

Subsidized Guardianship

Demonstrations: What We Have Learned & How Those Lessons Are Guiding Policy & Practice

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“Every child has a right to guardianship of the person ...”

-- Children’s Bureau, 1961

- ...either natural guardianship by birth or adoption or legally appointed guardianship by the court.”
- This principle of legal permanence was first advanced by the Children’s Bureau in the 1960s, championed by child welfare professionals in the 1970s, and later codified in the federal Adoption Assistance and Child Welfare Act (AACWA) of 1980.

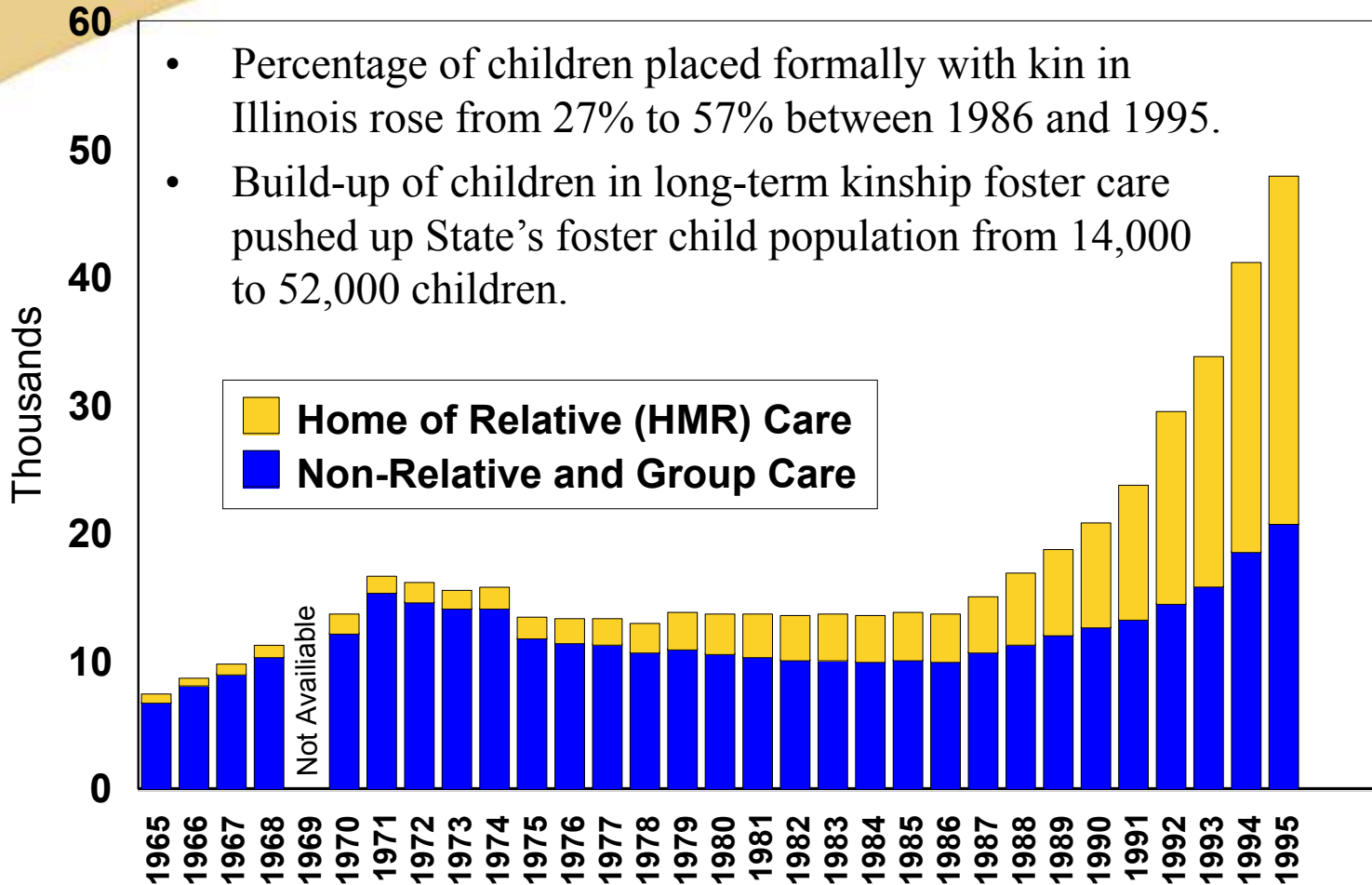


A permanency option lacking financial assistance

- Even though AACWA recognized legal guardianship as a permanency option, the law made no special provision for guardianship assistance payments similar to the assistance made available to adoptive parents of foster children.
- As a result, legal guardianship took a back seat to efforts to conserve children's natural guardianship through family preservation and reunification, and when this was not possible, to replicate the nuclear family through adoption.

Kinship care prompted reconsideration of guardianship

Illinois





Addresses many of the concerns of kin adopting kin

- **Unlike adoption, guardianship does not recast kinship relations into the nuclear family mold of parent and child.**

Guardians retain their extended family identities as grandparents, aunts, and uncles. It does not require the termination of parental rights, which legally estranges children not only from their birth parents but also from their unadopted siblings. Under guardianship, children may also retain rights of sibling visitation.

- **Birth parents may still exercise a limited role in their children's upbringing.**

They hold on to certain residual rights and obligations, such the rights to visit and consent to adoption as well as the obligation for child support. If circumstances change, parents may petition the court to vacate the guardianship and return the children to their custody, unlike adoption that is consummated only after the birth parents' rights to regain custody are permanently extinguished.

- **Guardianship limits the financial liability of guardians for the upkeep of their wards, unlike adoption that reassigns these financial obligations fully to the adoptive parents.**



IV-E Subsidized Guardianship Waivers

To allow “children to stay or be placed in a familial setting that is more cost effective than continuing them in foster care.”

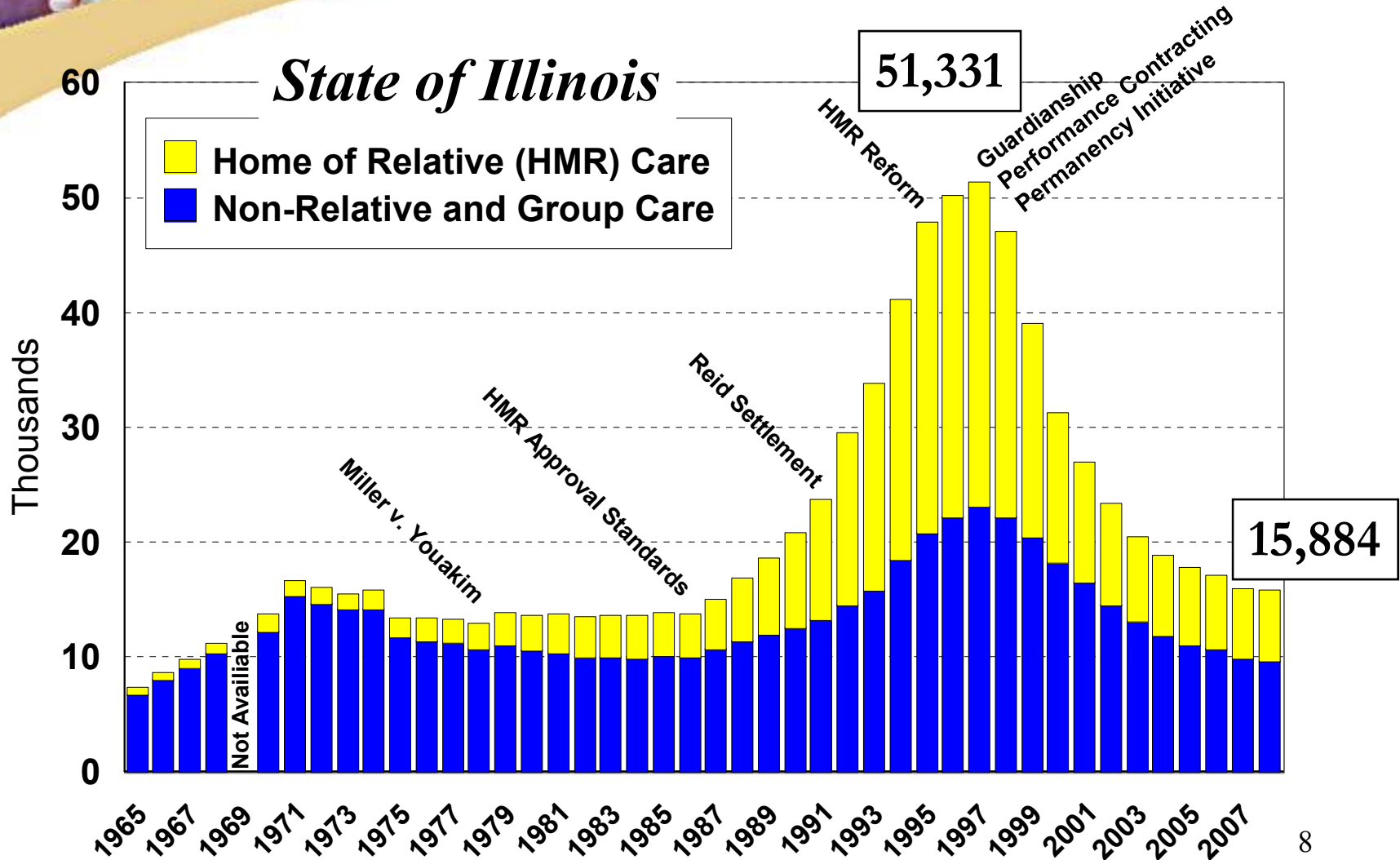
-- USDHHS, 1995

- Authorizes use of IV-E funds to subsidize legal guardianship by biological relatives of foster children who have been in state custody for one year, resided continuously with the prospective guardian for one year, and for whom reunification and adoption have been ruled out as permanency plans.
- Also may be available under special circumstances to foster children who reside with “fictive kin” or unrelated foster parents.

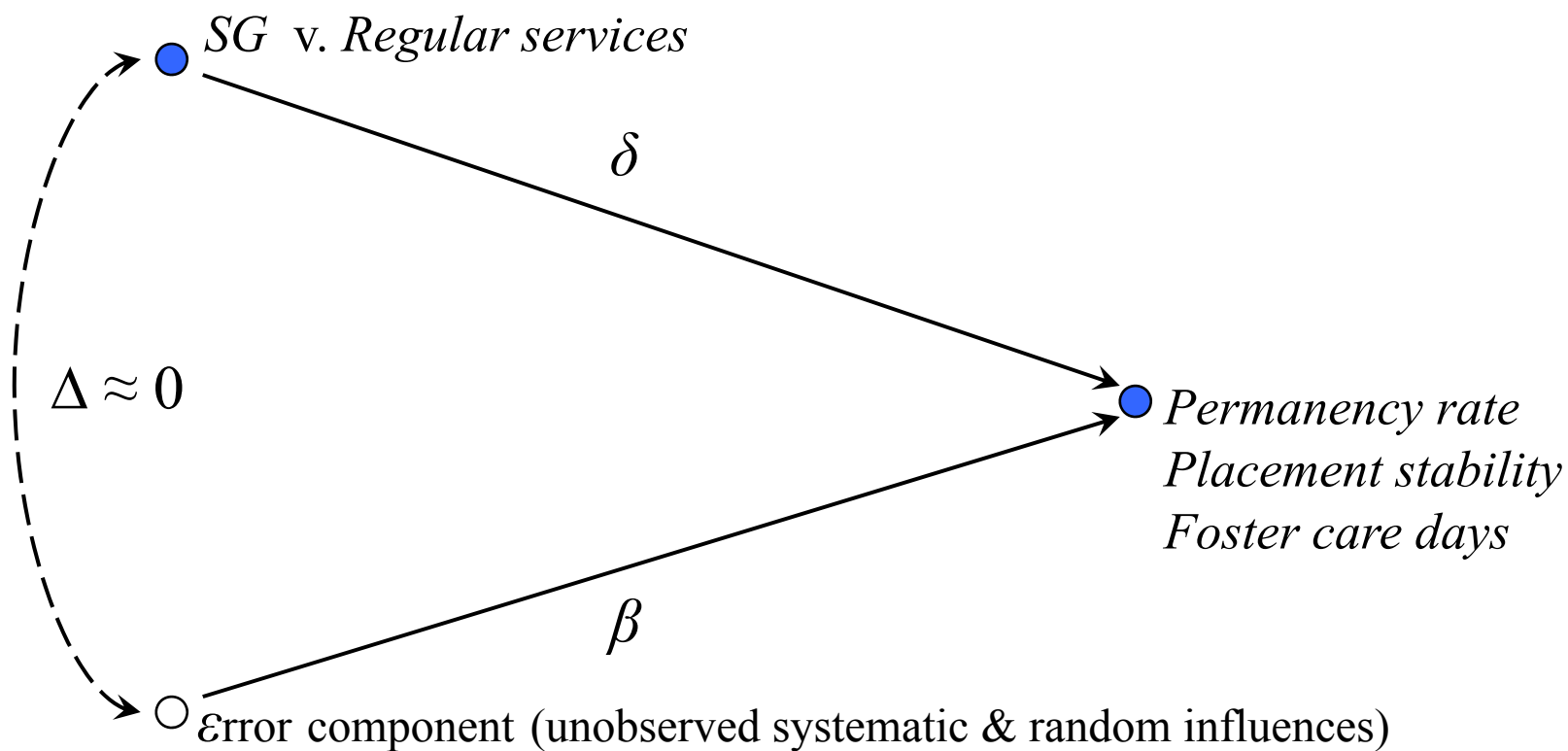
Four Questions

- **Statistical validity:** Is there a statistically significant association between subsidized guardianship and the desired outcomes of family permanence and cost-effectiveness?
- **Internal validity:** Does the statistical association result from a causal relationship between subsidized guardianship and the desired outcomes or is the association spurious?
- **External validity:** How generalizable is the particular causal relationship over variations in state foster care systems?
- **Construct validity:** Is there a difference between adoption and guardianship with respect to the higher-order construct of family permanence?

Statistical Validity: SG associated with reduction



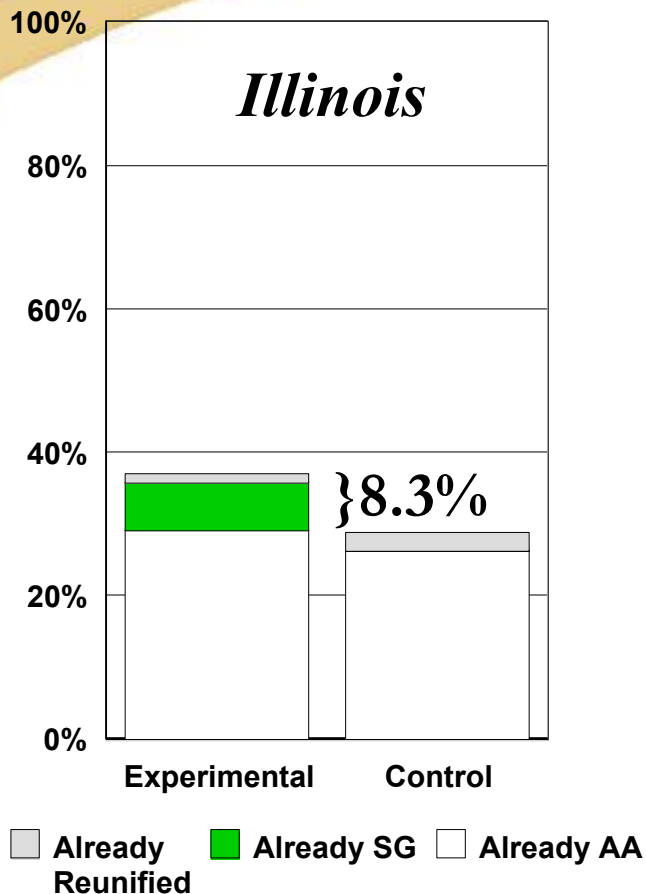
Internal Validity: RCT



Statistical Equivalence at Baseline

	Intervention	Comparison	Difference
Child characteristics			
Age at interview	9.9	10.1	-0.2
Age at removal	4.8	4.8	0.0
Female	49.5%	49.7%	-0.2%
White	9.9%	9.4%	0.5%
Black	83.6%	85.3%	-1.7%
Caregiver characteristics			
Age at interview	51.2	51.8	-0.7
White	10.7%	10.8%	-0.1%
Black	82.5%	83.2%	-0.8%
Married	32.5%	32.2%	0.3%
Less than high school	40.0%	39.9%	0.1%
High school graduate	17.2%	19.3%	-2.1%
Some college	28.5%	24.8%	3.7%
Full-time employment	34.8%	34.2%	0.6%
Not in labor force	47.6%	48.7%	-1.1%
Intend to raise child to adulthood	78.7%	79.6%	-0.9%
Caregiver-child relationships			
Grandparent-grandchild	43.4%	48.3%	-4.9%
Aunt/Uncle-niece/nephew	18.0%	18.1%	-0.1%
Foster parent-foster child	18.5%	17.2%	1.3%
Matched ethnic backgrounds	2.8%	3.3%	-0.5%
Sample N	1,197	1,228	

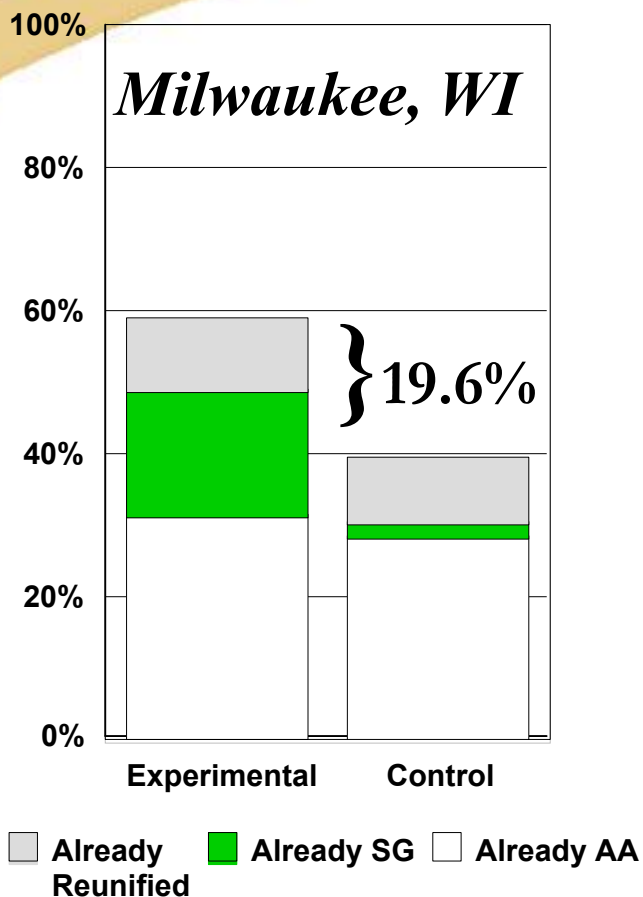
Availability of SG boosted legal permanence ...



At wave I of the evaluation (1998) there was a 8% permanency advantage for children in the experimental group who were offered the choice of subsidized guardianship compared to children in the control group.

Increase in both adoptions and guardianships

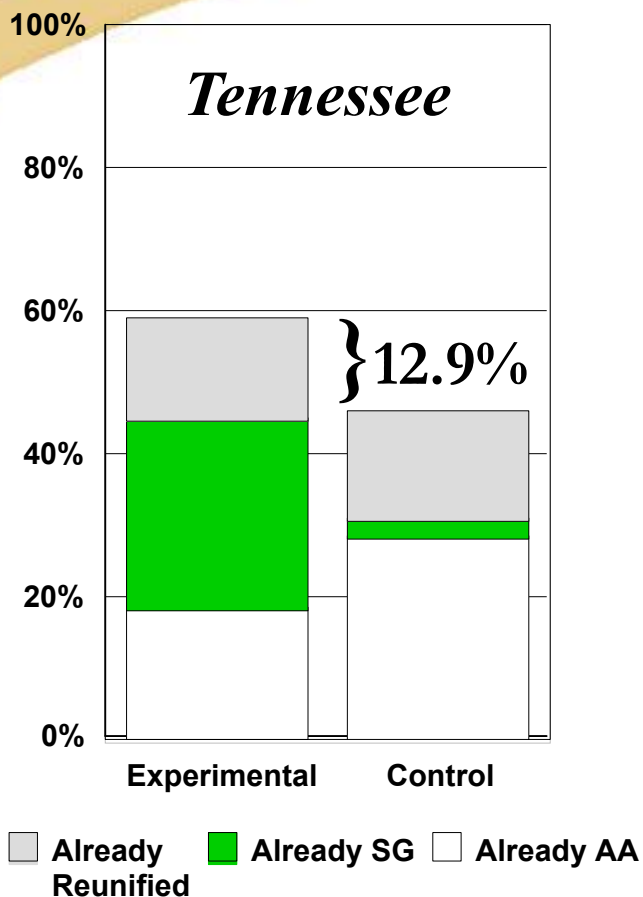
External Validity: SG boosted legal permanence



At wave I of the evaluation (2007) there was a 20% permanency advantage for children in the experimental group who were offered the choice of subsidized guardianship compared to children in the control group.

Increase in both adoptions and guardianships

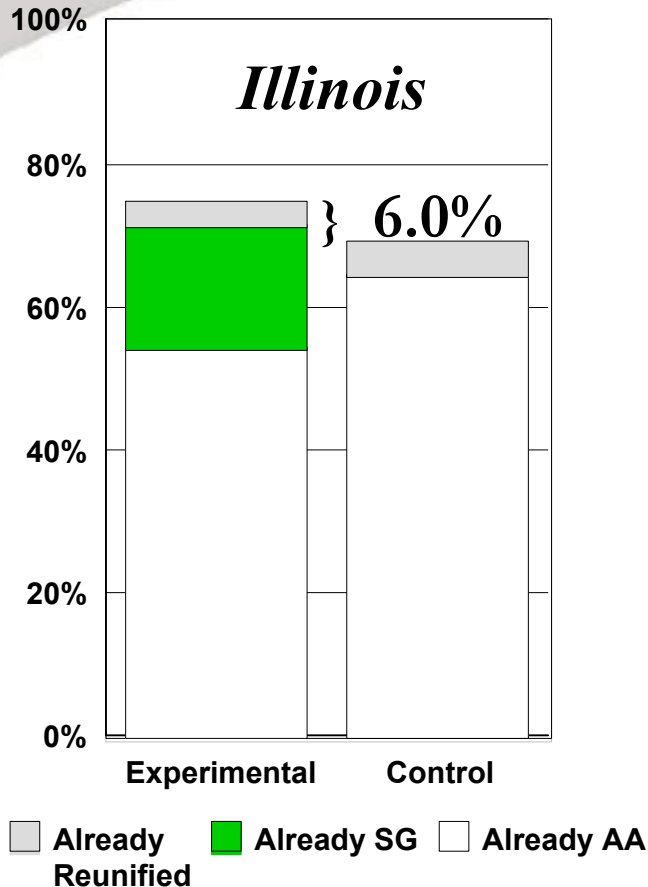
External Validity: SG boosted legal permanence



After one year of implementation (2007) there was a 13% permanency advantage for children in the experimental group who were offered the choice of subsidized guardianship compared to children in the control group.

But net gain came at the expense of adoptions

Future net gains also came at expense of adoptions in Illinois



At wave II of the evaluation (2000) there was still a 6% permanency advantage, but perhaps two-thirds of the completed guardianships might have eventually converted into adoptions in the absence of the option.

Is the net gain in permanence worth the loss in adoptions?

Subsidized Guardianship is Cost-Effective

Group	N	Days of Paid Foster Care	
		Sum	Mean
Experimental Offered SG option	930	906,685	975
Not offered SG option	267	397,099	1,487
Total	1,197	1,303,784	1,089
Control	1,228	1,593,580	1,298

- An ITT analysis shows an average of 208 days of foster care savings (1,089 days – 1,298 days) due to experimental assignment.
- A TOT analysis shows an average of 269 days of foster care savings (208 days/.776) due to experimental treatment.



Contested Definitions of Permanence

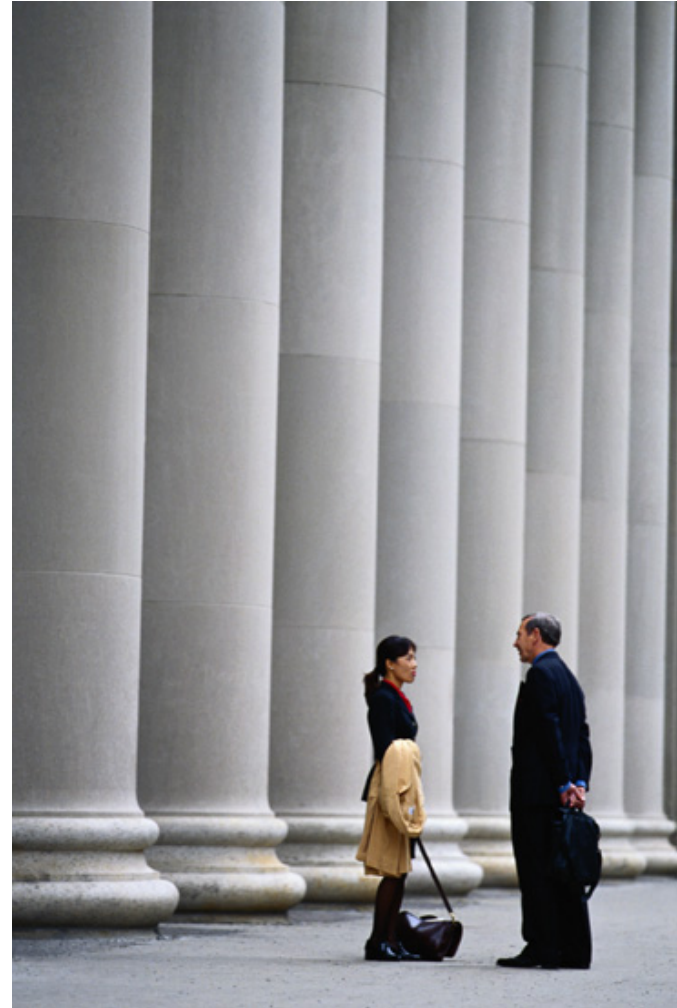
- *Original meaning of permanence as lasting*
 - Rooted in the psychology of attachment that defines permanence as a lifelong relationship that arises out of feelings of belongingness among persons.
- *Newer meaning of permanence as binding*
 - Rooted in law that defines permanence as a lifelong commitment that is legally enforceable.
- *Redefinition demotes guardianship as a permanency goal*
 - Newer thinking establishes a hierarchy of permanency goals. Requires ruling-out of reunification and adoption prior to pursuing guardianship. Guardianship is less binding because it is more easily vacated by the caregiver & more vulnerable to legal challenge by birth parents than termination of parental rights and adoption

Ethics of Adoption Rule-Out

Grandma: If I have to adopt,
I will adopt.

Lawyer: Why would you have
to adopt?

Grandma: Well, if they don't
want me to have
subsidized guardianship
over them; they don't
want to give me any help
with them, I would adopt
them.





Lasting or Binding

- ***Permanence as Lasting***

- Relationship not certain to last forever but *intended* to last indefinitely.
- Least restrictive (most family like) principle.
- Full disclosure of permanency options that allows kin to choose option that best fits cultural norms and sense of belongingness.
- Consistent with social work values, ASFA & CWLA standards.

- ***Permanence as Binding***

- Commitment needs to be legally binding to qualify truly as permanence.
- Hierarchy of permanency goals: reunification, adoption, followed by guardianship.
- Strict interpretation of “rule-out” that adoption needs to be ruled out independently of the desires of the family.
- Supported by lawyers, federal waivers, & NCJFCJ standards.




Permanence describes intent

A permanent home is not one that is certain to last forever, but one that is intended to last indefinitely

-- Emlen et al., 1978

- At round two, **90.6 percent** of caregivers in the control group and **91.6 percent** in the experimental group said that they think the child will be living with them until he or she is an adult.



Permanence means a sense of belonging

A permanent family is one in which the sense of belonging is rooted in cultural norms and has definitive legal status.

-- Emlen et al., 1978

- At round two, **91.3 percent** of children in the control group and **89.8 percent** in the experimental group said that feel like they're part of the family all or most of the time.



Permanence means continuity

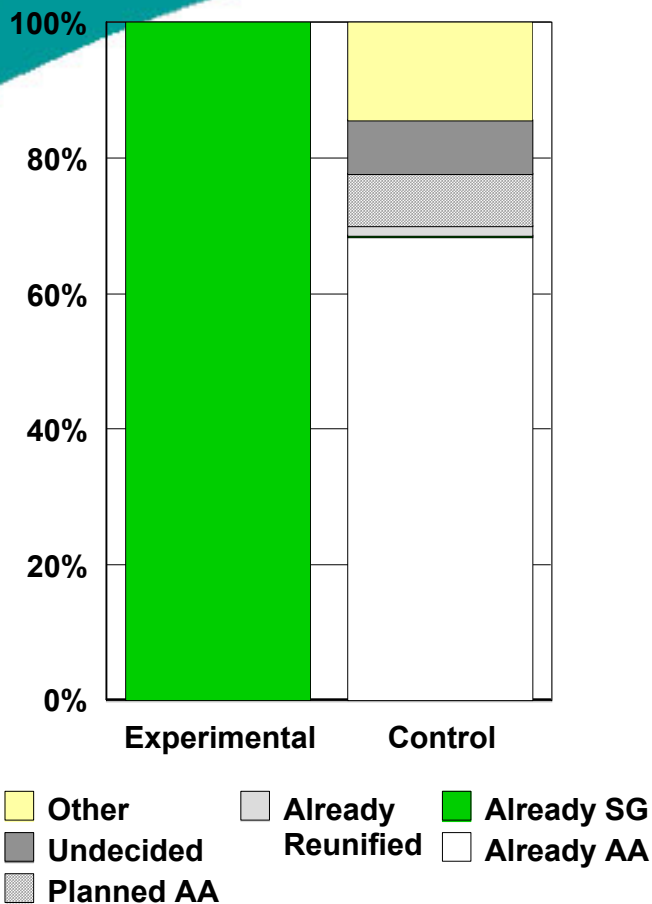
A permanent family will survive geographical moves and the vicissitudes life because belonging to a family involves commitment.

-- Emlen et al., 1978

- At round two, **85.1 percent** of children in the control group and **84.1 percent** in the experimental group were residing in the same home as at the time of random assignment.

Comparing SG to Matched Controls

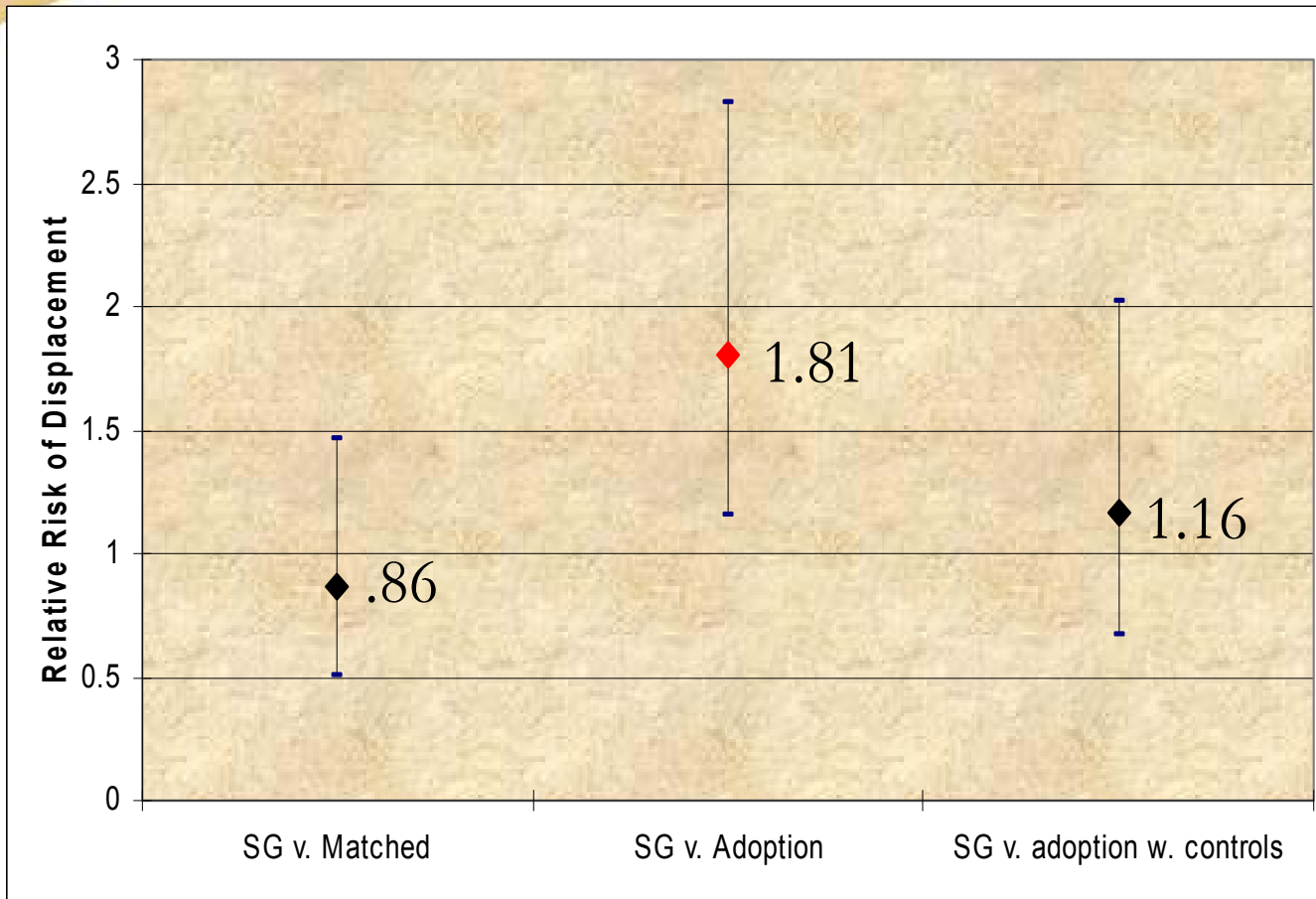
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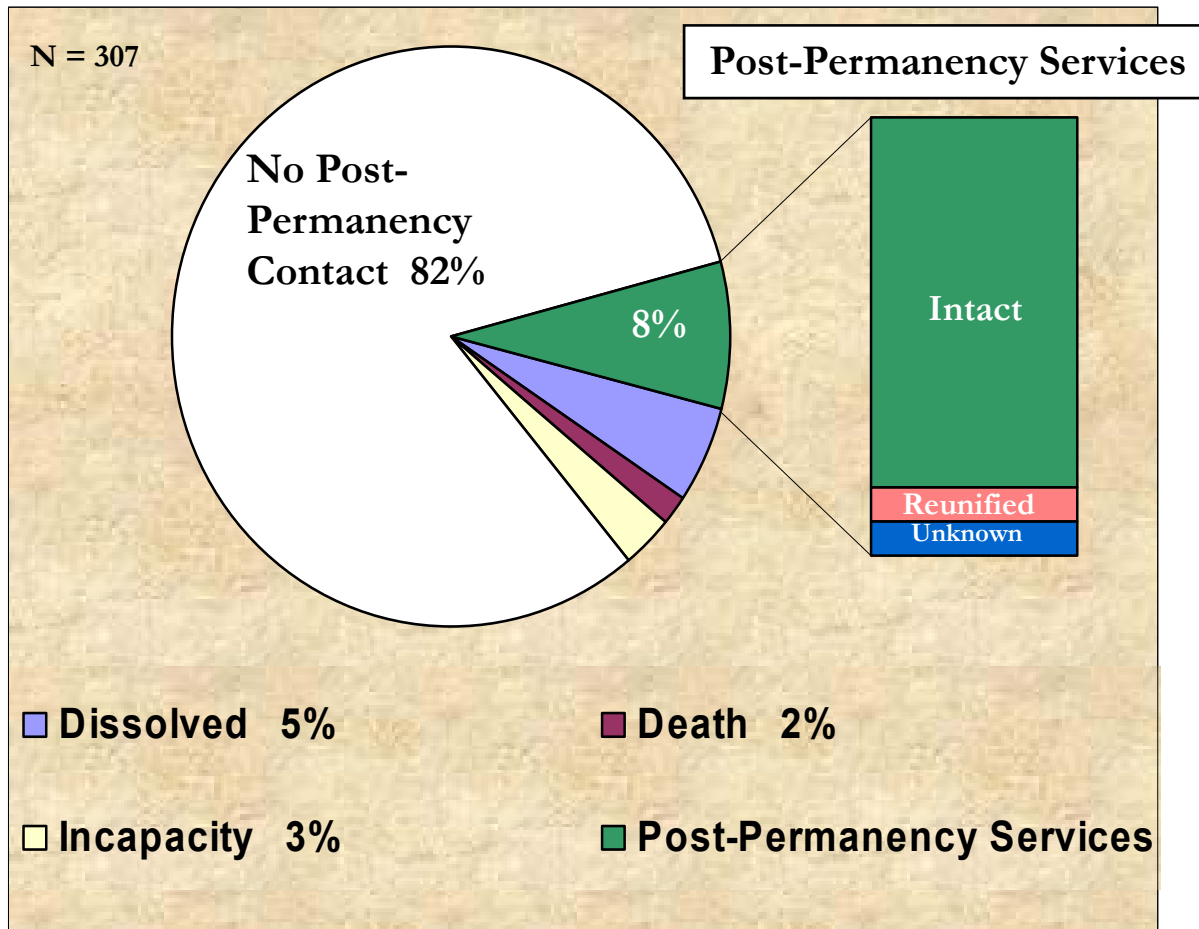
- Matched controls approximate the counterfactual condition:
- Two-thirds would have likely been adopted, but one-third would have remained in state custody.

Do the two groups exhibit different rates of displacement after 7 years?

Relative Risk of Displacement



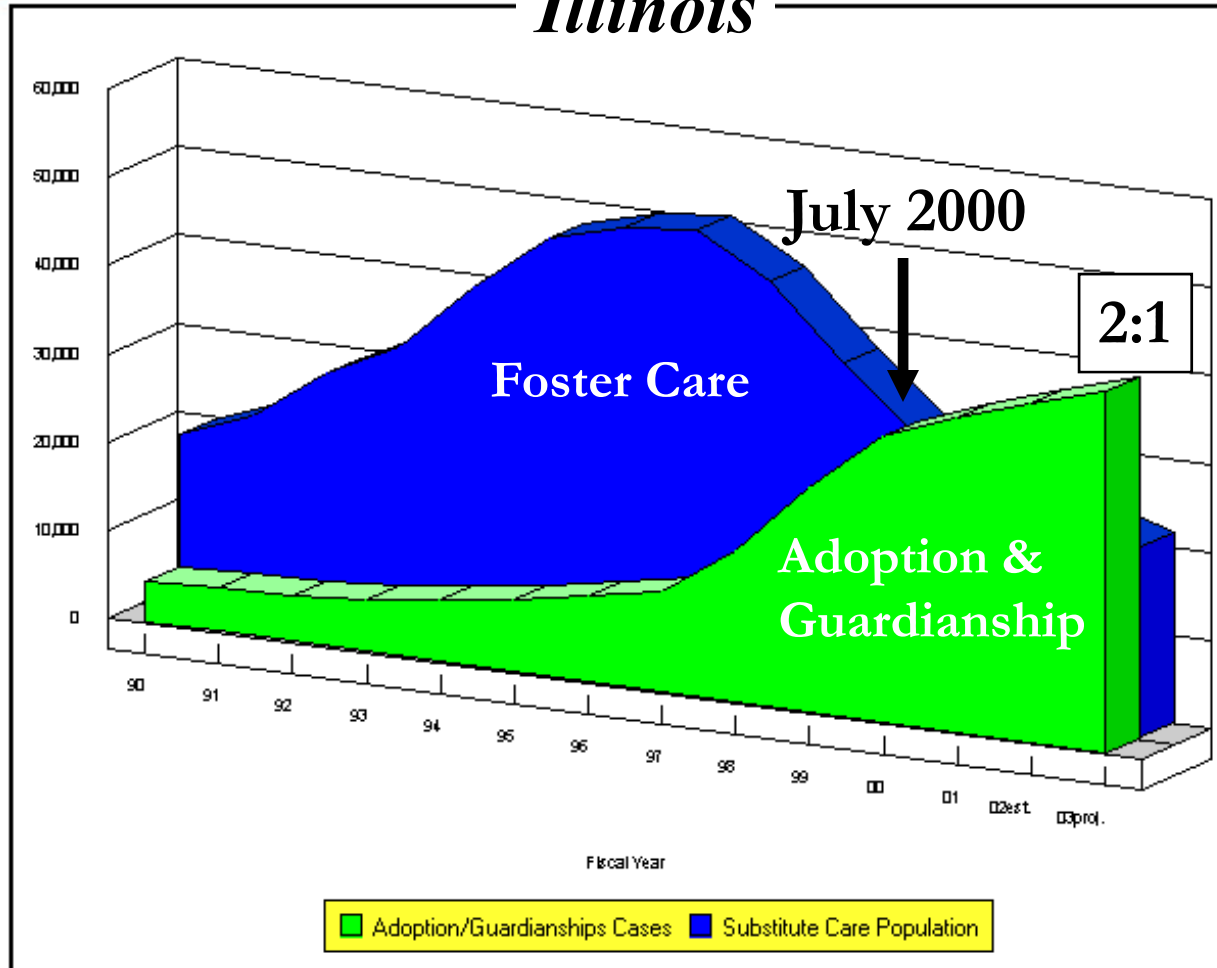
Post-Guardianship Services



Post-Permanency World



Illinois





Kinship Caregiver Support Act

- The Kinship Caregiver Support Act is intended to assist the millions of children who are being raised by their grandparents and other relatives because their parents are not able to care for them.
- Senators Hillary Rodham Clinton (D-NY), Olympia Snowe (R-ME), and Thad Cochran (R-MS) introduced S. 661 in the U.S. Senate in February 2007.
- Representatives Danny Davis (D-IL) and Timothy Johnson (R-IL) introduced H.R. 2188 in the U.S. House of Representatives in May 2007.