SUMMARY OF STATES

I. STATES ALREADY IMPLEMENTING

STATE: Illinois

(find referenced documents in Appendix A, Exhibit 8)

ESTABLISHMENT OF GAP AND OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION: The Foster Youth Successful Transition to Adulthood Act (HB 4054, Public Act 096-0581) establishes a program of transitional discharge from foster care for teenage foster children, enabling former foster youths under the age of 21 who encounter significant hardship upon emancipation to reengage with DCFS and the Juvenile Court. Amends the Children and Family Services Act. Provides that an abused, neglected, or dependent minor for whom the court has granted a supplemental petition to reinstate wardship may be placed in the custody of or committed to DCFS. Provides that DCFS shall provide or authorize child welfare services, aimed at assisting minors to achieve sustainable self-sufficiency as independent adults, to any minor eligible for the reinstatement of wardship, provided that the minor consents to such services and has not yet attained the age of 21. Amends the Juvenile Court Act of 1987. Provides that an abused, neglected, or dependent minor between the ages of 18 and 21 may be placed with DCFS if (1) the court has granted a supplemental petition to reinstate wardship of the minor, or (2) the Court has adjudicated the minor a ward of the court, permitted the minor to return home under an order of protection, and subsequently made a finding that it is in the minor's best interest to vacate the order of protection and commit the minor to DCFS for care and service.

HOW EXPANDED: The Act changes the definition of “children” from persons under 19 to persons under 21.

IV-E PLAN AMENDMENT: Approved

ASSOCIATED LAW CHANGES: Children and Family Services Act and Juvenile Court act of 1987 both amended.

ASSOCIATED RULE CHANGES: 89 Ill. Adm. Code Sect. 302.405 (2008) (subsidized guardianship demonstration project; to qualify, child had to have been in state custody for at least one year) now followed by 302.410 (2010) (KinGap implements provisions of the Fostering Connections Act that allow the State to enter into guardianship agreements to provide assistance payments to grandparents and other relatives who have assumed the legal guardianship of children for whom they have cared as a licensed foster parent; eligibility terms include that the child must be eligible for foster care maintenance payments while residing for at least 6 consecutive months in the home of a licensed prospective relative (or non-relative, if 14 or older) guardian immediately prior to the establishment of the guardianship, and the prospective relative guardian must have been a licensed foster parent for at least the consecutive 6 month period that the child has been in his/her home immediately prior to the establishment of the guardianship).

ANY LICENSING WAIVERS: Rules 402 Licensing Standards for Foster Family Homes, specifically Section 402.29 Director's Waivers which allows the Director of the Department to waive, or conditionally waive, any requirement under this Part, if doing so is in the best interest of the foster children.

CONTACT: June Dorn, Guardianship Administrator, (312) 814-6858, june.dorn@illinois.gov

STATE: Michigan

(find referenced documents in Appendix A, Exhibit 11)

ESTABLISHMENT OF GAP AND OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION: Michigan had enacted state legislation authorizing guardianship for children and youth exiting foster care in August 2008, just months before the passage of Fostering Connections. After the state program was authorized, implementation was delayed in order to integrate the state and federal programs and to ensure that there was consistency with what the federal government requires. $4.65 million in state funds – authorized before Fostering Connections was enacted --
allows Michigan to cover non IV-E eligible children, as well the state match for children who are Title IV-E eligible. Michigan’s federal program uses a definition of relative that includes relatives to the 5th degree of separation, stepparents and godparents. It does not include fictive kin, i.e. friends and neighbors.

IV-E STATE AMENDMENT: The process of obtaining an approved state plan amendment required a lot of discussion to reconcile the differences between the state authorized program and Kin-GAP. The requirement that children must be in a licensed kinship home for six months was the biggest difference between Michigan’s program and the federal program. Michigan is now working on licensing relative caregivers earlier in the process so that there are not delays in permanency if a relative is not licensed and subsidized guardianship is determined to be the appropriate permanency goal.

IV-E PLAN AMENDMENT: (Attached)

ASSOCIATED LAW CHANGES: Guardianship Assistance Act of 2008

ASSOCIATED RULE CHANGES: Child Guardianship Manual (with hyperlinks to each section)

ANY “MODEL” TIERED LICENSING STRUCTURES (UNDER GAP OR NOT): No separate tier for relatives; they go through identical licensing process and training as foster parents.

CONTACT: Anita Peters, Adoption, Guardianship & Permanency Manager, Bureau of Child Welfare, Michigan DHS: (517) 241-8817, peteresa2@michigan.gov

STATE: Oregon (find referenced documents in Appendix A, Exhibit 15)

ESTABLISHMENT OF GAP AND OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION: GAP in effect. Tracking school attendance has been a challenge as has educating staff about new rate negotiation process and running “parallel” IV-E and non-IV-E GAP versions while waiting to hear of IV-E waiver renewal.

IV-E PLAN AMENDMENT: Still in negotiations with ACF, who was pleased with OR’s inclusion, under the definition of “relative” in OAR # I-E.1.1 413-070-0060 thru 0093, eff. 7/1/10 (“Search for and Engagement of Relatives”), of language regarding foster care providers (“(10)(e)(B) A foster parent may be considered for Guardianship Assistance when: (i) There is a compelling reason why adoption is not an achievable permanency plan; (ii) The foster parent is currently caring for a child in the legal custody of the Department who has a permanency plan or concurrent permanency plan of guardianship; (iii) The foster parent has cared for the child for at least the past 12 consecutive months; and (iv) A Permanency Committee has recommended the foster parent for consideration as a guardian”).

Oregon is still developing tribal IV-E language/policy for ACF.

ASSOCIATED FINANCIAL CHANGES: OR redesigned FC rates via allowance of a CANS Assessment that can lead to negotiated enhanced rates if indicated and then applied same to Adoption Assistance & Guardianship Assistance, which has appeal for potential kinship guardians. Since implementation in Sept’09, costs have gone down in Adoption Assistance & Guardianship Assistance programs, largely due to consistent negotiations and honest engagement with prospective caregivers (e.g., “Please wait to renegotiate until the next open subsidy anniversary,” “Please think about whether you need more money; it’s a subsidy meant to supplement,” etc.

ASSOCIATED RULE CHANGES: OAR #I-E.3.6.2 (Guardianship Assistance); Eligibility Sheet

ANY “MODEL” TIERED LICENSING STRUCTURES (UNDER GAP OR NOT): Kin guardians get certified pursuant to FC standards, except for modified training – which is not yet codified but will be in upcoming Rules revisions. Only tiered structure has to do with payments (0-6, 7-12, 13-18).

CONTACT: Beth Englander, State Adoption and Guardianship Program Manager: (503) 947-5358, beth.englander@state.or.us; Sherril Kuhns, Manager, Federal Compliance Unit: (503) 945-6679,
sherril.kuhns@state.or.us; Angela Long, Administrator, Federal Program Reporting and Performance: (503) 945-6170, angela.long@state.or.us

STATE: Pennsylvania (find referenced documents in Appendix A, Exhibit 16)

ESTABLISHMENT OF GAP AND OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION:
Pennsylvania was one of three states whose state plan amendment was approved in the first half of 2009. The state worked diligently to ensure that its program and policy requirements were consistent with the federal law. This required refining their guardianship agreement, as well as developing a comprehensive policy bulletin to guide local implementation. One area that required attention was the federal requirement for a child to live in a caregiver’s home for six consecutive months prior to establishing guardianship, which had not been a requirement for their state program. Pennsylvania’s federal GAP program also uses a stricter definition of relative than their state program. Families who do not have a blood relationship to the child – as well as those who are not Title IV-E eligible – can still be covered for SPLC under the state program. Pennsylvania officials also wanted to ensure that benefits for the guardianship option are not more generous than those available for adoption. They carefully reviewed the benefits of both SPLC and adoption to ensure that adoption continues to be a meaningful option for children, youth, and families when reunification has been ruled out. The subsidies for guardianship adoption are consistent with what a child received while in foster care. Pennsylvania will monitor local implementation of GAP as part of its overall approach to promoting permanency for youth in foster care. Their new continuous quality improvement (CQI) system will include interviews with families to ensure they felt they had all the information they needed to make an informed decision about permanency options. This CQI system will be piloted in several counties this year and be refined for statewide implementation in the future.
PA not pursuing federal funds for extended foster care; it already allows FC to 21 if educational or treatment, not work, programming is involved.

HOW EXPANDED: Pennsylvania previously ran a state program, called Subsidized Permanent Legal Custodianship (SPLC), which will now be able to claim Title IV-E funding to support children who move to permanent homes with relatives as of April 1, 2009.

IV-E PLAN AMENDMENT: Initially approved but ACF sent follow-up questions & doc requests, which are currently being responded to by PA.

ANY “MODEL” TIERED LICENSING STRUCTURES (UNDER GAP OR NOT): Kinship caregivers must be approved just like foster parents, including the same training. Minimum standards set in Regulations; there is a Licensing Waiver Process for case-by-case situations, e.g. a temporary waiver while caregiver obtains homeowners insurance.

CONTACT: Cindi Horshaw, 717 783-7287

STATE: Rhode Island (find referenced documents in Appendix A, Exhibit 17)

ESTABLISHMENT OF GAP AND OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION: Following the passage of the Fostering Connections Act, Rhode Island was the first state to receive an approved state plan amendment for the federal guardianship assistance program (GAP).

ANY “MODEL” TIERED LICENSING STRUCTURES (UNDER GAP OR NOT): None.

IV-E PLAN AMENDMENT: attached

HOW EXPANDED: The state had a program dating back to 1994, but had been recently working to revise its state policy to promote greater use of the guardianship option statewide. When the Fostering Connections Act became law, here was statewide agreement that opting into the federal program made sense given the increased emphasis on permanency, particularly for older youth.
An important issue for Rhode Island consideration was the definition of kin. The state has a kinship policy that broadly defines kin to include any individual, such as a godparent, caretaker, close family friend, neighbor, clergy or other adult who has a close and caring relationship with the child. Thus, the State wanted to be sure the federal program would be consistent with this definition. The state plan amendment was approved with the broader definition of kin that the state was seeking.

**ASSOCIATED RULE CHANGES:** DCYF Policy 700.0045 (Legal Guardianship and Kinship Guardianship Assistance) attached... This new rule provides procedures to implement the provisions of federal and state law relating to legal guardianship and guardianship assistance. Rhode Island *General Law 40-11-12* allows the Family Court to appoint a guardian for a child if the child has been placed in the care, custody and control of DCYF and *RIGL 40-11-12.3* allows for the provision of guardianship assistance. The final rule does not include any changes from the proposed rule other than editing changes.

**ASSOCIATED LICENSING REQUIREMENTS:** All foster parents including kinship foster parents meet the same licensing components which include a home safety inspection, home study, background clearances, fingerprints, medical clearances, recommendations. Variances covered here: § 42-72.1-5. **General licensing provisions.**

**ASSOCIATED FINANCIAL STRUCTURE:** The state program had been funded with state dollars for non relatives and with the TANF child only subsidy for relatives. The state can now claim Title IV-E for all eligible children beginning January 2009.

**CONTACT:** Diane Savage, Permanency Services Unit, Post Adoption Manager, ICAMA Administrator, ICPC Deputy Compact Administrator; 401.528.3676, diane.savage@dcyf.ri.gov

**STATE: Tennessee** (find referenced documents in Appendix A, Exhibit 18)

**ESTABLISHMENT OF GAP AND OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION:**

**IV-E PLAN AMENDMENT Approved by ACF (attached):** In 2009, the Tennessee Department of Children's Services received approval from the federal government for its state plan amendment for the Kinship Guardianship Assistance Program (GAP). Tennessee had been conducting a Title IV-E waiver demonstration for guardianship and was eager to convert to the federal program to sustain efforts to achieve permanency for children in foster care statewide. Approval to run a GAP program beginning April 1, 2009 allowed Tennessee to make further gains in timeliness to permanency while sharing the cost with the federal government. Tennessee covers the cost of guardianship subsidies for children who are not Title IV-E eligible. Tennessee’s program as approved by the federal government has a broad definition of relative to include kin who already have an attachment to the child, including godparents and close family friends. It does not allow guardianship subsidies for resource families who do not have a pre-existing relationship to the child, as was previously the case for children 14 and over in the waiver program. The state also received clarification from ACF about the meaning of the words six consecutive months to describe the length of time a child has to be in the caregiver's home before establishing guardianship – specifically, that any break in the care-giving arrangement has to be more than 14 days.

**ASSOCIATED RULE CHANGES:** DCS P&P 16.39 (Subsidized Permanent Guardianship): child’s eligibility based on reimbursability for Title IV-E foster care maintenance payments as outlined in DCS policy 16.36, Title IV-E Foster Care Funds, while residing for at least 6 consecutive months in the approved home of the prospective guardian; renewal/renegotiation of Subsidized Permanent Guardianship is required annually

**ASSOCIATED LICENSING REQUIREMENTS:** DCS P&P 16.4 (Resource Home Approval): includes case-by-case home approval considerations, mandatory pre-service “PATH” training,

**ANY “MODEL” TIERED LICENSING STRUCTURES (UNDER GAP OR NOT):**
STATE: Texas (find referenced documents in Appendix A, Exhibit 19)
ESTABLISHMENT OF GAP AND OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION: HB 1151, Chap. 1118 ENACTED

- (FC to 21 or 22): The department shall continue to pay the cost of foster care for a child after the month in which the child attains the age of 18 as long as the child is: (1) regularly attending high school or enrolled in a program leading toward a high school diploma or high school equivalency certificate; (2) regularly attending an institution of higher education or a postsecondary vocational or technical program; (3) participating in a program or activity that promotes, or removes barriers to, employment; (4) employed for at least 80 hours a month; or (5) incapable of performing the activities described by Subdivisions (1)-(4) due to a documented medical condition.

- Develops the Permanency Care Assistance Program which will provide for the reimbursement of the nonrecurring expenses a kinship provider incurs in obtaining permanent managing conservatorship of a foster child. "Kinship provider" means a relative of a foster child, or another adult with a longstanding and significant relationship with a foster child before the child was placed with the person by the department, with whom the child resides for at least six consecutive months after the person becomes licensed by the department or verified by a licensed child-placing agency or the department to provide foster care. The program must conform to the requirements for federal assistance as required by the Fostering Connections Act. If the department first entered into a permanency care assistance agreement with a foster child’s kinship provider after the child’s 16th birthday, the department may continue to provide permanency care assistance payments until the last day of the month of the child’s 21st birthday, provided the child is: (1) regularly attending high school or enrolled in a program leading toward a high school diploma or high school equivalency certificate; (2) regularly attending an institution of higher education or a postsecondary vocational or technical program; (3) participating in a program or activity that promotes, or removes barriers to, employment; (4) employed for at least 80 hours a month; or (5) incapable of any of the activities described by Subdivisions (1)-(4) due to a documented medical condition.

ASSOCIATED RULE CHANGES: Amendments/additions to Texas Family Code at Sects. 264.101 (FC to 21 or 22), 264.851 (Permanency Care Assistance Program), 264.852 (PCA Agreements), 264.853 (PCA Rules), 264.854 (PCA Maximum Payment Amount), 264.855 (continued PCA Eligibility After Age 18); DFPS Policy 7271.1 (Waivers and Variances ref: Fostering Connections Act)
ASSOCIATED FINANCIAL STRUCTURE: “Sec. 264.854. Maximum Payment Amount. The executive commissioner shall set the maximum monthly amount of assistance payments under a permanency care assistance agreement in an amount that does not exceed the amount of the monthly foster care maintenance payment the department would pay to a foster care provider caring for the child for whom the kinship provider is caring.”

STATE: Washington (find referenced documents in Appendix A, Exhibit 22)
ESTABLISHMENT OF GAP AND OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION: ENACTED: HB 1961, Chap. 235

- Provides continued foster care or group care, adoption support benefits, or subsidized relative guardianship benefits to youth ages eighteen to twenty-one years who are: (i) Enrolled and
participating in a high school, high school equivalency, or vocational school program; (ii) Enrolled and participating in a postsecondary or vocational educational program; (iii) Participating in a program or activity designed to promote or remove barriers to employment; (iv) Engaged in employment for eighty hours or more per month; or (v) Incapable of engaging on any of the activities described in (a)(i) through (iv) of this subsection due to a medical condition that is supported by regularly updated information.

- A youth who remains eligible for placement services or benefits pursuant to department rules may continue to receive placement services and benefits until the youth reaches his or her twenty-first birthday.
- Authorizes qualified relatives to receive a guardianship subsidy on behalf of a dependent child placed in the home under a guardianship order

ASSOCIATED RULE CHANGES: amending RCW 74.13.031 (FC and/or subsidized relative guardianship benefits to 21); adding a new section to RCW 13.34 (new relative guardianship section); DSHS P&P 43401 (Relative Guardianship Assistance Program or R-GAP): R-GAP agreements are contracts between the relative guardian(s) and the state of Washington. R-GAP is not available for non-relative licensed foster parents.

ANY “MODEL” TIERED LICENSING STRUCTURES (UNDER GAP OR NOT): Currently working to identify some non-safety requirements that could be waived for relatives. Also looking at training requirements and exploring ways to make training more appealing to relatives.

CONTACT: Dinah Martin, DSHS Program Manager: MADI300@dshs.wa.gov; Pam Kramer, Children’s Administration, Adoption Services Program Manager: (360) 902-7968, pam.kramer@dshs.wa.gov

II. STATES IN PROGRESS

STATE: Alabama (find referenced documents in Appendix A, Exhibit 1)

ESTABLISHMENT OF GAP AND OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION: In progress

ASSOCIATED LAW CHANGES: ENACTED HB 617, Chap. 712 (attached): Establishes a kinship guardianship subsidy program. Sets procedures for establishing kinship guardianships and legal authority of kinship guardians. Defines “caregiver” as an individual 21 years of age or older, other than a child’s parent, legal guardian, or legal custodian who is an approved foster parent, who is a relative of the child and who has been providing care and support for the child while the child has been residing in the caregiver’s home for at least the last six consecutive months while in the legal custody of the Department of Human Resources. Child’s eligibility includes having received foster care maintenance payments while residing for at least six consecutive months in the home of the prospective kinship guardian. The kinship guardianship subsidy shall continue until the following occur: (1) The child who is being cared for by the kinship guardian reaches age 18 years, or age 21 if the child has attained age 16 before the kinship subsidy agreement became effective, and the child is: a. Completing secondary education or a program leading to an equivalent credential; b. Enrolled in an institution which provides postsecondary or vocational education; c. Participating in a program or activity designed to promote, or remove barriers to, employment; d. Employed for at least 80 hours per month; e. Incapable of doing any of these activities described in paragraphs a. through d. due to a medical condition, which incapability is supported by regularly updated information in the case plan of the child, if applicable.

HOW EXPANDED: Nothing in effect before this legislation other than $500 TANF payments to kin and option to approve Relative FC

IV-E PLAN AMENDMENT: developing policy and program to implement; bill goes into effect 10/1 and will submit by 9/30 and will ask for approval by 10/1
ASSOCIATED CODE CHANGES: amends Section 12-15-301 of the Code of Alabama 1975, the Alabama Juvenile Justice Act, and provides for definitions; amends Section 12-15-314 of the Code of Alabama 1975, the Alabama Juvenile Justice Act, to provide procedures for appointment of a kinship guardian; Section 38-12-1 definitions, section 38-12-2 program established, section 38-12-3 investigation of prospective kinship foster parent, section 38-12-4 case plan, section 38-12-5 rules and regulations

ASSOCIATED LICENSING REQUIREMENTS: At this time an administrative decision has been made to not distinguish between licensing requirements for the potential kinship guardians (who will fall into the pre-existing classification of “Relative Foster Care”) and (non-relative) foster parents. Further, there is no plan to waive non-safety issues in the issuance of these kinship guardian licenses.

ASSOCIATED FINANCIAL STRUCTURE: The subsidy may be paid monthly and the monthly amount may not exceed the monthly foster care maintenance board payment for the child if the child were to Remain in the care or custody of the department, without regard to the sources of the funds. No foster care maintenance board payment and kinship subsidy payment shall be paid for the same child for the same period of time.

CONTACT: Margaret Livingston, Policy Manager, Dept of Human Resources, Div of Family Services: (334) 242-9506; Marie Youngpeter, Permanency Planning Program Mgr, (334) 242-8112

STATE: Alaska (find referenced documents in Appendix A, Exhibit 2)
ESTABLISHMENT OF GAP AND/OR FC TO AGE 21: Pre-existing GAP in place; does not require guardian to be a relative. Plans to implement federal provisions, but has not yet submitted an amended State IV-E Plan. Also intends to implement extension of FC to older youth, and has passed related legislation.
ASSOCIATED LAW CHANGES: The following three bills allow for foster youth to petition to stay in foster care up to the age of 21, and allow former foster youth between 18 and 21 to resume state custody.
- HB 126 (enacted 6/16/10)
- SB 105 (pending)
- SB 27 (pending)

STATE: Arkansas (find referenced documents in Appendix A, Exhibit 4)
ESTABLISHMENT OF GAP AND/OR FC TO 21: Plans to implement GAP and has passed legislation (SB 351, see below), but has not yet submitted an amended IV-E State plan. Is conducting cost/benefit analysis on extending FC to age 21; has passed legislation that would allow for the extension of FC (HR 6893, see below), but has not yet decided whether to implement.
ASSOCIATED LAW CHANGES:
- SB 351 (enacted 3/6/09): establishes a relative guardian subsidy program. Relative guardian must be licensed or approved as meeting the licensure requirements for a foster family home.
- HR 6893: allows courts to maintain jurisdiction over youth after the age of 18.

STATE: Arizona (find referenced documents in Appendix A, Exhibit 3)
ESTABLISHMENT OF GAP AND OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION: Very early in the process
ASSOCIATED LAW CHANGES: Legislation is not necessary to do so as Arizona currently has a Guardianship Subsidy Program in effect through state statute for children exiting the public foster care system through legal permanent guardianship with a relative or non-relative.
State is currently crafting FC Through 21 legislation. Current practice is that youth are no longer wards of the state upon turning eighteen; however, youth can voluntarily stay in foster care after age 18 if they desire. Most youth do not choose to stay in foster care. Arizona does have a transitional independent living program and youth can request certain services, such as room and board, up to the age of 21. The transitional independent living program and selected services are funded with state general funds and Chafee monies. Youth who enter into Arizona’s adoption assistance program or Arizona’s permanent guardianship subsidy program may be eligible to continue receiving services up to age 22 if certain criteria are met.

IV-E PLAN AMENDMENT: Not yet

ANY “MODEL” TIERED LICENSING STRUCTURES (UNDER GAP OR NOT): Arizona has a notice of proposed rulemaking for their foster home licensing regulations which includes provisions for waiving, on a case-by-case basis, non-safety licensing criteria for relatives. In the interim, Arizona’s child welfare administration and the foster home licensing authority are determining alternative methods of compliance, on a case-by-case basis, for relatives who wish to become licensed as foster parents but have difficulty meeting a non-safety licensing criteria.

CONTACT: Mark Schwartz, Ops Mgr, 602 542 2369

STATE: California (find referenced documents in Appendix A, Exhibit 5)

ESTABLISHMENT OF GAP AND OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION: In progress

ASSOCIATED LAW CHANGES: PENDING: AB 12 (“California Fostering Connections to Success Act”):

- Repeals state’s Kin-GAP program, requires state to exercise GAP agreements w/ grandparents and other relatives who have assumed legal guardianship of the children for whom they have cared as foster parents and for whom they have committed to care on a permanent basis; child’s eligibility for GAP payments depends in part on having been eligible for foster care maintenance payments under Article 5 (commencing with Section 11400) of California Welfare and Institutions Code while residing for at least six consecutive months in the home of the relative guardian. In Section 11400, “foster care” is defined as “the 24-hour out-of-home care provided to children whose own families are unable or unwilling to care for them, and who are in need of temporary or long-term substitute parenting”;
- Requires Dept to extend AFDC-Fc to specified individuals up to age 21, staggered over three years (2011 to 19, 2012 to 20, 2013 to 21).

HOW EXPANDED: It is the intent of the Legislature to ensure that relative guardians of children in long-term, stable placements who previously were receiving kinship guardianship assistance payments (Kin-GAP) on behalf of those children under Article 4.5 (commencing with Section 11360) shall instead receive assistance under this Act.

IV-E PLAN AMENDMENT: not until legislation passes

ANY “MODEL” TIERED LICENSING STRUCTURES (UNDER GAP OR NOT): relatives must meet all foster care licensing standards, with exceptions (one-time 30-minute in-home training, alternate plan for bedroom space and telephone service) as codified in departmental “All County Letters”

ASSOCIATED FINANCIAL STRUCTURE: A kinship guardianship assistance payment made under AB12 on behalf of a child shall not exceed the rate for children placed in a licensed or approved home.

CONTACT: Bill Fuser, Policy Analyst with the California Department of Social Services, Kinship Care Policy and Support Unit: (916) 657-1858
STATE: Colorado  (find referenced documents in Appendix A, Exhibit 6)
ESTABLISHMENT OF GAP AND OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION: In progress
(GAP only; state currently has capacity to keep foster kids in care thru 21 in PP & law)
HOW EXPANDED: Colorado has long encouraged kin to become certified foster homes and has used TANF dollars to support these placements, but a Relative Guardianship Program will be new for the state. (Certified in Colorado is equivalent to licensed in other states and the federal safety standards are met.)
ASSOCIATED LAW CHANGES: ENACTED SB 245, Chap. 436; (GAP only): Available to grandparents and other persons related to a child who: (a) are committed to the child’s or children’s permanency; (b) were the foster parent or parents of the child or children at the time they assumed guardianship; and (c) have assumed guardianship of the child or children.
IV-E PLAN AMENDMENT: Currently in the process of re-submitting based on following areas of ACF concern: CO had allocated non-recurring expenses totaling $800, not $2,000 as per 2/18/10 Program Instruction; CO did not originally include categorical eligibility for Medicaid language since that’s not the practice with their adoption system; in the prior example and in the case of necessary “contrary to welfare” language, CO originally used different language which was unacceptable to ACF.
ASSOCIATED RULE CHANGES: 12 ccr 2509-4 Rule Manual 7311 Relative Guardianship Assistance Program [eff. 2/1/10]
ANY “MODEL” TIERED LICENSING STRUCTURES (UNDER GAP OR NOT): No.
CONTACT: Foster Care Specialist Mary Griffin: 303-866-3546

STATE: Delaware  (find referenced documents in Appendix A, Exhibit 7)
ESTABLISHMENT OF GAP AND OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION: Delaware is not able to implement a federal guardianship assistance program (GAP) at this time.
ASSOCIATED LAW CHANGES: PENDING: SB 113: SYNOPSIS: This Bill creates a procedure by which youth exiting foster care and who are provided services under the John H. Chafee Independence Act and/or the Fostering Connections and Increasing Adoptions Act of 2008 have a legal mechanism -- extended jurisdiction to age 21, although DSCYF custody terminates at 18 -- for Family Court to review the appropriateness of such services. The bill also specifically limits any findings on the reasonableness of the services to be offered and coordinated by the DSCYF to the youth, including financial, housing, medical, employment, training, education and other appropriate services, to the appropriations made to or by the State of Delaware for this purpose. Finally, the bill allows ongoing representation of the youth by the Office of the Child Advocate or the Court-Appointed Special Advocate program.

STATE: District of Columbia
ESTABLISHMENT OF GAP AND/OR FC TO AGE 21: Guardianship subsidy program previously in place. Has revised subsidy policies to align with federal requirements, including modification of IV-E eligibility determination practices and SACWIS modifications.
IV-E PLAN: An amended IV-E plan has been submitted, pending approval.
CONTACT: Ritu Atwal, Child & Family Services Agency Subsidized Guardianship: (202)727-3777; ritu.atwal@dc.gov  (Initial contact attempted; awaiting response.)

STATE: Louisiana
ESTABLISHMENT OF GAP AND OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION: N/A;
Louisiana has a "Kinship Care Subsidy Program," which can be found in the Louisiana Revised Statutes
at section 46:23. This program started on March 1, 2000 and has no age restrictions for the children and is not limited to children with special needs. Grandparents, step-grandparents or other adult relatives are eligible if they satisfy the following requirements: (1) possess or obtain, within one year, legal custody or guardianship of the child who is living in the relative’s home; (2) have an income of less than 150 percent of the federal poverty level; (3) apply for benefits through the state’s Temporary Assistance for Needy Families (TANF) program; (4) have neither of the parents living in the household; and (5) agree to pursue the enforcement of child support obligations against the parents. The amount of the subsidy is set at $222, which is roughly half of Louisiana’s foster care rate (that rate varies between $11.03 and $13.29 a day, depending on the age of the child) and $150 more than the state's TANF child-only grant.

CONTACT: Louisiana Department of Social Services, Office of Family Support in Baton Rouge at (225) 342-3947

STATE: Maine (find referenced documents in Appendix A, Exhibit 9)

ESTABLISHMENT OF GAP AND/OR FC TO AGE 21: Pre-existing GAP already in place under Statute 22.4038-D. Plans to implement federal provisions.

IV-E PLAN: An amended state plan has been submitted; pending approval.

CONTACT: Linda Brissette, Maine Bureau of child & Family Services: (207)624-7964;
Linda.Brissette@maine.gov (Initial contact attempted; awaiting response.)

STATE: Maryland

ESTABLISHMENT OF GAP AND/OR FC TO AGE 21: State-funded GAP already in place; participated in IV-E Waiver Demonstration project. Plans to implement Fostering Connections provision to complement state program. Also plans to implement option to extend FC services to older youth.

IV-E PLAN: In process of submitting

CONTACT: Debbie Ramelmeier, Director, Child Welfare Policy & Practice, dramelme@dhr.state.md.us (initial contact made; awaiting response)

STATE: Massachusetts (find referenced documents in Appendix A, Exhibit 10)

ESTABLISHMENT OF GAP AND OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION:

- FC THROUGH 21 PENDING: HB 123 and SB 40 (“department shall continue its responsibility as provided in this section for any person who has attained the age of 18 and is under 22 years of age and who is (1) completing secondary education or a program leading to an equivalent credential; (2) enrolled in an institution which provides post-secondary or vocational education; (3) participating in a program or activity designed to promote, or to remove barriers to, employment; (4) employed at least 80 hours per month; or (5) incapable of doing any of the activities described in sub-clauses (1) through (4) due to a medical condition”)

- Massachusetts started the subsidized guardianship trend with its program in 1983. It began as a regional demonstration to provide permanence to teenagers living in stable foster homes who could not or did not want to be adopted.

ASSOCIATED LAW CHANGES: Passage would trigger amendments to the General Laws.

ASSOCIATED RULE CHANGES: Proposed amendment of regulations to 110 CMR 7.00 (attached) would modify the current Guardianship Subsidy regulations to include a program for Guardianship Subsidy under Title IV-E of the Social Security Act and further clarify the standards for state funded
guardianship subsidy. There is currently a Department Policy for Guardianship Subsidy in draft form (attached) that similarly clarifies and distinguishes between the two guardianship subsidy programs.

**IV-E PLAN AMENDMENT:** Submitted

**STATE:** Minnesota (find referenced documents in Appendix A, Exhibit 12)

**ESTABLISHMENT OF GAP OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION:** No plans at present time to pursue GAP; the state is in the middle of a five-year IV-E waiver demonstration project that expires in 2010 but may be renewed. Foster Care up to age 21 established under SB 666 (see below).

**IV-E PLAN AMENDMENT:** Not yet submitted

**ASSOCIATED LAW CHANGES:** SB 666 (enacted, attached), establishes that the local agency shall ensure any foster care, housing, or counseling benefits upon request to any person between the ages of 18 and 21 who had been receiving foster care payments for 6 consecutive months prior to their 18th birthday, to the extent that funds are available.

**CONTACT:** Connie Caron, (651) 431-4665 (FC To 21); John Hanna, (651) 431-4678 (IV-E Waiver)

**STATE:** Missouri (find referenced documents in Appendix A, Exhibit 13)

**ESTABLISHMENT OF GAP OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION:** Plans to implement GAP.

**HOW EXPANDED:** Missouri has a state guardianship program that is funded entirely by state appropriations. Guardianship subsidy is provided in the same manner as the adoption subsidy program which is outlined in state law. The state guardianship is very similar to the federal program. It did not have the six month timeframe for the living arrangement, but Missouri staff believe that families that have had children with them six months or more under the Missouri’s program will be eligible for IV-E guardianship as of January 1, 2009.

**IV-E PLAN AMENDMENT:** Submitted

**ANY “MODEL” TIERED LICENSING STRUCTURES (UNDER GAP OR NOT):** No relative foster care licensing waivers are currently being utilized; however, non-safety requirements are being reviewed to determine if waivers should be allowed. Current policy required updates to include the background screening and completion of licensing activities for relative guardians.

**CONTACT:** Amy Martin, Program Development Specialist (573) 526 8040 (Initial contact attempted; awaiting response)

**STATE:** Montana (find referenced documents in Appendix A, Exhibit 14)

**ESTABLISHMENT OF GAP AND OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION:** In progress.

State-funded GAP currently in place under Statute 41-3-444; plans to implement federal provisions. Proposes an expanded definition of kin that includes non-relatives and emphasizes importance of clan membership for tribal children.

**IV-E PLAN AMENDMENT:** Submitted, returned for clarification on: Special needs children, GAP vs. Adoption Subsidy payments and MEPA/ICWA language

**CONTACT:** Jackie Stoeckel, Foster Care Program Manager, DPHHS - Child & Family Services - Program Bureau: (406) 841-2402; JStoeckel@mt.gov
STATE: Nebraska
ESTABLISHMENT OF GAP AND OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION: IV-E PLAN AMENDMENT: Nebraska submitted the IV-E Plan amendment in December, 2009. Their Regional Federal representative had questions that had to be answered prior to approval of the plan. The corrections and responses were submitted recently, so they are hoping to have approval soon. Will send next wk, pending approval from Region VII.
ASSOCIATED RULE CHANGES: administrative memo, 7/2/10: http://dhhs.ne.gov/jus/Memos/AM-4-2010.pdf
CONTACT: Margaret Bitz, Div of Human Svcs: Margaret.Bitza@nebraska.gov

STATE: South Dakota
ESTABLISHMENT OF GAP AND OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION: Will be seeking GAP funding
IV-E PLAN AMENDMENT: Just beginning to draft
HOW EXPANDED: SD’s subsidized guardianship program was created in 1984. The subsidy is available whenever it appears that a family is available for a child in custody but financial constraints would prohibit guardianship. Family income is considered. The following are excluded from consideration of subsidized guardianship: 1. Medical subsidies; 2. Children under 12 years of age; 3. Children who have not been in foster care for at least six months.
South Dakota is not pursuing the FC Through 21 federal funding. The state’s foster care terminates at age 18 or until graduation from high school. Under certain, rare circumstances FC may be extended until 21 (as in the recent case of a youth with mental health issues who continued school until 21 when he then left foster care and was assigned an adult guardian).
ASSOCIATED LAW CHANGES: Not sure if new legislation will be necessary
CONTACT: Stacy Nemec, Program Specialist for Foster Care, ICPC, Kinship & Guardianship: (605) 773 3227, stacy.nemec@state.sd.us

STATE: Vermont (find referenced documents in Appendix A, Exhibit 20)
ESTABLISHMENT OF GAP AND OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION: Vermont HB 507: This bill has been enacted in the 2010 legislative session. It modifies the permanent guardianship law for children to comply with new federal provisions and enable guardians to access federal funds for guardianships. Subsidized Permanent Guardianship Subcommittee 12/09 Report
IV-E PLAN AMENDMENT: Title IV-E State Plan for Vermont (not yet approved, per ACF)
CONTACT: Diane Dexter, DCF Adoption Chief (initial contact made; awaiting response)

STATE: Virginia (find referenced documents in Appendix A, Exhibit 21)
ESTABLISHMENT OF GAP AND OR FC TO 21 UNDER FOSTERING CONNECTIONS LEGISLATION: Target date of January 2011 to begin pilot. See Child Welfare Advisory Committee 1/22/10 minutes, pp.3-4, for feasibility discussion.
CONTACT: Ms. Lyndell Lewis, Family Preservation Program Supervisor, 804.726.7531; lyndell.lewis@dss.virginia.gov