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A SECOND CHANCE INC.



National Kinship Review

News, Networking & Information for
Kinship Care Professionals & Advocates

Report Preview on Subsidized Guardianship: *Unpacking this Permanency Option for Kinship Families*

Permanency. Every child who enters the child welfare system needs a way home. While the goal for children is reunification with their parents, this path isn't always possible. Still, one fact remains constant: children need permanency. Permanency in kinship care is best facilitated when the child welfare system presents options and empowers the family to determine what they determine is in their best interest.

Through its new report (spring 2019), "Subsidized Permanent Legal Custodianship: Identifying the Relevancy of This Permanency Option Through Data, History and Experience," ASCI aims to inform those who touch the lives of children and families and influence their outcomes: legislators, judges, court personnel, public health and human services administrators, nonprofit leaders and practitioners. In the process, the report offers practice and policy recommendations for future growth and improvement.

The Need for a Report on Subsidized Guardianship

More information and data is needed about permanency options for kinship care families. Options to achieve permanency—a child’s way home—are critical. In kinship care, permanency may mean being adopted by a caregiver or having that person serve as a guardian. Subsidized guardianship creates a legal relationship between a child and caregiver. In kinship care, this is a relative or fictive kin who can provide a permanent family for a child without the need to terminate parental rights. After subsidized guardianship is granted, the state issues a monthly subsidy check—for the same amount as adoption—to the guardian for the child’s care.

Thirty-four states, the District of Columbia, Guam and the U.S. Virgin Islands have established subsidized guardianship programs—in Pennsylvania, for example, it’s called Subsidized Permanent Legal Custodianship (SPLC)—as a permanency option for children who exit the child welfare system into the legal guardianship of relatives and other certified caregivers. The Adoption and Safe Families Act and the Fostering Family Connections Act amendments, as well as the Pennsylvania Juvenile Act, have consistently established that permanent legal custodianship without the requirement of adoption is a natural route to permanency for children in kinship care.

Infographic: 4 Central Triad-Empowerment Components in Subsidized Guardianship

Permanency in Kinship Care

Unpacking the 4 Central Triad-Empowerment Components of Subsidized Guardianship (SG) in Kinship Care



CHOICE is needed for family empowerment.

As a choice, **SG** provides an alternative to adoption.



RESPECT facilitates family empowerment.

SG acknowledges the need for support and provides for a financial stipend.

FAMILY VOICE maintains empowerment.

SG maintains the premise that permanency impacts the entire kinship triad, thus, it must remain a family-based decision.



SELF-DEFINED ROLES enable empowerment.

SG broadens the role and perspectives of the family, which is especially important when the family wants to remain grandma, aunt, niece, nephew, etc.

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A SECOND CHANCE
Kinship Care

Options Address Base Practice in Kinship Care Permanency Planning

Children have a right to be with their own families. As a best practice, the process of making choices about how children transition out of the child welfare system and into permanency should begin when they enter the system. It's an important process that should involve the kinship triad (birth parents, child/youth and caregiver) in decision-making about children, their

futures and families.

For the kinship triad, the opportunity to choose a path to permanence is empowering. Presented with options and knowledge, they can make informed decisions, control their permanency planning and determine what's best for the child. Subsidized guardianship should be one of those options.

The Pathway to the Report



Dr. Sharon L. McDaniel

For kinship caregivers in Pennsylvania, SPLC is a legal way forward that provides permanency and financial support to the already strong relationships built with the children in their care, when they can't achieve the goal of family reunification and choose not to adopt.

As an alumna of kinship care, permanency for

children is paramount for Dr. Sharon McDaniel, founder of A Second Chance, Inc. Growing up in the 1970s, the system decided—not McDaniel or her kin—that permanency was not a possibility. “No one asked where I wanted to live or who I wanted to raise me, or did I want to be reunited with my birth father who placed me with kin,” she recounts in her book, [*On My Way Home: A Memoir of Kinship, Grace, and Hope*](#).

A decade later, with the passage of the Adoption Assistance and Child Welfare Act in 1980, permanency was promoted for children in foster care.

For McDaniel, however, the law came too late. At the time, this was among the positive changes occurring in child welfare, but she knew that not enough was being done for kinship families—and children who were growing up like her. [*On My Way Home*](#) chronicles such gaps.

“There needed to be a way for kinship caregivers—like able and loving grandparents—to receive federal financial assistance if they wanted to make a permanent commitment to the children in their care. These relatives should be able to receive the same financial resources, supports and services that licensed, non-family caregivers received.”

Massachusetts established the first subsidized guardianship program as a permanency option in 1983, with two other states pioneering subsidized guardianship programs, as well—South Dakota in 1985 and Nebraska in 1986. But these early models were rarely used to support relatives and kin, who had been stepping in to raise children for generations.

Without a subsidized guardianship program in McDaniel’s home state of Pennsylvania to increase the financial stability and well-being of children in the care of kin, she became their advocate and made it her mission to push for this change.

At the same time, she became a pioneer. In 1994, McDaniel opened A Second Chance, Inc., which remains the only agency in the country to service the entire kinship triad (birth parents, child/youth and caregiver). Additionally, as co-chair of the state’s kinship care committee, she helped to broker informed statewide and national conversations among key child welfare leaders, state legislators and advocates on subsidized guardianship as a permanency option for kinship families.

McDaniel was determined to deliver what Pennsylvania families needed—permanency options and subsidies. “Without these things,” she concluded, “children could be left adrift.” She invited ASCI’s attorney Anthony Sosso Jr. to serve with her on the state’s kinship care committee.

Together, they conducted the first-ever research to explore subsidized guardianship for families in Pennsylvania. These efforts were first informed by the [Child Welfare League of America](#), which broke new ground in 1994 when it published findings that addressed the emerging practice of “kinship foster care” and the need for guardianship.

As an insider pushing for change and a researcher motivated by the needs of families and her own lived experiences, McDaniel’s aim was to educate state legislators about alternative options for kinship caregivers who did not want to adopt their kin—and risk splintering their families.

McDaniel and Sosso’s research took them across the U.S. to states where subsidized guardianship was in place for foster parents. She saw these programs as models for the systemic policy needed for kinship families, with Nebraska demonstrating what McDaniel considered best practices. Their reports, “Subsidized Legal Guardianship: A Permanency Planning Option Study for Children Placed in Kinship Care” and “Subsidized Legal Guardianship Update,” proved compelling enough to convince then-Pennsylvania Gov. Tom Ridge to use \$1 million in discretionary funding to move families to SPLC.

Based on their findings and government support, Pennsylvania could now replicate what Nebraska’s model accomplished, yielding positive results and cost-effective outcomes while being culturally responsive for children and families. National organizations also used this research to form their positions

and proposals on subsidized guardianship.

Now, decades later, the implementation of SPLC in Pennsylvania has been an overwhelming success as a permanency option for families and youth. A soon-to-be-released report from ASCI documents and examines outcomes for nearly 1,400 youth who achieved permanency through SPLC, without notable incident. They represent 83 percent of all children and youth who transitioned to a permanent legal custodianship placement with kinship caregivers in Pennsylvania's Allegheny County. Retired Superior Court Judge Cheryl Allen is a co-author of the report.

Children have a right to be with their own families. As a best practice, the process of making choices about how children transition out of the child welfare system and into permanency should begin when they enter the system. It's an important process that should involve the kinship triad in decision-making about children, their futures and families.

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**CONVERSATION with Report Co-Author Retired
Superior Court Judge Cheryl Allen**



In this conversation with Judge Cheryl Allen, she shares more about the report and how SPLC is implemented in kinship care cases. Allen, a pioneer in the field and longtime advocate for children and families, was the first African-American woman elected to the Pennsylvania Superior Court in 2007. She retired in 2015.

From your place on the bench, how have you witnessed kinship care's acceptance and evolution?

ALLEN: I've seen the system transformed from one where all children who couldn't stay with their parents were placed long-term in foster care. I was also there when A Second Chance, Inc., began operation. I remember the resistance of judges and others in the court system to the idea of kinship care. The thinking was that family members wouldn't be any better than the parents who couldn't take care of their children.

Over decades, I've also watched the system be transformed from almost a complete rejection of kinship care to where more than 70 percent of children who come into care in Allegheny County are placed with kin.

Why was it important to do this report and analyze SPLC's

impact?

ALLEN: Research and experience tell us that SPLC is the natural progression to permanency for children in kinship care. We know that SPLC has stood the test of time. This report provides an unprecedented opportunity to take a close look at the impact of this permanency option on kinship care cases. As a pioneer and longtime provider of kinship care in Pennsylvania, A Second Chance was well-positioned to analyze SPLC's impact on the lives of thousands of youth it has served. What we found was that an overwhelming majority of these youth who achieved permanency through SPLC have thrived and SPLC does work.

Children fare better in kinship care, not with strangers, when they cannot remain with their parents. That's why court systems, the legal system and social service system should do everything in [their] power, and within the framework of the law, to empower, encourage and strengthen kin, not divide families. It becomes a problem when these systems attempt to force their values on kinship caregivers, birth parents and extended family, without recognizing their culture, community and traditions. State and federal law is clear. Kinship care cases are exempt from the adoption mandate.

The decision to move toward permanency, especially in kinship cases, presumes that the children are already in a stable placement. By the time permanency planning for a child in kinship placement is being considered, there has been a determination that the kinship placement is in the best interest of the child. By now, the child would have been in the home for at least a year. Obviously, the child is doing well.

As a relatively young law, is SPLC as a permanency option misunderstood?

ALLEN: There continues to be a need to change perceptions about permanency options in general, and to clarify the law. These are among the things that we want to do in this new report from A Second Chance, Inc. There are many practitioners, judges and lawyers who still consider adoption and reunification to be the only permanency options for youth and families. And at the same time, there are many in the social services field who continue to see SPLC as nothing more than glorified foster care, not a valuable permanency option.

What are some other key points you want this report to convey about permanency and SPLC?

ALLEN: In this report, we also provide recommendations for systems, practitioners, the courts and others in the field to support families' pre-permanency, during the process and post-permanency. The need is to inform families about their options and what is ultimately best for the child. Supporting families in the decisions that they make and ensuring a smooth transition to permanency so children don't re-enter the system, must be goals. ASCI's models and work with youth and families informed these lessons learned and practice and policy recommendations. We know, for example, that families may continue to need support services long after their cases close, specifically from providers that assist in healing the trauma that many children in kinship care have experienced, including the trauma that comes from being removed from their parents.

News & Information You Can Use

NATIONAL: [Grand Resource: Help for grandfamilies impacted by opioids and other substance use](#)

Generations United now offers Grand Resource, a free set of resources for grandfamilies impacted by substance abuse and other challenges.

NATIONAL: [Child Trends introduces new tool in comparable child welfare data](#)

Child Trends has released a new tool that offers browsers a robust collection of data on child maltreatment, foster care, kinship caregivers and adoption for all 50 states, Puerto Rico and Washington, D.C. The figures are drawn from the most recent Adoption and Foster Care Analysis and Reporting System report, the U.S. Census Bureau and other sources.

SOUTH CAROLINA: [Bill in S.C. House could affect 74,000 children in the custody of relatives](#)

A bill currently in the South Carolina House would give kinship caregivers the same funding and resources that a foster parent gets from the state, like money for daycare, medical expenses and a general stipend. Right now, kinship caregivers get zero financial aid.

NATIONAL: [Pentagon seeks base site to house 5,000 migrant children](#)

The Defense Department is reviewing a number of military bases to find a location that can house up to 5,000 unaccompanied migrant children as the U.S. braces for a surge of people crossing the U.S.-Mexico border this spring.

FLORIDA: [Forty Carrots fuels strategic growth amid rising child](#)

[welfare need](#)

Most children in Sarasota and Manatee counties begin their lives at a disadvantage, and one organization caring for these families has a new opportunity to address their needs. Locally, 52 percent of babies are born into poverty, according to data from First 1,000 Days Sarasota County, a local initiative dedicated to supporting the well-being of mothers and babies.

CANADA: [New federal legislation will give First Nations more control over child welfare, FSIN says](#)

Saskatchewan's Federation of Sovereign Indigenous Nations is applauding the federal government for its changes to child welfare laws. It includes the introduction of new legislation that would transfer decision-making to First Nations communities and help to tackle “crisis” levels of children in care.

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