., Freedman, H.A., & Lamb, C. (1997). Implementation of the Temporary Assistance for Needy Families Block Grant: An overview. *Clearinghouse Review*, 30 (9/10),
- Martin, J.M., & Martin, E.P. (1985). *The helping tradition in the black family and community*. Silver Spring, MD: National Association of Social Workers.
- Matheson, L. (1996). The politics of the Indian Child Welfare Act. *Social Work*, 41 (2), 232–235.
- Minkler, M. & Roe, K.M. (1993). *Grandmothers as care givers: Raising children of the crack cocaine epidemic*. Newbury Park: Sage Publication.
- Mnookin, Robert H. & Weisberg, D. Kelly. (1988). *Child, family & state: Problems and materials on children and the law*. 2nd edition. Boston: Little, Brown and Co.
- Moore v. City of East Cleveland*, 431 U.S. 494 (1977).
- Mullen, F. (1996a). Public benefits: Grandparents, grandchildren, and welfare reform. *Generations: The Journal of the Western Gerontological Society*, 20 (1), 61–64.
- Mullen, F. (1996b). Welcome to Procrustes' house: Welfare reform and grandparents raising grandchildren. *Clearinghouse Review*, 30 (5), 511–520.
- Phillips, S. & Bloom, B. (1998). In whose best interests? The impact of changing public policy on relatives caring for children with incarcerated parents. *Child Welfare*, 77 (5), 531–541.
- National Commission on Family Foster Care. (1991). The significance of kinship care. In *A blueprint for fostering infants, children, and youths in the 1990s* (pp. 89–107). Washington, DC: Child Welfare League of America.
- Personal Responsibility and Work Opportunity Act of 1996, P.L. 104–193.

- Saenz, Director, California Department of Social Services, et al. v. Roe, et al., 526 U.S. —, no. 98–97, slip op. at 1 (U.S. May 17, 1999). Separately paginated.
- Saluter, A.F. (1996). *Current population reports: Marital status and living arrangements, March 1995 (update)*. Washington: U.S. Department of Commerce, Census Bureau.
- Scannapieco, M. & Hegar, R.L. (1995). Kinship care: Two case management models. *Child & Adolescent Social Work Journal*, 12 (2), 147–156.
- Scannapieco, M., & Jackson, S. (1996). Kinship care: The African American response to family preservation. *Social Work*, 41 (2), 190–196.
- Shomaker, D.J. (1989). Transfer of children and the importance of grandmothers among Navajo Indians. *Journal of Cross-Cultural Gerontology*, 4 (1), 1–18.
- Stack, C. (1997). Keynote address presented at First National Kinship Care Conference, Child Welfare League of America, San Francisco, CA, 14 August.
- Takas, M. (1995). *Grandparents raising grandchildren: A guide to finding help and hope*. Brookdale Foundation Group.
- Trattner, W.A. (1994). *From poor law to welfare state: A history of social welfare in America*. 5th ed. New York, NY: Free Press.
- U.S. Department of Health and Human Services, Administration for Children and Families, Office of Planning, Research and Evaluation. (1998). Temporary Assistance for Needy Families (TANF) Program: First Annual Report to Congress. www.acf.dhhs.gov/news/welfare/congress/tanfp9.htm
- U.S. Department of Health and Human Services, Administration for Children and Families, Office of Planning, Research and Evaluation. (1999). Temporary Assistance for Needy Families (TANF) Program: Second Annual Report to Congress. www.acf.dhhs.gov/news/welfare/congress/tanfp9.htm
- Vobejda, B. & Havemann, J. (1999). Child-only cases rise on welfare rolls: Parents ineligible or absent: A policy debate is reborn. *Washington Post*, 2 January, A1.
- Waysdorf, S. (1994). Families in the AIDS crisis: Access, equality, empowerment, and the role of kinship care givers. *Texas Journal of Women and the Law*, 3, 145–220.
- Woodard, J. (1999). Personal communication. Division of Children, Youth, and Family Services, U.S. Department of Health and Human Services, 1 March.
- Yusane, A.Y. (1990). Cultural, political, and economic universals in West Africa in synthesis. In M.K. Asante & K.W. Asante (Eds.), *African culture: The rhythms of unity* (pp. 39–70). Trenton, NJ: Africa World Press.

