



# the permanency continuum series

ACHIEVING PERMANENCY THROUGH GUARDIANSHIP TRAINING



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## TRAINING AGENDA

10:00 A.M.	WELCOME AND INTRODUCTIONS
10:30 A.M.	WHAT IS GUARDIANSHIP AND HOW DOES IT WORK?
.....	
11:15 A.M.	BREAK
.....	
11:30 A.M.	WHAT DOES IT MEAN TO DO GUARDIANSHIP WORK?
11:45 A.M.	CLINICAL ISSUES IN GUARDIANSHIP
.....	
12:45 P.M.	LUNCH
.....	
1:30 P.M.	WELCOME BACK
1:35 P.M.	WHEN IS GUARDIANSHIP AN APPROPRIATE OPTION?
1:55 P.M.	HAVING THE GUARDIANSHIP CONVERSATION
2:40 P.M.	FINALIZING, ENDING AND EXTENDING GUARDIANSHIPS
2:50 P.M.	GUARDIANSHIP SERVICES AND SUPPORTS
3:00 P.M.	CLOSING, THANK YOU AND ADJOURN

## Overview

This two-day training builds on the Casey Family Services' Lifelong Families Training and the Casey Family Services Replication Manual Training. This training focuses specifically on achieving and sustaining permanency for children and youth in foster care through guardianship. The principal content areas are: what guardianship is and when it is appropriate to work toward guardianship as the permanency goal; how to talk with families in an informed way about guardianship; the clinical issues that might be expected when the prospective guardian is a relative and when he or she is a non-relative; and planning with families post-guardianship.

## Learning Objectives

Participants will be able to describe/demonstrate:

1. The nature and use of guardianship as a permanency option for children and youth in foster care
2. At least five clinical issues for children and youth in guardianship arrangements with relatives or non-relatives
3. At least five clinical issues for relative guardians and for non-relative guardians
4. Three criteria that are used in determining whether guardianship is an appropriate permanency option
5. Three communication skills that are important in having guardianship conversations with relatives
6. Three ways that guardianships may be brought to a close
7. At least five services/supports that are particularly important for guardianship families after the guardianship has been finalized

## Materials Needed

- Four flip charts and markers
- LCD projector and screen
- Pads, pens, pieces of fabric, fabric markers, clothesline, clothes pins
- Prizes (candy)

## Handouts

**Handout #1.** Pathways to Guardianship for Children in Foster Care

**Handout #2.** Different Types of Guardianship Arrangements

**Handout #3.** Fostering Connections to Success and Increasing Adoptions Act of 2008: Guardianship Assistance Program

**Handout #4.** Adoption and Guardianship

**Handout #5.** Guardianship and Kinship Care Bibliography

**Handout #6.** Interview with Mrs. Jones

### Preparation for Training: Recommended Reading

Child Focus and the Children's Defense Fund. (2010). *Myths and Facts Related to the Use of the Guardianship Assistance Program*. [http://www.fosteringconnections.org/tools/tools\\_analysis\\_research/files/Myths-and-Facts-Related-to-Use-of-Guardianship-Assistance-Program.pdf](http://www.fosteringconnections.org/tools/tools_analysis_research/files/Myths-and-Facts-Related-to-Use-of-Guardianship-Assistance-Program.pdf)

Kids Are Waiting. (2007). *Strengthening Families through Guardianship*. Available at: <http://kidsarewaiting.org/tools/reports/files/0017.pdf>

## TEACHING SCRIPT

10:00 A.M. WELCOME AND INTRODUCTIONS

Trainer welcomes participants to the training and introduces himself/herself. Trainer asks participants to introduce themselves, sharing:

- Name
- Position and affiliation
- Three words that come to mind when “guardianship” is mentioned

Trainer notes that guardianship is a permanency option for children and youth in foster care that has, up to the last few years, received little attention.

Trainer introduces the following questions and asks for a show of hands in response to each question’s options.

### QUIZ: How much do you know about guardianship?

1. How do you rate your knowledge of guardianship?
  - a. Got it nailed
  - b. Some familiarity but not an expert
  - c. A little fuzzy but I think I know what it is
  - d. Would you repeat the question?
2. How do you rate working with relatives versus working with foster parents who are not related to the child?
  - a. A whole lot easier
  - b. A whole lot harder
  - c. About the same
3. Would you rather live with a stranger or the least favorite person in your own family?
  - a. A stranger, hands down
  - b. A family member, no matter their popularity status

*And now some “hard” questions about guardianship policy and practice.*

**NOTE TO TRAINER:** Provide the correct answer (noted in orange) after participants have offered their answers.

1. What is the name of the new federal law that has made many changes in how we work with relatives of children in foster care?
  - a. The Foster Care and Adoption Improvement Act
  - b. The Fostering Connections to Success and Increasing Adoptions Act**
  - c. The Foster Care, Adoption and Guardianship Act
  - d. The Fostering Guardianship Act
  
2. How many children in foster care in the United States are living with relatives?
  - a. About 210,000
  - b. About 108,000**
  - c. About 63,000
  - d. About 34,000
  
3. How many children in the United States left foster care in 2010 to live with guardians?
  - a. About 5,000
  - b. About 10,000
  - c. About 15,000**
  - d. About 25,000

*And now for fun...*

4. Who starred in the 2006 film called “The Guardian”?
  - a. Richard Gere
  - b. Jack Nicolson
  - c. Kevin Costner**
  - d. Brad Pitt

**Trainer makes the following key points:**

- This training is part of the broader training on the options along the permanency continuum.
- Guardianship has been increasingly considered as a permanency option for children in foster care; guardianship has become a more common option because of changes in policy and practice – particularly with the new federal law that we just mentioned, the Fostering Connections to Success and Increasing Adoptions Act of 2008.
- The new law – and what is happening in states across the country – will impact child welfare practice in the area of kinship care and guardianship.

- Guardianship happens in different ways:
  - A relative foster parent may become the child's guardian
  - A relative identified through the permanency teaming process becomes the child's guardian
  - Unrelated foster parents may become the child's legal guardians
- Guardianship has been an option that has been explored primarily with relatives – relatives with whom children are placed when they enter foster care or at some point in their foster care stays or relatives identified through family search efforts. Increasingly, relatives are providing foster care for their relative children and agencies see this as a means to an end (permanency) and not an end in itself. When placed with relatives, exiting the foster care system through legal permanency remains the goal – whether through returning home, adoption by the relative or another adult, or guardianship with a relative. We can expect that guardianship with relatives will become a permanency option that states will focus on more and more. The new federal law has created new expectations for state child welfare agencies around relative placements, kinship care and relative guardianships and new resources to support relative guardianships.
- The purpose of this training is to assist you in learning more about legal guardianship – both with relatives and unrelated foster parents:
  - What it is and when it is appropriate to work toward guardianship as the permanency goal
  - How to talk with families in an informed way about guardianship
  - The clinical issues that might be expected when the prospective guardian is a relative and when he or she is a non-relative
  - Planning with families post-guardianship

**Learning Objectives:** Participants will be able to describe/demonstrate:

1. The nature and use of guardianship as a permanency option for children and youth in foster care
2. At least five clinical issues for children and youth in guardianship arrangements with relatives or non-relatives
3. At least five clinical issues for relative guardians and for non-relative guardians
4. Three criteria that are used in determining whether guardianship is an appropriate permanency option
5. Three communication skills that are important in having guardianship conversations with relatives
6. Three ways that guardianships may be brought to a close
7. At least five services/supports that are particularly important for guardianship families after the guardianship has been finalized

**Trainer states that relatives often are asked to assume responsibility for their relative children on a moment's notice.**



Trainer covers the following:

Let’s look at guardianship – what it is, how it happens.

**What is guardianship?**

- Guardianship is a general term for a legal arrangement in which an individual is given legal authority to make decisions for another person.
- For children who leave foster care to legal guardianship, the guardian has physical and legal custody of the child and is empowered to make decisions for the child – educational decisions, health care decisions, how the child’s money is used.
- The guardianship means that the state agency no longer has responsibility for the child. A guardianship can last until the child is 18 or older depending on the conditions set out by state law (such as the youth is still in school).

**Is guardianship the same thing as kinship care or kinship foster care?**

*No.*

- Kinship care is a general term that usually refers to relatives taking care of children.
- Most of these arrangements are made by families among themselves with no involvement of the child welfare system. This is usually called “informal kinship care.”
- Kinship foster care – sometimes called “formal kinship care” – involves relatives providing a placement for children when children enter foster care. In kinship foster care, relatives may be licensed foster parents or may be unlicensed caregivers.
- Legal guardianship is a permanency option in which relatives or non-relatives become legally responsible for the child. Legal guardianship is the permanency goal (just like reunification or adoption) and the state is no longer involved in the child’s or family’s life.

Trainer refers participants to PowerPoint slide, Options Across the Kinship Care Continuum, and reviews the continuum.

**Who becomes a guardian?**

For children in foster care, guardians are most often relatives. However, a foster parent or another caring adult with an approved home study may become a child’s guardian.

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**HANDOUT #1: Trainer refers participants to Handout #1: Pathways to Guardianship for Children in Foster Care**

.....

Is there more than one type of guardianship?

*Yes. There are different types of guardianships.*

.....  
**HANDOUT #2: Trainer refers participants to Handout #2: Different Types of Guardianship**  
.....

**Trainer reviews the following:**

**1. PROBATE COURT GUARDIANSHIP**

A probate guardianship is when the court appoints an adult who is not the child’s parent to take care of the child or the child’s property. The intention is to designate someone who will be legally responsible for the child or the child’s property but not necessarily on a permanent basis. Probate guardianships often are granted in situations where the child welfare agency is not involved.

**2. LEGAL GUARDIANSHIP**

Federal law defines “legal guardianship” (for purposes of Title IV-E and Title IV-B of the Social Security Act) as “a judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining, as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision making.” These guardianships are made in situations where the child welfare agency is involved and they are intended to be “permanent.”

**3. SUBSIDIZED/PERMANENCY GUARDIANSHIP**

Subsidized guardianship is the transfer of legal responsibility for a minor child from the state to a guardian, who is provided with a monthly subsidy for the care and support of the child. The transfer of legal responsibility removes the child from the child welfare system, allows a caregiver to make important decisions on the child’s behalf, and creates a long-term caregiver for the child. A subsidized/permanency guardianship is: legal guardianship + monthly subsidies. Generally, only relatives who become a child’s guardian are eligible for monthly subsidies.

**4. STAND-BY GUARDIANSHIP**

Stand-by guardianship is another alternative for transferring the custody and the care of children to another person. Stand-by guardianship allows the custodial parent to make future plans for his or her children without having to legally transfer decision-making power. The purpose of stand-by guardianship is to allow parents, who have chronic, debilitating or terminal medical conditions or illnesses and parents who may be away at war to make care and custody plans for their children now that will become effective at some future date.

This training will focus on legal guardianship and subsidized/permanency guardianship.

**Do guardians receive financial support the way that adoptive parents of children in foster care receive financial support?**

There are two ways that guardians – most often only relatives – may receive financial support – often referred to as subsidies:

- State-funded subsidies
- Federally funded subsidies: The new federal law, Fostering Connections to Success and Increasing Adoptions Act of 2008, provides federal funding to states for guardianship subsidies for relatives only who meet certain other criteria.

**Do all relative caregivers receive financial assistance?**

*No. Only relatives who meet certain criteria and become the legal guardians of children in foster care receive financial assistance.*

**1. STATE-FUNDED SUBSIDIES**

Eligibility for state-funded subsidized guardianships vary from one state to another. Most states require that the guardian be a relative.

**2. FEDERALLY FUNDED SUBSIDIES**

Trainer refers participants to Handout #3. Fostering Connections to Success and Increasing Adoptions Act: Guardianship Assistance Program and reviews the following:

.....

**HANDOUT #3: Trainer refers participants to Handout #3: Fostering Connections to Success and Increasing Adoptions Act: Guardianship Assistance Program**

.....

Under the new federal law, states may opt to provide federally funded guardianship subsidies to relatives for eligible children. When states choose to provide federally supported guardianship subsidies to relatives, these subsidies are available to a child who:

1. Has been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child;
2. Has been under the care of the state agency for the 12-month period ending on the date of the agency determination;
3. Is eligible for foster care maintenance payments while in the home of the prospective relative guardian (this means that the relative must be a licensed foster parent); and
4. Has been residing for at least 6 months with the prospective relative guardian.

*AND*

5. Being returned home or adopted are not appropriate permanency options for the child.
6. The child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child.

With respect to a child who has attained 14 years of age, the child has been consulted regarding the kinship guardianship arrangement.

As of October 2012, the following states had opted to provide federally funded guardianship subsidies to qualifying children and families [NOTE TO TRAINER: These are listed on PowerPoint slide #26]:

- Alabama
- Alaska
- Arkansas
- California
- Colorado
- Connecticut
- District of Columbia
- Hawaii
- Idaho
- Illinois
- Louisiana
- Maine
- Maryland
- Massachusetts
- Michigan
- Missouri
- Montana
- Nebraska
- New Jersey
- New York
- Oklahoma
- Oregon
- Pennsylvania
- Rhode Island
- South Dakota
- Tennessee
- Texas
- Vermont
- Washington
- Wisconsin

Relatives who informally care for children (no child welfare system involvement) and relatives who do not meet the criteria for a subsidized guardianship do not receive subsidies, though they may be able to access support through TANF, Food Stamps or SSI if their children have a disability.

**How are guardianship and adoption alike and different?**

.....  
**HANDOUT #4: Trainer refers participants to Handout #4: Adoption and Guardianship**  
 .....

**Trainer reviews the following:**

	<b>Adoption</b>	<b>Guardianship</b>
Is there a legally recognized relationship?	Yes	Yes
Can caregivers make decisions on behalf of the child?	Yes	Yes
Do the birth parents retain any rights?	No	Limited
Is termination of parental rights required?	Yes	No

	Adoption	Guardianship
Is the arrangement legally permanent?	Yes (same as the biological parent-child relationship)	Not necessarily through age 18; status can be challenged – the court can end guardianship upon petition of the guardian or the parent
Are judicial reviews required?	No	No
Is subsidy available?	Usually; both federally and state-funded subsidies available	State-funded subsidies available in some states, generally only for relatives; new option for states to provide federally supported guardianship subsidies for certain children in foster care when qualified relatives become the guardians
Are there educational supports?	ETVs available: federal support available for youth adopted after age 16	ETVs available; federal support available for youth who are placed in guardianship arrangements after age 16
Are post-permanency supports available?	Varies by state	Varies by state
Do children have inheritance rights?	Yes	If the guardian includes the child in his/her will

Guardianship does not require Termination of Parental Rights (TPR) but guardianships can be arranged after TPR

#### What do we know about guardianship as a permanency outcome for children?

What does the research tell us about guardianships?

Almost all the research has focused on care by relatives. There has not been research on guardianships with unrelated foster parents or other unrelated adults. This reflects the prevailing guardianship practice across the United States. We can, however, learn from this research when thinking about guardianships with non-relatives.

- Most of the research has focused on kinship care while children are in care. It shows that there are many benefits to children when they are in the care of relatives while in foster care (compared to children who are in the care of non-relatives):
  - Placements are more stable
  - More likely to leave care to guardianship arrangements
  - Less likely to have a subsequent report of abuse or neglect while in foster care
  - Less likely to become involved with the juvenile justice system

- Research in the early 2000s found that approximately 20,000 children in the U.S. foster care system could leave foster care to relative guardianship if relative guardianship were appropriately subsidized. These children were:
  - In foster care for 17 of the most recent 22 months (to take into account the different ways that states calculate the 15 month provision of ASFA)
  - In the long-term care of relatives (more than 12 months)
  - The court had determined that they could not safely return to their parents and also had determined that adoption was not an option
  
- Evaluations of federally funded subsidized guardianship programs and state-funded guardianship programs found that there is a clear financial disincentive to move a child from placement with a relative where the cost is shared by the federal government to a placement (such as guardianship) that is supported solely with state dollars – which strongly supports the new federal legislation giving states the option to cost share with the federal government.
  
- Research shows that the following characteristics make relative guardianships for children in foster care “work”:
  - Subsidized guardianships are designed for children in foster care (not for all children).
  - Adoption and guardianship subsidy levels are set at the same rate and are equal to what the foster parent received while the child was in foster care. This allows foster parents to provide the same level of care as they did while the child was in foster care; and it allows families to make a choice that is in the best interest of children rather than having to decide based upon how much money is available to adequately address children’s needs.
  - Guardianship is used only in the most appropriate situation – when the court has ruled out reunification and adoption on a child-by-child basis, based on the best interest of the child, before agreeing to guardianship.
  - Relatives and other prospective guardians, who have not already done so, submit to background and criminal records checks prior to the court’s awarding legal guardianship.
  - There is evidence of strong attachment between the child and the guardian. This is often coupled with a requirement that the child be in the home of the guardian for a specified period of time.
  
- Though limited, research shows that children fare well in relative guardianship placements. The evaluation of Illinois’s federally funded subsidized guardianship program found:
  - *Fewer children remained in long-term foster care.* States that have had federally funded subsidized guardianship programs – including Illinois – have seen a decrease in the number of children in long-term foster care placements with kin when reunification and adoption were not the goals.
  - *Guardianship resulted in fewer disrupted placements.* Children discharged to the permanent homes of adoptive parents and legal guardians exhibited higher rates of home stability than children who remained in foster care.

- Rates of dissolution of the 6,820 statewide cases that entered subsidized guardianship between April 1997 and March 2002 were low. Only 237 (3.5 percent) of the children were no longer living in the home of the original guardian: 1.0 percent were no longer in the home because the guardian died or became incapacitated, and 2.2 percent of children were no longer in the home because the caregiver requested or was relieved of legal responsibility and the guardianship was dissolved.
- *The withdrawal of regular administrative oversight and casework services from the families in the subsidized guardianship program did not increase the rate of subsequent reports of abuse or neglect.* Concerns have been raised that children in subsidized guardianship might be at greater risk of harm due to the withdrawal of administrative oversight and casework services, coupled with the greater potential access of abusive and neglectful parents to the guardian's home.
  - Illinois found that this was not the case: subsequent reports of abuse and neglect that were substantiated were lowest among children eventually discharged to private guardians: 3.0 percent compared to 3.9 percent for adopted children, 7.7 percent for children who aged out or remain in foster care, and 8.8 percent for children reunified with their birth parents.
- Illinois also just completed an evaluation of a program to achieve permanence for older youth in foster care through guardianship and adoption (Older Ward Waiver Program). The state's original study about subsidized guardianship found that subsidized guardianship boosted permanency rates, but more so for younger children than for teenagers. As a result, they designed a new program to determine whether the prospect of losing eligibility for some enhanced transition services after subsidized guardianship or adoption was the reason for the lower permanency rate for teens. Some young people were assigned to a group that received enhanced services (the demonstration group) and others were assigned to a group that received only a standard limited set of services (the control group). Basically: the researchers found that statistically speaking, losing access to enhanced services was not the barrier that might have been expected, although in interviews with youth and caregivers, they said that services WERE important factors in decision making about permanence.

Here are a couple of the key findings regarding the enhanced transition services that were available to youth in the demonstration group who were adopted or achieved subsidized guardianship:

- Over half (58 percent) of the youth in the demonstration group were not aware of the enhanced services; those who did know were far more likely to want permanence (subsidized guardianship or adoption) with their caregivers and were more likely to have chosen permanence. However, this did not translate into a significant difference in achievement of permanence. The achievement of permanence is a lengthy process and if the tracking of youth had gone on longer, the researchers believed that additional youth might have achieved permanence.
- Over a quarter of the caregivers in the demonstration group were not aware of the enhanced services. Caregivers who knew about the enhanced services were more likely to choose permanence than caregivers who did not know about the services (52 percent vs. 24 percent) and were more likely to complete the permanency process (23 percent vs. 10 percent).

You can find the link for the entire report on this study in the bibliography.

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**HANDOUT #5: Trainer refers participants to Handout #5: Guardianship and Kinship Care Bibliography**  
.....

**Does the new federal law do other things that impact our practice with relatives?**

**Trainer states the following:**

The Fostering Connections to Success Act impacts our practice in a number of ways:

1. Family Connections Grants fund Kinship Navigator Programs.
2. It is *mandatory* that we notify relatives about children's entry into foster care. We must use due diligence to identify relatives and give notice of the child's placement and how a relative can become a foster parent.
3. The law makes modifications in licensing standards for relatives by allowing a case-by-case waiver of non-safety licensing requirements.
4. It is *mandatory* that independent living services and Education Training Voucher benefits be provided to children in guardianship placements after attaining age 16 (also applies to adopted children).
5. The law requires a focus on maintaining sibling connections through placement together or through frequent visits or other forms of contact.

**11:15 A.M.            BREAK**



**11:30 A.M.            WHAT DOES IT MEAN TO DO GUARDIANSHIP WORK? (ANTICIPATED TIME: 15 MINUTES)**

**Trainer poses the following questions to the group:**

1. How many have had experience doing guardianship work? What has been your experience doing this work? What did it look like?
2. What values/beliefs might we as social workers have that may impact our work with relatives?

**Trainer facilitates a discussion and ensures that the following points are covered:**

- Assumptions that children are doing well because they are with “family” and relatives do not need frequent contact/services/supports

Often times, there is a certain complacency among the professionals when children are with kin; the sense of urgency to move toward permanency is not the same. Our role is to keep the sense of urgency alive and continue the conversations around the need for a permanency outcome that is as legally secure as possible.

- Considerations re: risk

Although people may agree/believe in the concept of kinship care, as you get closer to the work, issues start to bubble up; this work raises people’s anxieties.

- “The apple does not fall far from the tree”
- How is it possible for kinship caregivers to raise children when their own child-rearing was not “successful”?
- How could that relative be any different when he/she came from the same dysfunctional family?
- An Illinois study found that the rates of abuse/neglect did not increase in kinship arrangements; increased risk factors are not supported by research

It is important to develop awareness of one’s own assumptions and beliefs about healthy family functioning and to realize that many of these beliefs are influenced by personal life experiences, family traditions and cultural beliefs.

- Concerns about the relative's recognition of parents' behaviors and shortcomings

Many times relatives and family members have a deeper understanding of the safety/risk issues than the professionals (it was their purse the parent was stealing from; they were the ones who stepped in for child long before the state became involved).

- Worries about the relative and birth parent relationship

Sometimes family dynamics make the work particularly challenging.

It is often much easier to build relationships among people previously unknown to each other than to repair and rebuild relationships that have deteriorated over time.

- Worries about ramifications for the rest of the family (family opinions and perspectives)

Taking in a family member impacts not just the birth parent, youth and caregiver, but has implications for the entire family system. To be successful, the family needs to establish new roles, new ways of supporting one another and resolving conflicts without putting the child in the middle.

11:45 A.M.            CLINICAL ISSUES IN GUARDIANSHIP (ANTICIPATED TIME: 1 HOUR)

**Trainer makes the following points:**

- There are some common issues faced by youth and adults when it is necessary for youth to be raised outside their family of origin (outside nuclear family). These experiences can be likened to the Core Issues in Adoption.
- Some of the issues may be mitigated when the child is placed with kin; others might be complicated by the kinship arrangement.
- It is important for social workers to anticipate these clinical issues and to address (and normalize) them in their work on behalf of youth.

**SMALL GROUP WORK:**

Trainer assigns small group (of three to five people, depending on the size of the group) one of the following tasks:

- Identify the top five clinical issues for children in guardianship arrangements when relatives are guardians
- Identify the top five clinical issues for children in guardianship arrangements when non-relatives are guardians
- Identify the top five clinical issues for caregivers in guardianship arrangements when relatives are guardians
- Identify the top five clinical issues for caregivers in guardianship arrangements when non-relatives are guardians

**Allow 7 to 8 minutes for this activity. Ask the small groups to report out on each assignment, commenting on/elaborating on the following:**

**Clinical Issues: Child (Both Situations: Relative and Non-Relative Guardians)**

**SEPARATION/LOSS/GRIEF**

- Child/youth will not be raised by birth parent
- Loss of parental relationship and being with parent

- Separation and loss from birth family, including parents, siblings, extended family
- Loss is experienced related to the change in role (parent, child, etc.) even when contact is maintained, and also related to the disconnection/separation experienced when contact is not maintained

Even when the child is placed with kin:

- Child will not be raised by birth parent; loss of that particular family unit
- If living with maternal relatives, may have actual or perceived loss of paternal family
- If living with paternal relatives, may have actual or perceived loss of maternal family
- Loss of role as grandchild, niece, nephew now that the relative is primary caregiver

#### GUILT/SHAME

- Youth experience guilt and shame
- Youth often feel responsible, that they somehow caused the break-up of the family
- Guilt for not being a “good enough” child for their parents
- Internalizing the loss and feeling that there is something intrinsically wrong with them, they are “bad” and “unworthy” – this is carried over into new parent/child relationships

Kinship dynamic:

- Perceive self as a burden to birth parent and now to relative caregiver
- Embarrassed about being raised by relative rather than parent
- Visible differences indicating relative caregiver is not their birth parent (age)
- Inability to engage in normal parent/child activities (only boy who did not have a father bring him to Boy Scout activities)

#### CONFLICTING LOYALTIES

- Youth has two sets of parenting adults
- Youth needs to be able to navigate two sets of parenting adults; two sets of families to contend with

#### BELONGING/ATTACHMENT

- Issues may be delayed, but will undoubtedly appear
- *Child:* How do I feel claimed when there is an “expiration date” (legally the guardianship ends at age 18)?
- Youth’s awareness of the limitations of the arrangement may contribute to degree of anxiety
- Do I really belong to this family? Especially if there are other children in family that will go on being legal family members beyond age 18 but this child/youth will not.
- Also youth may have difficulty claiming guardian family as his or her own if there is the perceived and real threat of his or her birth parent contesting the guardianship at any point prior to age 18.

- Ambiguous status may give rise to an element of insecurity for youth and adults (e.g., while attending a wedding and taking wedding photos, photographer asked that all family members stand next to bride and groom and this particular youth wasn't sure if that meant her)

#### TRAUMA

- Child/youth's history of abuse/neglect/trauma will impact the new parent-child relationship, whether unrelated or related caregiver
- For youth in child welfare system, it is not just about the events of abuse/neglect, but the trauma is complicated by profound sense of betrayal as abuse/neglect was experienced at the hands of the people who are supposed to keep them safe
- Important for caregivers to understand impact of trauma on child's behavior and attachment
- Kinship care might be complicated by the fact that the relative may also feel a sense of betrayal by the parent. How can the relative caregivers put their own betrayal issues aside to help the child/youth?

#### Clinical Issues: Non-Relative Guardians

#### CHANGE IN LEGAL STATUS

- Adjust to being the legal parent vs. foster parent
- Guardians need to see themselves as the parent and have child perceive them as such
- As the parent, you are now in charge of decisions on behalf of youth (including contact with birth family). Guardian does not need to look to the state or get permission; can feel relief and burdened at the same time.
- How does the parent-child relationship compare with other children in the home (biological, foster and/or adoptive)?

#### CLAIMING/ENTITLEMENT

- How do I claim or feel entitled to parent a child when there is an expiration date?
- *Guardians*: their parenting is time-limited; they are and are not the parent
- The parenting adult may feel helpless in his/her attempts to break the cycle, because the caretaker role has been defined as temporary
- Even if the guardian is the physical and emotional parent, legal rights and responsibilities do not extend beyond age 18

#### MANAGING BIRTH FAMILY RELATIONSHIPS

- Can be a challenge for youth and adults
- Guardian needs to be able to support child's relationship with birth parents, siblings or other significant members of birth family
- Need to be able to "share" the child with another set of "parents" or family

### Clinical Issues: Relative Guardian

The clinical issues for relative guardians are similar to those for non-relative guardians but with an added layer of complexity:

#### CHANGE IN ROLE/RELATIONSHIPS/IDENTITY

- Must prepare for changes in the natural relationships that exist in the biological family
- Kinship care creates an “unnatural” relationship among related individuals
  - Grandchildren technically become children, and the birth parent technically becomes a sibling to the child
  - Caregiver must establish him/herself as the primary parent
- Changing family roles that may include:
  - From supportive to primary caregiver
  - From advisor to decision maker
  - From friend to authority
- The need to redefine roles
  - Establishing a parent/child relationship vs. relative/child relationship
  - Need to accept relative in nurturing AND authoritative role
  - Establishing rules/boundaries with birth parent
  - Still wanting those adults to be part of the children’s lives, respecting their role as birth parent, but needing to set new roles and boundaries
  - “Wanting her son to be involved so that they have the opportunity to have a father figure” in their lives
  - Identifying new methods of decision making, conflict resolution and problem solving that does not put child in the middle!

#### SEPARATION/LOSS/GRIEF

- Loss is experienced related to the change in role
- It is one thing to be in a child’s life as the grandparent, aunt/uncle, other relative to share in holiday celebrations, do fun things, take them out for special time together, but quite another to be with them 24/7!
- Nurture and spoil the child without the responsibility of disciplining them
- Lost the opportunity to “spoil” the child as a grandchild and instead must be the disciplinarian (parent) and not get to enjoy the traditional grandparent role
- Loss Related to Life Cycle Development: Fantasy of what life was going to be like at this age and stage

#### GUILT/EMBARRASSMENT/SHAME

- Feelings of guilt over adult child's failure and one's own as a parent (if only I had done \_\_\_\_\_ ; if only I had been more \_\_\_\_\_ )
  - *An example:* A grandmother talked frequently about spoiling her son. She wanted him to have the things and opportunities that she did not have growing up. Consequently, her son never had to work hard to earn anything and does not know the meaning of the word "No." She feels responsible for his behaviors as a parent now that his children/her grandchildren have come into foster care.
- Guilt that somehow he or she contributed to the family disruption
- Overcompensation: attempts to make up for the child's losses, neglect/abuse
- Embarrassment due to parent's inability to remain primary caregiver
- Embarrassed about parent's substance abuse or domestic violence (and behaviors that accompany these)
- Embarrassed about being involved with the public child welfare agency
- Having to ask for services and assistance
- Having to explain to friends and other relatives why he or she is caring for the children

#### CONFLICTING LOYALTIES

- Primarily for relative caregiver, conflicting loyalties toward birth parent and child
- Early on, might be torn between a desire to support parents getting their children back and concerns for the children's safety and well-being
- Becoming the child's caregiver means protecting the child from abuse/neglect experienced at the hands of their parents. Safety and well-being needs take precedence over the emotional connections.
- Many kin caregivers have had to make painful choices and decisions to ensure children's safety. In some cases, they have had to restrict or prohibit contact with the parents to ensure the children's safety; can feel as if they're being disloyal.
- "How do you close the door on your own child... when your daughter is at your doorstep and is broke and hungry, how do you turn her away?"
- Must be committed to meeting child's needs over the parent's needs
- Making child's needs a priority over the parent's
- Relatives may protect the parent or deny the maltreatment occurred, thus engaging in behavior that could put the child at risk
- Relatives may be loyal to the parent and unwilling to adopt because it would sever the parent's rights

#### INTERRUPTION OF LIFE CYCLE

- Kinship caregivers express deep love and commitment to the children in their care. But, while caring for their kin may be rewarding, they also indicate that becoming caregivers has dramatically changed their lives.
- Many have little time to adjust to the sudden changes in their lives. Unlike foster parents, who go through a process of training, home study and thoughtful consideration around the decision to raise child/youth, kin often enter the arrangement in time of family crisis.

- Most are at the point in their lives where they have finished being a parent; they are limiting their responsibilities – responsible only for themselves and winding down and getting ready to enjoy retirement.

#### LIFE STYLE CHANGES

- Downsizing – empty nest, moved to smaller home and had difficulty accommodating other children
- Financial, fixed income issues
- Change in social network and activities
- Lack of time or energy to engage in previously enjoyed activities

#### CHILD-REARING PRACTICES

- Updating and recalling parenting techniques
- Raising a child today is very different
- Need to be aware of things that he or she did not have to deal with when his/her own children were young (computers, internet)
- Use of medication or involvement in therapy

#### MORBIDITY AND MORTALITY

- Physical health and stamina issues
- Physical limitations
- Coping skills and support in managing children and additional responsibilities
- Need for respite or secondary caretakers
- Need to have a back-up plan (plan for child's continued care in case of their illness or death)
- Need for a testamentary guardian

#### PROJECTION AND TRANSFERENCE

- Relatives may project and/or transfer feelings about the child's parent onto the child
- This situation may be good when the relative likes who the child reminds him/her of, but many times that is not the case
- When angry with the parent, the relative may say, "You are just like your father." "You have your father's temper."
- The projection may be subtle (e.g., the grandmother comments on granddaughter's dress and attempts to control what the child wears so that she will not look like the child's mother)
- Challenges in managing anger, resentment and disappointment
- Difficulty perceiving the child's personality as different from their birth parent



#### SYSTEM INTRUSION

- No matter how dysfunctional one's family might be, generally that remained among family members; until this point, the things that have been most embarrassing or most concerning, have been known only among the family – “family secrets.” Now, these matters have become public.
- Embarrassment about having to disclose negative information about the birth parent or family
- Many relatives express feeling like “babysitters.” They are responsible for the child's day-to-day care, but the professionals make the decisions.
- Home studies/evaluations can be intrusive; relatives may experience them as an invasion of privacy
- Discomfort about having to obtain permission to do things with children

#### Clinical Issues: Birth Parents

Trainer facilitates a large group discussion about the clinical issues for birth parents when their child is permanently placed with a guardian. Trainer asks how each of the following may be a clinical issue for birth parents and makes the following points as needed:

#### SEPARATION/LOSS/GRIEF

- Birth parent and youth experience loss in this arrangement
- Loss of parental role – birth parents will not function as their child's parent
- Loss is experienced related to the change in role (parent, child, etc.) even when contact is maintained, and also related to the disconnection/separation experienced when contact is not maintained

#### GUILT/SHAME

- Parents feel incredible guilt and shame
- Guilt associated with others knowing the circumstances
- Guilt for not trying harder to raise the child themselves
- If child is being raised among family members, there are constant reminder of their inadequacies

#### IDENTITY

- Birth parent can no longer identify as full-time parent
- May be even more complicated in guardianship arrangement because parental rights not necessarily terminated; they are the parent, but not raising the child

#### CHANGING FAMILY ROLES

12:45 TO 1:30 P.M.

LUNCH

1:30 P.M.            WELCOME BACK (ANTICIPATED TIME: 5 MINUTES)

Trainer welcomes participants to the afternoon session. To begin the afternoon, let's start with a quiz about the relatives of famous people!

1. Which of the following musical groups had all biological brothers in the band?
  - a. The Allman Brothers
  - b. The Righteous Brothers
  - c. The Doobie Brothers
  - d. **The Bee Gees**
  
2. Which member of the Beatles was raised by his aunt and uncle?
  - a. Paul McCartney
  - b. **John Lennon**
  - c. Ringo Starr
  - d. George Harrison
  
3. In the Fresh Prince of Bel Air, Will Smith moves from Philadelphia to live in California with his:
  - a. **aunt and uncle**
  - b. brother and sister-in-law
  - c. grandmother and grandfather
  - d. older sister
  
4. Which famous comedienne was raised by her grandmother?
  - a. Whoopi Goldberg
  - b. **Carol Burnett**
  - c. Ellen DeGeneres
  - d. Roseanne Barr

5. Which two country singers were both raised by their grandparents?

- a. Faith Hill and Tim McGraw
- b. Johnny Cash and Michelle Branch
- c. Vince Gill and Emmylou Harris
- d. **Willie Nelson and Tammy Wynette**

6. Which famous character was raised by his/her parents?

- a. Harry Potter
- b. Peter Parker (Spider Man)
- c. Luke Skywalker (Star Wars)
- d. **Wednesday Addams (Addams Family)**

**1:35 P.M.            WHEN IS GUARDIANSHIP AN APPROPRIATE OPTION? (ANTICIPATED TIME: 20 MINUTES)**

Trainer asks participants to work in small groups at their tables to identify the case circumstances when it is appropriate to consider guardianship as a permanency option. Allow about 5 minutes for this activity and then ask small groups to report back.

Fill in the following if not mentioned:

- Reunification has been ruled out
- Adoption has been ruled out – some circumstances that might result in adoption being ruled out are:
  - Older youth, after solid casework to get the behind the no, is firm that he does not wish to be adopted – in such a case, guardianship may be the most appropriate option at the time but the door should be left open for discussions of adoption
  - Relatives/foster parents do not wish to adopt because of age or other circumstances that make adoption not an option; after discussion and consideration, they believe that they cannot move forward with adoption – after a thorough consideration of future needs for youth – i.e., care for the child as the child grows older, care of the child if caregiver becomes ill or dies and care of child if other changes occur in family or support system
  - Youth and relatives/foster parents are emotionally committed to one another

*Note:* Adoption should not be ruled out because of adult concerns (birth parent would be upset or “unravel” or foster parents are “inflexible” or say that they do not want to adopt because of inheritance issues – these are indications that work needs to be done). Adoption should be discussed after reunification, as it is most legally secure permanent arrangement after reunification. Adoption is placed first in the discussion; families are not asked, “adoption or guardianship – which way do we go?” From discussions about adoption, guardianship will arise as an option when adoption is appropriately ruled out.

- Birth parent(s) are supportive of plan and see it as a permanent arrangement
- Cultural traditions/values re: TPR/extended family
- Maintenance of sibling relationships (kin are more often committed to taking in their children as a sibling group than non-related foster parents)

- Ability of the individual to be the child’s guardian (e.g., relative to set limits on the child’s parent and be “in the driver’s seat”; ability to make good decision on behalf of the child – here is where we might get into some of the factors in assessing the appropriateness of the individual to be the child’s guardian)
- Resource availability and family’s needs

**1:55 P.M.                    HAVING THE GUARDIANSHIP CONVERSATION (ANTICIPATED TIME: 45 MINUTES)**

**Trainer states that we will now have a guardianship conversation. Trainer plays the social worker. Trainer asks for a volunteer to play the grandmother [NOTE TO TRAINER: This person can be recruited over the lunch break]. Trainer refers participants to Handout #6 for background information.**

.....  
**HANDOUT #6: Trainer refers participants to Handout #6: Interview with Mrs. Jones**  
 .....

Mrs. Jones, Ray’s grandmother, has been the kinship foster parent for Ray, age 13, for the last two years. Ray’s mother, Joanie, is developmentally delayed (she is often described as “slow”) and has a serious alcohol abuse problem. It is clear to Ray, his grandmother and the extended family that Ray cannot safely return to his mother’s care. Through the teaming process, family members and professionals have discussed this reality with Joanie, and reunification has been ruled out. The team has actively discussed adoption, but concerns have been raised about whether this plan will work for Ray and the family. Both Ray and family members have expressed strong loyalty to Joanie and want to honor her love for Ray and Ray’s strong bond with her as her only child. Despite the team’s ongoing attempts to help Ray and the family see the many benefits of adoption, the family feels that adoption is just not acceptable. Members of the family have asked about the possibility of a guardianship. Mrs. Jones’s social worker is meeting with Mrs. Jones today to explore guardianship with her.

**Role Play**

**Two copies of the role play script are at Appendix A. Mrs. Jones Role Play**

**SOCIAL WORKER:** Good morning, Mrs. Jones. How are you doing?

**MRS. JONES:** Pretty well, I suppose. I guess you are here to talk about Ray.

**SOCIAL WORKER:** Yes, I am. I want to have a chance to talk with you more about some of the things that we talked about in our last team meeting.

**MRS. JONES:** You mean not planning on Ray going home to Joanie?

**SOCIAL WORKER:** That is one of the issues that we can talk about. What do you...

**MRS. JONES:** Why can't you just give Joanie more help?

**SOCIAL WORKER:** Response points:

- The team has been working with Joanie, helping her with the challenges she identified as getting in the way of parenting full-time: transportation, parenting classes and getting into a substance abuse treatment program.
- Joanie has had services over the two years while you have been caring for Ray. Before that, you took on responsibility for Ray while you tried to help Joanie. Lots of people have tried to help her. We have been involved with Joanie over the years. You have been the one to keep Ray in this family.
- Joanie has done the best she can but it is not enough to be a full-time parent.

**MRS. JONES:** Why don't you pressure the state to do what they are supposed to do to help Joanie? They said that they would "do everything" Joanie needs to get Ray back and they haven't done anything! Joanie just needs more time. She is slow and needs more time and help than most people.

**SOCIAL WORKER:** Response points:

- The role of the state as temporary
- Ray is a child. Time for Ray is different than for you and me and Joanie.
- While a year may be a relatively short time period for us, it is a long time for Ray
- Each day Ray wakes up and wonders what will happen to him – where he will be.

**MRS. JONES:** Then why don't you just put more pressure on Joanie to do what she needs to do to get Ray back? He's her son!

**SOCIAL WORKER:** Response points

- Joanie has limitations that have made it hard to parent Ray now, imagine as he becomes even older. Ray cannot be the parent for Joanie.

**MRS. JONES:** I just don't understand! Why can't we just continue with foster care? Everything is going fine as it is. Ray is with me and is happy. Why do we have to change things?

**SOCIAL WORKER:** Response points:

- State's involvement meant to be temporary
- The state is now Ray's "legal" parent. The state could decide that he needs to move from your home. Don't you want to be the one to make decisions for him: school, doctors, sleep-overs with friends, visiting relatives out of state? As long as the state is involved, a degree of uncertainty remains in Ray's life (and yours).
- Many kids struggle with the label "foster kid." They often want to hide this fact. They are often embarrassed when the caseworker comes to school to visit.

**MRS. JONES:** I guess I see your point.

**SOCIAL WORKER:** We have talked about the different plans that we could make for Ray a number of times with the team. I would like to go back over what we have talked about – the differences between adoption and guardianship. Bear with me as we go over this together one more time – my supervisor wants me to be sure to do this with you. We want you to have all the information you need to make the best decision for Ray and you. We know how much you love Ray and we know that the decision about what to do is becoming very real now.

As we have discussed, adoption is a more legally permanent outcome for Ray. You become his full legal parent. It does, however, require that Joanie’s parental rights be terminated. Legal guardianship does not require that parents’ rights be terminated but it is not legally permanent – guardianships can be changed by the court.

**MRS. JONES:** I have already said that adoption is not for Ray!

**SOCIAL WORKER:** Let’s just go over together why you feel that adoption is not an option for Ray and for you.

**MRS. JONES:** Look, Joanie will just not understand this. She still loves Ray and wants to be his mother. She is his mother – and she always will be. She just doesn’t understand why she can’t get him back and she will never understand why you are saying that she can’t be his parent anymore. Ray loves her and he is completely loyal to her. He will just never agree to be adopted. She means too much to him. And I can’t see taking him away from her – becoming his “mother” – I am his grandmother! I was here taking care of Ray when the state was not involved, and then when the state got involved and will be after the state goes away. We are family and we intend to keep it that way.

**SOCIAL WORKER:** Is there anyone else in the family or in your community that you would like to bring into making the best plan?

**MRS. JONES:** No, no, no. Enough! We have made the decision – no to adoption!

**SOCIAL WORKER:** I understand. Well, let’s talk about the other option that we have been discussing in the team meetings – guardianship.

**MRS. JONES:** You know, we have talked about it but I guess I still don’t understand what being a guardian really means?

**SOCIAL WORKER:** Being Ray’s guardian will mean that you will have the authority to make the day-to-day parenting decisions for Ray. The state will no longer be involved. As a family, you would determine how Ray and his Mom will maintain a relationship that is safe and positive for him. However, your role as legal parent ends when Ray turns 18. Most kids that I know need parents beyond that age. The kinds of things that Ray needs help with may change, but he will likely still need help.

**MRS. JONES:** What would be different? Would things be easier or harder for Ray and for me?

**SOCIAL WORKER:** You will continue to be the “parenting” parent that you have been. Joanie will continue to be his birth mom – that won’t be diminished by taking on the role of legal parent.

In some ways it might feel easier and others might feel harder. First, you will be in charge of making the decisions; you won’t need to get permission or check in with anyone.

However, up to now, we have played a large role in monitoring the contact between Joanie and Ray and in setting limits. We will need to talk about how you and the family will handle these situations

All in all, you can get on as a family.

**MRS. JONES:** You know, Joanie won’t like me being the one to say what happens to Ray. She is still his mother, isn’t she?

**SOCIAL WORKER:** Response points:

- The state has helped you set boundaries with Joanie while it was involved. If you were Ray’s guardian, we would need to talk about how you will set the boundaries with her.
- Ray will have a say now that he is getting older.

**MRS. JONES:** What if Joanie shows up here drunk? How am I supposed to handle that all on my own?

**SOCIAL WORKER:** Response points:

- You have the power to set limits and you will be the one in the driver’s seat.
- Just saying “Joanie is not allowed in the home” will not be enough. We need to discuss ways that you can create a safe environment.

**MRS. JONES:** What if Joanie decides to take Ray back? Can she do that?

**SOCIAL WORKER:** Response points:

- With adoption, Joanie’s rights would be terminated and she could not get Ray back. With guardianship, it is different.
- It is possible that Joanie could get Ray back, but she would have to convince the court that it is the right plan for Ray.
- As long as Joanie is continuing to struggle with her substance abuse problems, the court would not likely agree that Ray should return to her.

**MRS. JONES:** Look, I am barely getting along now. What kind of help is there for me? Will there be money to help me take care of Ray when I become his guardian?



**SOCIAL WORKER:** We will need to explore in more detail what financial supports are available in the state and what services and supports you will be eligible for. This will be prioritized for our next team meeting.

**MRS. JONES:** What will I do without the agency's help?

**SOCIAL WORKER:** Remember, you have been caring for Ray long before the agency was involved. You are the one who knows him best. You have done an admirable job of taking care of him, even under all the family stress and strain, and are a very capable parent. We will have time to think as a team about some of the areas you might need help in making this transition.

**MRS. JONES:** I understand all of this better now and I want to think about it.

**Trainer processes the role play:**

- What did you observe taking place in this conversation?
- How did the social worker work with Mrs. Jones on the benefits and challenges of adoption and guardianship?
- How might the social worker work with Mrs. Jones in the next meeting?

**Trainer raises the following discussion points as needed:**

- It is not uncommon for kinship caregivers and other family members to express anger, surprise, feeling of being deceived when the worker discusses that the child cannot return to birth parent. Being honest with family members about the need for concurrent planning from the beginning of the case is likely to reduce these reactions. However, discussion about alternative planning may not have an impact earlier in the case, given the family's hopes and dreams that birth parents will be able to overcome their problems and resume care.
- Accepting the reality that the child will not be reunified and considering adoption or assuming legal guardianship takes time and multiple conversations. It's also important to encourage the family to have these discussions, independent of the worker.
- How might the role play have been different if the social worker and grandmother were of different races/ethnicities?

### **Participants Role Play**

**Trainer asks participants to form groups of three. Assign each table one of the two scenarios. The scenarios continue the work that began with Mrs. Jones, Ray's grandmother, and focus on work with Ray and Joanie. The role play is 5 minutes.**

SCENARIO #1: Conversation between the social worker, Joanie and Mrs. Jones. Joanie understands that Ray isn't coming home. She is very afraid that she will lose him completely. She has heard from her mother and other members of her family that guardianship might be a good idea. What is this all about?

SCENARIO #2: Conversation between the social worker, Ray and Mrs. Jones. The social worker talks with Ray about the conversations that have begun about guardianship with his grandmother. He is not sure what guardianship would mean for him.

**If time permits, ask participants to switch roles.**

**Report Back: Trainer asks the groups to report on their role play experience – the issues raised and how they addressed them. Trainer uses the following questions for processing the experience:**

SCENARIO #1. CONVERSATION WITH JOANIE

1. How did you describe guardianship to Joanie?
2. What were her main concerns? How did you address them?
3. Did you offer to bring Joanie's attorney into the work?

SCENARIO #2: CONVERSATION WITH RAY

1. How did you describe guardianship to Ray?
2. What were his concerns? How did you address them?
3. Did you offer to bring Ray's attorney/GAL into the work?

**Trainer raises the following points as needed:**

1. These conversations can be very difficult
2. There are complexities in determining when "enough is enough"
3. It is important to share the benefits of guardianship: the child a permanent family relationship; the child welfare system is no longer involved in the youth's/family's life; guardianship maintains legal parent-child relationship; guardianship often fits with the cultural traditions and values of the family
4. There are also drawbacks in guardianship: there is the potential to jeopardize the child/youth's sense of emotional security if the parent continues to petition/go back to court or challenge the guardianship; guardianship ends at age 18 (or possibly later under certain circumstances) or earlier if parent or guardian successfully petitions the court

2:40 P.M. FINALIZING, ENDING AND EXTENDING GUARDIANSHIPS (ANTICIPATED TIME: 10 MINUTES)

**Trainer shares the following:**

- A court must approve the guardianship in order for it to be legally finalized. The court is likely to consider:
  - The best interest of the child
  - The suitability of the guardian
  - The child's wishes
- The court must determine that reunification and adoption have been ruled out as appropriate permanency options.
- Guardianships may end in a variety of ways:
  - The parent(s) petition the court before the youth reaches age 18 and the court approves the ending of the guardianship
  - The guardian asks to be relieved of guardianship and the court approves
  - The young person reaches the age of 18 generally but guardianships may be extended to age 21 when the youth is in school and both the guardian and youth agree with extension of the guardianship. The youth may want the guardianship to be extended to feel connected to the family – especially when the guardian is a non-relative but in some cases, when the guardian is a relative.

**Trainer asks the group: What might be some other circumstance/decision-making points that would make the extension of guardianship beyond age 18 something to consider?**

**Trainer adds the following if not mentioned by the group:**

- The youth's involvement with the criminal justice system
- The youth's mental/developmental disabilities that result in the youth not being able to make decision for himself/herself
- Psychiatric treatment of the youth
- Voluntary or involuntary hospitalization of the youth
- The need to plan end-of-life decisions, make funeral arrangements or other actions that require the involvement of next-of-kin
  - Aging parents do not have the benefit of this child being their legal child in their own hospitalization,

end-of-life, and legal will issues. This situation can be especially difficult when there are unequal relationships between this child and other siblings who may be involved in caring for an aging parent or when this child is the only child caring for an aging parent and has no legal relationship.

- Having a kinship guardianship end is often psychologically different for a youth as he or she still belongs to an extended family; in non kinship guardianship arrangements, technically, the youth can be left with no family at age 18

**2:50 P.M. GUARDIANSHIP SERVICES AND SUPPORTS: (ANTICIPATED TIME: 5 MINUTES)**

**Trainer shares the following:**

There are many types of services that guardianship families say they need – these are summarized for you in the training materials. Here is a list of the services and supports that relative guardians often report as important to them.

- Subsidies. Financial assistance is a must for many families (particularly with sibling groups)!
- Support groups. Many guardians say that support groups of other relatives raising their relative children are the most important supports for them
  - Support groups provide emotional support and time spent with other kin caregivers with similar life experience
  - Support groups provide the opportunity for normal adult activities outside of parenting (social gathering, yoga, movies, day of beauty)
- Concrete services (furniture; home modifications to accommodate sibling group and/or if child has physical disabilities)
  - There is a higher need for concrete services with guardianship families than with adoptive families.
- Information and referral
  - Many guardians are unaware of the services that available, whether they qualify and how to access services.
- Guardianship preservation services. These are intensive services to sustain guardianship families at times of crisis. The types of services often provided include:
  - emergency response
  - risk assessment
  - initial intensive home-based family assessment and intervention
  - clinical services
  - parent and child support groups

- case planning
- case management
- Back-up plans, particularly when caregivers are older or in fragile health but are a good idea for everyone, and most importantly, as a protective factor for the child's future.

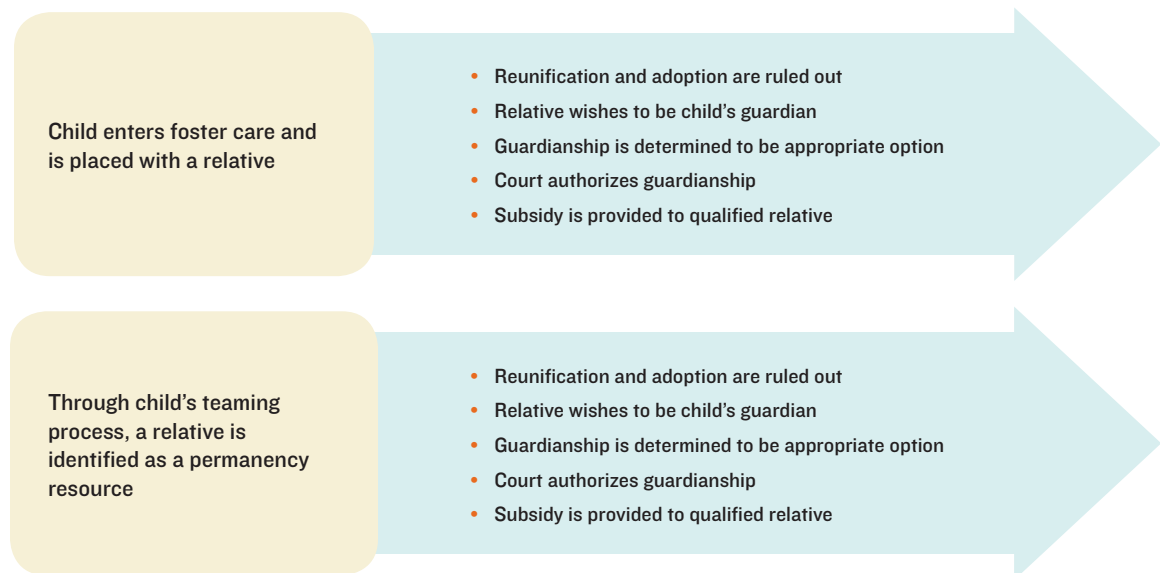
**2:55 P.M.            CLOSING**

**3:05 P.M.            THANK YOU AND ADJOURN**

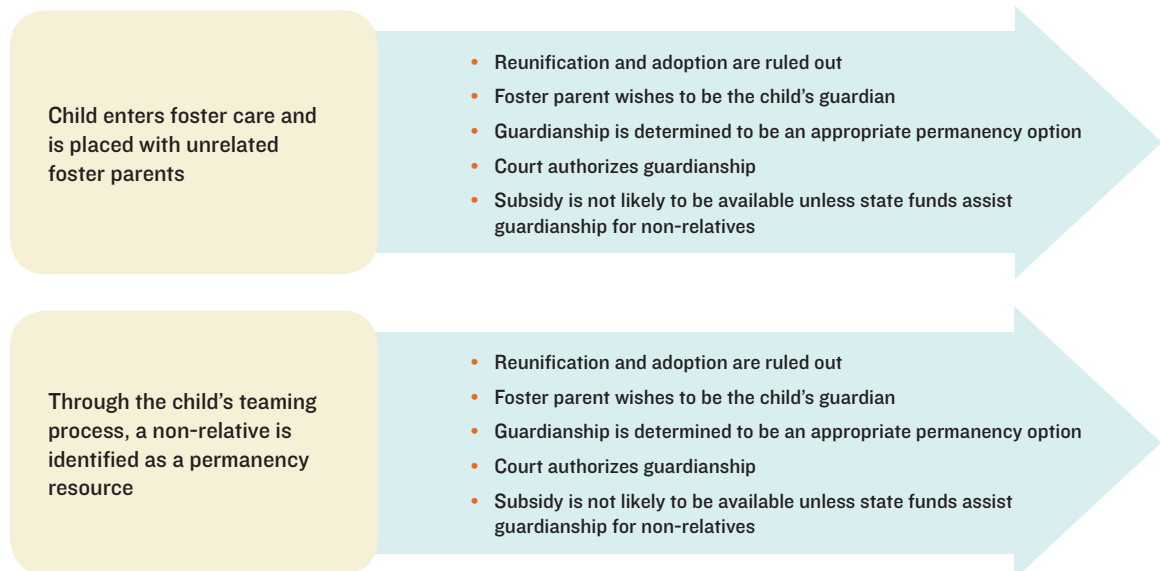
## HANDOUTS

## Handout #1. Pathways to Guardianship for Children in Foster Care

### Guardianship with Relatives



### Guardianship with Non-Relatives



## Handout #2. Different Types of Guardianship

Type of Guardianship	What It Is	Permanent?	When Used
Probate Court Guardianship	The court appoints an adult who is not the child's parent to take care of the child or the child's property	Not designed to be a permanent relationship  Not generally used in situations when the child is in foster care	<i>Example:</i> Parents have died and court appoints a guardian to oversee the child's financial interests
Stand-By Guardianship	Allows the custodial parent to make future plans for his/her children without having to legally transfer decision-making power  Allows for plans that will become effective at a point in the future	Not designed to permanently transfer parental rights/responsibilities	<i>Examples:</i> Parents who have a debilitating, chronic or terminal medical condition Parents who are away at war
Legal Guardianship	Defined by federal law as:  "A judicially created relationship between the child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person and decision making"	Designed to be permanent  Used when children are in foster care as a permanency option	As a permanency option when reunification and adoption have been ruled out
Subsidized/Permanency Guardianship	The transfer of legal responsibility for a minor child from the state to a guardian who is provided with a monthly subsidy for the care and support of the child  Legal guardianship + subsidy	Designed to be permanent  Used when children are in foster care as a permanency option	As a permanency option when reunification and adoption have been ruled out  Generally only relatives of the child who become guardians are eligible for a subsidy



### Handout #3. Fostering Connections to Success and Increasing Adoptions Act: Guardianship Assistance Program

Under the new federal law, states may opt to provide federally funded guardianship subsidies to relatives for eligible children. When states choose to provide federally supported guardianship subsidies to relatives, these subsidies are available to a child who:

1. Has been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child;
2. Has been under the care of the state agency for the 12-month period ending on the date of the agency determination;
3. Is eligible for foster care maintenance payments while in the home of the prospective relative guardian (this means that the relative must be a licensed foster parent); and
4. Has been residing for at least 6 months with the prospective relative guardian.

*AND*

5. Being returned home or adopted are not appropriate permanency options for the child.
6. The child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child.

With respect to a child who has attained 14 years of age, the child has been consulted regarding the kinship guardianship arrangement.

## Handout #4. Adoption and Guardianship

	Adoption	Guardianship
Is there a legally recognized relationship?	Yes	Yes
Can caregivers make decisions on behalf of the child?	Yes	Yes
Do the birth parents retain any rights?	No	Limited
Is termination of parental rights required?	Yes	No
Is the arrangement legally permanent?	Yes (same as the biological parent-child relationship)	Not necessarily through age 18; status can be challenged – the court can end guardianship upon petition of the guardian or the parent
Are judicial reviews required?	No	No
Is subsidy available?	Usually; both federally and state-funded subsidies available	State-funded subsidies available in some states, generally only for relatives; new option for states to provide federally supported guardianship subsidies for certain children in foster care when qualified relatives become the guardians
Are there educational supports?	ETVs available: federal support available for youth adopted after age 16	ETVs available; federal support available for youth who are placed in guardianship arrangements after age 16
Are post-permanency supports available?	Varies by state	Varies by state
Do children have inheritance rights?	Yes	If the guardian includes the child in his/her will

## Handout #5. Guardianship and Kinship Care Bibliography

### Web-Based Resources

#### The ABA Center on Children and the Law: Kinship Care Legal Research Center

<http://www.abanet.org/child/kinshipcare.shtml>

This new Resource Center serves as a toolkit for attorneys, judges and other child-serving practitioners working with kinship families and having difficulty navigating the complex existing and emerging legal issues.

#### Cornerstone Consulting Resource Center on Subsidized Guardianship

[http://www.cornerstone.to/rc\\_child\\_welfare.htm](http://www.cornerstone.to/rc_child_welfare.htm)

This site provides links to a range of reports on subsidized guardianship.

#### Grandfamilies State Law and Policy Resource Center

<http://grandfamilies.org/>

The Grandfamilies State Law and Policy Resource Center serves as a national legal resource created to educate individuals about state laws and legislation in support of grandfamilies and to assist interested state legislators, advocates, caregivers, attorneys and other policymakers in exploring policy options to support relatives and the children in their care both within and outside the child welfare system.

#### National Resource Center on Permanency and Family Connections

[http://www.nrcpfc.org/fostering\\_connections/state\\_gap.html](http://www.nrcpfc.org/fostering_connections/state_gap.html)

This site provides the laws and policies of each state that are designed to implement the federal Title IV-E Guardianship Assistance Program.

### Other Resources

#### STANDBY GUARDIANSHIP

Child Welfare Information Gateway. (2011). *Standby Guardianship*.

[http://www.childwelfare.gov/systemwide/laws\\_policies/statutes/guardianship.pdf](http://www.childwelfare.gov/systemwide/laws_policies/statutes/guardianship.pdf)

National Abandoned Infants Assistance Resource Center. (2012). *Standby Guardianship*.  
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#### SUBSIDIZED GUARDIANSHIP

Allen, M., Bissell, M. & Miller, J. (2003). *Permanency Options for Children: A Guide to Subsidized Guardianship Programs*. Available at: [http://cdf.convio.net/site/DocServer/subsidy\\_guide.pdf?docID=917](http://cdf.convio.net/site/DocServer/subsidy_guide.pdf?docID=917)

American Bar Association Center on Children and the Law. *Subsidized Guardianship: What Is It and Where Can I Go for More Information?* <http://www.abanet.org/child/subsidized.shtml>

Annie E. Casey Foundation/Casey Family Services. (2006). *Subsidized Guardianship: Collaborating to Identify New Policy Opportunities*. New Haven, CT: Casey Family Services.

Casey Family Services. (n.d.). *Answering the Call: Community Resources for Grandparents and Relatives Raising Children and Youth in Greater New Haven*. New Haven, CT: Author.

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Center for Public Policy Priorities. (2012). *Are Subsidized Guardianships Making a Positive Difference for Kids?: Early Evidence From the Field*. [http://library.cppp.org/files/4/CW\\_2012\\_08\\_PP\\_Guardianships.pdf](http://library.cppp.org/files/4/CW_2012_08_PP_Guardianships.pdf)

Child Focus and the Children's Defense Fund. (2010). *Myths and Facts Related to the Use of the Guardianship Assistance Program*. [http://www.fosteringconnections.org/tools/tools\\_analysis\\_research/files/Myths-and-Facts-Related-to-Use-of-Guardianship-Assistance-Program.pdf](http://www.fosteringconnections.org/tools/tools_analysis_research/files/Myths-and-Facts-Related-to-Use-of-Guardianship-Assistance-Program.pdf)

Child Focus and the Children's Defense Fund. (2010). *A Guide to Using the Guardianship Assistance Agreement*. [http://www.fosteringconnections.org/tools/tools\\_analysis\\_research/files/A-Guide-to-Using-the-Guardianship-Assistance-Agreement.pdf](http://www.fosteringconnections.org/tools/tools_analysis_research/files/A-Guide-to-Using-the-Guardianship-Assistance-Agreement.pdf)

Child Welfare Information Gateway. (2010). *Kinship Caregivers and the Child Welfare System*. [http://www.childwelfare.gov/pubs/f\\_kinshi/f\\_kinshi.pdf](http://www.childwelfare.gov/pubs/f_kinshi/f_kinshi.pdf)

Children and Family Research Center. (2009). *Illinois Permanence for Older Ward Waiver Program: Final Evaluation Report*. Available at: [http://www.cfric.illinois.edu/pubs/pdf.files/FinalSG\\_OlderWardWaiver\\_9.09.pdf](http://www.cfric.illinois.edu/pubs/pdf.files/FinalSG_OlderWardWaiver_9.09.pdf)

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## Handout #6. Interview with Mrs. Jones

Mrs. Jones, Ray's grandmother, has been the kinship foster parent for Ray, age 13, for the last two years. Ray's mother, Joanie, is developmentally delayed (she is often described as "slow") and has a serious alcohol abuse problem. It is clear to Ray, his grandmother, and the extended family that Ray cannot safely return to his mother's care. Through the teaming process, family members and professionals have discussed this reality with Joanie, and reunification has been ruled out. The team has actively discussed adoption, but concerns have been raised about whether this plan will work for Ray and the family. Both Ray and family members have expressed strong loyalty to Joanie and want to honor her love for Ray and Ray's strong bond with her as her only child. Despite the team's ongoing attempts to help Ray and the family see the many benefits of adoption, the family feels that adoption is just not acceptable. Members of the family have asked about the possibility of a guardianship. Mrs. Jones's social worker is meeting with Mrs. Jones today to explore guardianship with her.

## Appendix A. Mrs. Jones Role Play (copy #1)

**SOCIAL WORKER:** Good morning, Mrs. Jones. How are you doing?

**MRS. JONES:** Pretty well, I suppose. I guess you are here to talk about Ray.

**SOCIAL WORKER:** Yes, I am. I want to have a chance to talk with you more about some of the things that we talked about in our last team meeting.

**MRS. JONES:** You mean not planning on Ray going home to Joanie?

**SOCIAL WORKER:** That is one of the issues that we can talk about. What do you...

**MRS. JONES:** Why can't you just give Joanie more help?

**SOCIAL WORKER:** Response points:

- The team has been working with Joanie, helping her with the challenges she identified as getting in the way of parenting full-time: transportation, parenting classes and getting into a substance abuse treatment program.
- Joanie has had services over the two years while you have been caring for Ray. Before that, you took on responsibility for Ray while you tried to help Joanie. Lots of people have tried to help her. We have been involved with Joanie over the years. You have been the one to keep Ray in this family.
- Joanie has done the best she can but it is not enough to be a full-time parent.

**MRS. JONES:** Why don't you pressure the state to do what they are supposed to do to help Joanie? They said that they would "do everything" Joanie needs to get Ray back and they haven't done anything! Joanie just needs more time. She is slow and needs more time and help than most people.

**SOCIAL WORKER:** Response points:

- The role of the state as temporary
- Ray is a child. Time for Ray is different than for you and me and Joanie.
- While a year may be a relatively short time period for us, it is a long time for Ray
- Each day Ray wakes up and wonders what will happen to him – where he will be.

**MRS. JONES:** Then why don't you just put more pressure on Joanie to do what she needs to do to get Ray back? He's her son!

**SOCIAL WORKER:** Response points

- Joanie has limitations that have made it hard to parent Ray now, imagine as he becomes even older. Ray cannot be the parent for Joanie.

**MRS. JONES:** I just don't understand! Why can't we just continue with foster care? Everything is going fine as it is. Ray is with me and is happy. Why do we have to change things?

**SOCIAL WORKER:** Response points:

- State's involvement meant to be temporary
- The state is now Ray's "legal" parent. The state could decide that he needs to move from your home. Don't you want to be the one to make decisions for him: school, doctors, sleep-overs with friends, visiting relatives out of state? As long as the state is involved, a degree of uncertainty remains in Ray's life (and yours).
- Many kids struggle with the label "foster kid." They often want to hide this fact. They are often embarrassed when the caseworker comes to school to visit.

**MRS. JONES:** I guess I see your point.

**SOCIAL WORKER:** We have talked about the different plans that we could make for Ray a number of times with the team. I would like to go back over what we have talked about – the differences between adoption and guardianship. Bear with me as we go over this together one more time – my supervisor wants me to be sure to do this with you. We want you to have all the information you need to make the best decision for Ray and you. We know how much you love Ray and we know that the decision about what to do is becoming very real now.

As we have discussed, adoption is a more legally permanent outcome for Ray. You become his full legal parent. It does, however, require that Joanie's parental rights be terminated. Legal guardianship does not require that parents' rights be terminated but it is not legally permanent – guardianships can be changed by the court.

**MRS. JONES:** I have already said that adoption is not for Ray!

**SOCIAL WORKER:** Let's just go over together why you feel that adoption is not an option for Ray and for you.

**MRS. JONES:** Look, Joanie will just not understand this. She still loves Ray and wants to be his mother. She is his mother – and she always will be. She just doesn't understand why she can't get him back and she will never understand why you are saying that she can't be his parent anymore. Ray loves her and he is completely loyal to her. He will just never agree to be adopted. She means too much to him. And I can't



see taking him away from her – becoming his “mother” – I am his grandmother! I was here taking care of Ray when the state was not involved, and then when the state got involved and will be after the state goes away. We are family and we intend to keep it that way.

**SOCIAL WORKER:** Is there anyone else in the family or in your community that you would like to bring into making the best plan?

**MRS. JONES:** No, no, no. Enough! We have made the decision – no to adoption!

**SOCIAL WORKER:** I understand. Well, let’s talk about the other option that we have been discussing in the team meetings – guardianship.

**MRS. JONES:** You know, we have talked about it but I guess I still don’t understand what being a guardian really means?

**SOCIAL WORKER:** Being Ray’s guardian will mean that you will have the authority to make the day-to-day parenting decisions for Ray. The state will no longer be involved. As a family, you would determine how Ray and his Mom will maintain a relationship that is safe and positive for him. However, your role as legal parent ends when Ray turns 18. Most kids that I know need parents beyond that age. The kinds of things that Ray needs help with may change, but he will likely still need help.

**MRS. JONES:** What would be different? Would things be easier or harder for Ray and for me?

**SOCIAL WORKER:** You will continue to be the “parenting” parent that you have been. Joanie will continue to be his birth mom – that won’t be diminished by taking on the role of legal parent. In some ways it might feel easier and others might feel harder. First, you will be in charge of making the decisions; you won’t need to get permission or check in with anyone.

However, up to now, we have played a large role in monitoring the contact between Joanie and Ray and in setting limits. We will need to talk about how you and the family will handle these situations. All in all, you can get on as a family.

**MRS. JONES:** You know, Joanie won’t like me being the one to say what happens to Ray. She is still his mother, isn’t she?

**SOCIAL WORKER:** Response points:

- The state has helped you set boundaries with Joanie while it was involved. If you were Ray’s guardian, we would need to talk about how you will set the boundaries with her.
- Ray will have a say now that he is getting older.

**MRS. JONES:** What if Joanie shows up here drunk? How am I supposed to handle that all on my own?

**SOCIAL WORKER:** Response points:

- You have the power to set limits and you will be the one in the driver's seat.
- Just saying "Joanie is not allowed in the home" will not be enough. We need to discuss ways that you can create a safe environment.

**MRS. JONES:** What if Joanie decides to take Ray back? Can she do that?

**SOCIAL WORKER:** Response points:

- With adoption, Joanie's rights would be terminated and she could not get Ray back. With guardianship, it is different.
- It is possible that Joanie could get Ray back, but she would have to convince the court that it is the right plan for Ray.
- As long as Joanie is continuing to struggle with her substance abuse problems, the court would not likely agree that Ray should return to her.

**MRS. JONES:** Look, I am barely getting along now. What kind of help is there for me? Will there be money to help me take care of Ray when I become his guardian?

**SOCIAL WORKER:** We will need to explore in more detail what financial supports are available in the state and what services and supports you will be eligible for. This will be prioritized for our next team meeting.

**MRS. JONES:** What will I do without the agency's help?

**SOCIAL WORKER:** Remember, you have been caring for Ray long before the agency was involved. You are the one who knows him best. You have done an admirable job of taking care of him, even under all the family stress and strain, and are a very capable parent. We will have time to think as a team about some of the areas you might need help in making this transition.

**MRS. JONES:** I understand all of this better now and I want to think about it.

## Appendix A. Mrs. Jones Role Play (copy #2)

**SOCIAL WORKER:** Good morning, Mrs. Jones. How are you doing?

**MRS. JONES:** Pretty well, I suppose. I guess you are here to talk about Ray.

**SOCIAL WORKER:** Yes, I am. I want to have a chance to talk with you more about some of the things that we talked about in our last team meeting.

**MRS. JONES:** You mean not planning on Ray going home to Joanie?

**SOCIAL WORKER:** That is one of the issues that we can talk about. What do you...

**MRS. JONES:** Why can't you just give Joanie more help?

**SOCIAL WORKER:** Response points:

- The team has been working with Joanie, helping her with the challenges she identified as getting in the way of parenting full-time: transportation, parenting classes and getting into a substance abuse treatment program.
- Joanie has had services over the two years while you have been caring for Ray. Before that, you took on responsibility for Ray while you tried to help Joanie. Lots of people have tried to help her. We have been involved with Joanie over the years. You have been the one to keep Ray in this family.
- Joanie has done the best she can but it is not enough to be a full-time parent.

**MRS. JONES:** Why don't you pressure the state to do what they are supposed to do to help Joanie? They said that they would "do everything" Joanie needs to get Ray back and they haven't done anything! Joanie just needs more time. She is slow and needs more time and help than most people.

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- The role of the state as temporary
- Ray is a child. Time for Ray is different than for you and me and Joanie.
- While a year may be a relatively short time period for us, it is a long time for Ray
- Each day Ray wakes up and wonders what will happen to him – where he will be.

**MRS. JONES:** Then why don't you just put more pressure on Joanie to do what she needs to do to get Ray back? He's her son!

**SOCIAL WORKER:** Response points

- Joanie has limitations that have made it hard to parent Ray now, imagine as he becomes even older. Ray cannot be the parent for Joanie.

**MRS. JONES:** I just don't understand! Why can't we just continue with foster care? Everything is going fine as it is. Ray is with me and is happy. Why do we have to change things?

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**SOCIAL WORKER:** Is there anyone else in the family or in your community that you would like to bring into making the best plan?

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