

March 2023



School of Social Work
UNIVERSITY OF ILLINOIS URBANA-CHAMPAIGN

Exploring the Role of Guardianship in Effective and Equitable Permanency

Report of Interview Findings with Child Welfare and Legal Professionals in Illinois

CHILDREN AND FAMILY RESEARCH CENTER
TRANSLATIONAL RESEARCH - OFFICE OF RESEARCH AND CHILD WELL-BEING

Exploring the Role of Guardianship in Effective and Equitable Permanency

Report of Interview Findings with Child Welfare and Legal Professionals in Illinois

By Theodore P. Cross, Cady Landa, Heather L. Fox, Robin LaSota, Magdelene Thebaud, Diamond Hines, Tachauna Parsons, EunJee Song, Sharva Hampton-Campbell, Soonhyung Kwon & Mary Jane Steiner

Table of Contents

Project Background and Purpose	i
Executive Summary	iv
Chapter 1. Introduction and Methods for the Professional Interview Study	1
Chapter 2. Assessment of Adoption and Subsidized Guardianship	4
Chapter 3. Circumstances in Which Guardianship is Considered	12
Chapter 4. Challenges to Achieving Permanency Through Guardianship	20
Chapter 5. The Role of Race	26
Chapter 6. Discussion	34
Appendix A. Interview Protocols	38
Acknowledgments and Suggested Citation	42



Project Background and Purpose

This report presents results from an interview study of Illinois permanency caseworkers and supervisors that examined permanency planning for children in the care of the Illinois Department of Children and Family Services (DCFS). The interview study was one component of a study of subsidized guardianship, an infrequently used but promising alternative for finding permanent homes for children in foster care. In the overall study, we gathered data from both permanency professionals and caregivers who have at least one Black child in substitute care with the goal of becoming that child's permanent caregiver. We collected data through interviews and surveys with each group.

We sought to understand the following:

1. How professionals have experienced different permanency options, with a particular focus on guardianship, and how they perceive these options.
2. How caregivers have experienced permanency planning and how they perceive different permanency options.
3. Professionals' and caregivers' perceptions of racial issues in permanency planning and outcomes.

Our aim is to inform efforts to use guardianship wisely to increase the number of children placed in loving, stable, permanent homes, especially Black children.

Funding

This research was supported in part by the Office of the Vice Chancellor for Diversity, Equity and Inclusion of the University of Illinois at Urbana Champaign (UIUC) as part of its Call to Action to Address Racism and Social Injustice Research Program. **The program aims to “enhance exceptional cross-disciplinary research strengths and expand collaborations to build cultures of research and scholarship that address structures of racism and injustice.”**¹ The Office of the Vice Chancellor for Diversity, Equity, and Inclusion at UIUC launched the program to address the root causes of racial disparities with generative ideas, imaginative strategies, and productive collaborations. The research was also supported as part of a DCFS contract with UIUC that funds the Office of Translational Research in the School of Social Work.

Collaboration with DCFS

An advisory team of administrators and analysts from DCFS guided and supported the implementation of this research. The advisory team included staff from the DCFS Division of Strategy

1. Office of the Vice Chancellor for Diversity, Equity & Inclusion (2022) [Call to Action to Address Racism & Social Injustice Research Program : Request for Proposals 2022-2023](#). University of Illinois at Urbana-Illinois.

and Performance Execution, the Office of Research and Child Well-being, the Office of Racial Equity Practice, and the Permanency Division. The advisory team assisted the research team with research design, data collection, and preparation of reports and presentations. This support included providing DCFS administrative data to support recruitment for interviews and surveys, providing data to assist with determining the representativeness of the survey sample, offering feedback on the development of the surveys, and promoting survey completion with permanency staff.

The Context for the Study

When children are removed from their homes because of maltreatment, the goal of DCFS is to return them to a loving, safe, stable, and permanent home as soon as possible. Ideally, children are reunified with their birthparents, but when this cannot be done safely, DCFS seeks to place children and adolescents in other permanent homes. Unfortunately, the most recent statistics show that 47.3% of children and youth who entered substitute care from DCFS in 2018 were not placed in a permanent home within three years. Some never find permanent homes: in 2020, 598 Illinois youth aged out of substitute care without ever returning to a permanent home during their childhood.² The difficulty of placing children in permanent homes is worse for Black children in substitute care. While a majority of White children entering substitute care with DCFS in 2018 reached a permanent home within three years (57.2%), less than half of Black children did (46.7%).

Enhanced use of guardianship has the potential to increase the number of children reaching permanent homes and reduce racial disparity in permanency. With guardianship, a caregiver becomes the permanent caregiver of the child but does not adopt the child. Usually, the guardian receives a subsidy from DCFS to support the care of the child, which is referred to as subsidized guardianship. Typically, the guardian is kin to the child, such as their aunt/uncle, grandparent, or older sibling. Fictive kin (non-family members with a relationship to the child, such as a teacher, neighbor, etc.) may also take on this role and associated responsibilities. At the time that guardianship is awarded, the guardian has already been providing stable and loving foster care for the child. Guardianship in Black families is consistent with “the value placed on extended family and taking care of one’s own,” and draws on deeply rooted traditions of kinship networks in African cultures and in African American communities. With guardianship, birthparents’ rights do not need to be terminated, so typically, one or both of the birthparents will retain some parental rights, including the right to visitation. Birthparents can also, at a later time, petition the court to regain custody of their children. Many kin caregivers are committed and able to provide children permanent homes, but they do not want to terminate the parental rights of the birthparent, who is often a close relative such as their son, daughter, or sibling.

Part of the context of this study is a longstanding debate about the value of adoption versus guardianship. This context is described in detail in our [Policy Context and Lessons Learned](#) report. Some experts have claimed that adoption represents a greater commitment and is more stable,³ and a preference for adoption has been codified in both Federal and Illinois law,⁴ as well as the guidelines of the National Council of Juvenile and Family Court Judges.⁵ But recent research finds no difference in stability between adoption and guardianship.⁶ Moreover,

2. This is the most recent statistic available from the federal Children’s Bureau. Children’s Bureau (2022). [Child Welfare Outcomes Report Data](#).

3. Murray, K. J., Bartlett, J. D., & Lent, M. C. (2021). The Experience of Children and Families Involved with the Child Welfare System. *Handbook of Interpersonal Violence and Abuse Across the Lifespan: A project of the National Partnership to End Interpersonal Violence Across the Lifespan* (NPEIV), 1441-1462. Takas, M. (1993). Permanent care options involving kin in child welfare cases. *Current Issues in Pediatric Law*, National Association of Counsel for Children, 91–105.

4. Testa, M. (2022) [Disrupting the foster care to termination of parental rights pipeline: Making a case for kinship guardianship as the next best alternative for children who can’t be reunified with their parents](#). *Family Integrity & Justice Quarterly*, 1(1), 74-82.

5. National Council of Juvenile and Family Court Judges (2000). [Adoption and Permanency Guidelines](#). Reno, NV.

6. Rolock, N., & White, K. R. (2016). Post-permanency discontinuity: A longitudinal examination of outcomes for foster youth after adoption or guardianship. *Children and Youth Services Review*, 70, 419-427.

some experts argue that the preference for adoption can obstruct stable guardianships with kin caregivers who can provide children with permanent homes within their extended family.⁷

Description of the Overall Study

The overall study gathered data from both professionals and caregivers, using both semi-structured interviews and online surveys for each. This yielded four components of the study. We have produced a research report for each component. Below we list the four components of the study,

1. Interviews with 40 Illinois professionals working on permanency cases (including 13 permanency supervisors, 11 permanency caseworkers, 6 DCFS attorneys, 5 guardians *ad litem*, and 5 judges).
2. A survey of Illinois permanency caseworkers and supervisors, with 267 respondents (including 158 caseworkers, 68 supervisors, and 41 other staff; 52% DCFS staff and 48% private agency staff).
3. Interviews with 11 kin and fictive kin caregivers caring for Black children.
4. A survey of 137 caregivers caring for at least one Black child with an adoption or guardianship goal.

In addition, we have written two research briefs presenting key findings from professionals and caregivers, respectively, and a report on the policy context of the study and the lessons learned across all four components. The research briefs and Policy Context and Lessons Learned report also present our recommendations for enhancing the use of subsidized guardianship in Illinois. All products associated with this research project are available on our [subsidized guardianship webpage](#). This includes reports on each component of the study and associated research briefs.



7. Creamer, K. & Lee, A. (2022). [Reimagining permanency: The struggle for racial equity and lifelong connections](#), *Family Integrity & Justice Quarterly*, 1(1), 62-71. Gupta-Kagan, J. (2015). The new permanency. *UC Davis Journal of Juvenile Law & Policy*, 19, 1. Milner, J. & Kelly, D. (2022). [The need to replace harm with support starts with The Adoption and Safe Families Act](#). *Family Integrity & Justice Quarterly*, 1(1), 6-7. Sankaran, V.S. (2022). [Ending the unnecessary pain inflicted by Federal child welfare policy](#), *Family Integrity & Justice Quarterly*, 1(1), 26-33.



Executive Summary

In this study, we interviewed a range of permanency professionals in different disciplines from every region of Illinois. This interview study was one component of a study of subsidized guardianship, an infrequently used but promising alternative for finding permanent homes for children in foster care. In the overall study, we gathered data from both permanency professionals and caregivers of Black children in foster care. We collected data through interviews and surveys with each group. One goal of the overall study was to assess the role of race in permanency planning and outcomes. See our [subsidized guardianship webpage](#) for other data reports.

The interviews with professionals asked them about their experience with and opinions about subsidized guardianship, including how they compared it to adoption. We also sought to understand their perceptions of racial issues in permanency planning. We interviewed 13 permanency caseworkers, 11 permanency supervisors, 6 DCFS attorneys, 5 guardians *ad litem*, and 5 judges. Each DCFS region in Illinois was represented. Black, White, and Latinx professionals were all represented, in part because of a targeted effort to recruit equal numbers of White and Black caseworkers and supervisors. Members of the research team or professional transcribers listened to each recording and produced transcripts of the interviews. We then used the qualitative software AtlasTi to analyze the transcripts.

Comparison of Adoption and Subsidized Guardianship

When reunification is not possible and the child is placed in kinship care, the permanency choice is often between adoption and subsidized guardianship. We asked professional participants to compare adoption and guardianship on the stability of the placement and the well-being of children. A large number favored adoption, but also, a large number could not choose between adoption and guardianship—they felt it depended on the case. A few participants saw no difference between adoption and guardianship on stability and child well-being.

Rationale for Favoring Adoption

The chief reason many considered adoption to be more stable was that adoptions are considered legally final and irrevocable, contrasted with the legal status of guardianship, which can be dissolved if the court approves it. All five judges we interviewed mentioned the legal permanency of adoption as an advantage, while most of them also mentioned that sometimes guardianship was in the best interest of the child. Several people who thought that adoption was more stable cited concrete actions adoptive parents can take to make a child a part of the family and provide life-long support and belonging to the child. These include changing the child's birth certificate, and social security number, and providing an inheritance. Proponents of adoption contrasted this with guardians' lack of legal commitment once a child turned 18.

A few professionals described potential future problems with birthparents and the kin caregiver as risks associated with guardianships. One attorney suggested that some professionals view family with some suspicion, considering the birthparent as "an apple that hasn't fallen far from the tree." A few participants expressed concern about guardians returning children to parents who are unfit. Additional concerns were raised about birthparents not following through on promised visitation, or permanency being disrupted by legal efforts to change custody.

Some participants discussed advanced age of the caregiver as a risk factor for disrupting a permanent placement, which may relate more to guardianship because grandparents are disproportionately the permanent caregiver in guardianship cases. Some participants reported that caregivers planning on guardianship might not always consider guardianship permanent and may think that they can give children back to the birthparents. Some interviewees felt that some caregivers do not realize that birthparents retain some parental rights under guardianship, and guardians need to accommodate parental visitation and be prepared for the possibility that birthparents can petition the court to regain custody.

A few participants described how inadequate assessment and preparation of prospective guardians threatened the success of guardianships. One judge attributed this to more limited vetting of guardians due to guardianship being viewed as temporary rather than permanent. Participants sometimes reported case experiences with disrupted guardianships as evidence favoring adoptions. They talked about guardianships sometimes disrupting because the guardian was unequipped to deal with child behavior problems that emerged.

Rationale for Not Favoring Adoption

Some participants indicated that the value of adoption or guardianship depends on the nature of the case. These professionals thought that both permanency options (adoption and guardianship) can both provide stable homes for children. Even those participants who made a clear statement favoring adoption usually added that guardianship could be preferable to adoption in certain cases. Deciding on the permanency goal depends on developing knowledge about the child and family, with input from other professionals such as a court clinic or therapists.

Some participants who saw no difference between adoption and guardianship contrasted their opinion with their perception of DCFS policy or the opinion of judges in juvenile court. One DCFS attorney distinguished between the professional opinion they would express as a representative of DCFS, which favored adoption, and their private opinion, which saw no difference between adoption and guardianship. Others expressed a similar distinction between what they saw as DCFS' preference for adoption and their own personal opinion. Another participant felt that DCFS and the courts did not always see guardianship as permanency.

Circumstances in Which Guardianship is Considered

Participants described a number of circumstances in which guardianship might be a good option. In some cases, the kinship caregiver wants to remain in the role of the grandma or grandpa, auntie or uncle, or sister or brother, and they reject adopting the child as taking on the role of the child's "Mom" or "Dad". Another reason they reject adoption is because it means terminating the parental rights of the birthparents. For many caregivers, one of the birthparents is a son, daughter, sibling, or their parent. The process of terminating parental rights is traumatic for families and children, especially when children have a strong attachment to their birthparents. Guardianship can often promote healthy relationships between children and their birthparents, while adoption can sometimes disconnect children from contact with birthparents and extended family, or even knowledge about them.

Several participants mentioned circumstances in which guardianship was indicated because birthparents were loving and engaged with their children but were judged to be incapable to care for their children. This may be due to the child's special needs or the birthparents' mental or physical health problems or cognitive limitations. They thought that guardianship in these cases helped maintain the relationship with the birthparent, which benefited the child.

Guardianship was thought to be more likely for older youth because they are aware of the situation; have established, long-standing relationships with relatives including their birthparents; and may not accept adoption. One key fact making age important is the rule that allows youth age 14 or older in substitute care to veto any proposed adoption, which then often makes guardianship the preferred permanency option when reunification is not possible. Even if adolescents are not old enough to have veto power over an adoption, their wishes to have a relationship with their birthparents and/or maintain their birthparents' rights may influence the court to approve guardianship. One question this raises is: what is the age threshold for beginning to consider guardianship as a permanency option? Several participants also mentioned cases in which older youth eagerly looked forward to adoption. The choice for guardianship might be made for a whole sibling group in order to be consistent. For example, in a case where an older youth chooses guardianship over adoption, sometime younger children are placed in guardianship too. Holding fast to adoption for younger children sometimes leads to disagreement with other professionals or family members who would prefer guardianship.

Several participants saw value in using guardianship when birthparents had the potential to change over the course of years and become capable of providing the nurturance and safety their children needed. Participants based their judgment on observations of the birthparents' emotional connection to their children and their participation in services and other efforts to change. Parental incarceration was mentioned as one such circumstance in which guardianship might be indicated.

Some participants talked about situations in which the evidence made it difficult to terminate parental rights (TPR). They highlighted cases in which termination of parental rights was difficult or impossible, but parents' engagement in services was intermittent, and the progress made did not sufficiently mitigate concerns for the child's safety. Without TPR, adoption is not possible. They described cases where guardianship was a compromise negotiated to achieve permanency when adoption was blocked. Guardianship may also be chosen for older caregivers if there is concern that they may be unable to provide permanent care during the child's entire childhood and youth. As one judge explained to us, the transition to a new caregiver is easier with a guardianship than an adoption.

Challenges to Achieving Permanency

Kin homes are preferred and have better outcomes in many ways, but the choices of where to place a child when they are removed from an unsafe home may be limited, according to one of our participants. Kin caregivers may be chosen who are not necessarily prepared to provide permanency. Most kin caregivers enter into their role as caregiver with the hope that the parents will be able to remedy the issues that resulted in the child being taken into care. As such, they may not be prepared to provide permanency for the child in the case that reunification is ultimately ruled out. Caregivers may need help evaluating their willingness to provide permanency via either guardianship or adoption, to avoid unnecessary delays and transitions for the children.

Many participants talked about how much time both adoption and guardianship took to achieve, with a substantial negative impact on children and families. Once children are removed from the home, adjudication in court takes time. Ruling out reunification and moving on to either adoption or guardianship can require years. One attorney talked about a case that ended in guardianship after DCFS had fought in court for years in an unsuccessful attempt to terminate parental rights. Several participants cited examples of permanencies that took years to achieve after a goal of adoption or guardianship was set.

Some caregivers delay their efforts to obtain a license and then can wait months even after they complete the requirements. Numerous documents need to be assembled, such as birth records, court orders, and therapy reports. High rates of caseworker turnover make it difficult for preparation to be completed. According to some participants, huge caseloads and worker lack of skills make it difficult to complete permanency cases in a timely

way. Preparing the agreement on subsidies and obtaining DCFS approval for it can take substantial time in itself. Additionally, a six-month waiting period is required after a caregiver is licensed. One participant told us about guardians who forego subsidies just so they get the guardianship completed sooner. Additional delays can also arise from both juvenile and probate court being involved in a case.

Several caseworkers and a supervisor reported that judges' lack of understanding of permanency and lack of coordination with child welfare agencies made it difficult to achieve timely and appropriate permanency outcomes. Two participants asserted that a lack of knowledge about guardianship among professionals was an obstacle to its use. They reported that many professionals do not consider guardianship permanent, despite the legal statute listing it as a permanency option. These participants maintained that part of the issue was workers' lack of knowledge about guardianship, meaning that they were unable to explain it to family members.

One participant explained that, DCFS seeks birthparents' consent and participation in guardianship, because guardianship does not terminate birthparents' parental rights and typically leads to birthparents staying involved with the children. Sometimes it is easy to obtain the consent of both birthparents. At other times, one birthparent consents, but it is difficult to obtain consent from the other birthparents, who may have no connection to the agency.

Several participants mentioned that licensing requirements have been an obstacle to achieving subsidized guardianships, particularly when they concern situations over which prospective guardians have little control, such as the criminal background of a family member or the physical specifications of their dwelling. The requirement related to criminal background of a family member may especially be challenging for Black caregivers, because Black men are disproportionately likely to have a criminal history. Caregivers may also have difficulty or be slow in completing the training required to be licensed, or they may resist the scrutiny or effort that licensing requires. Caregivers not being licensed also increases the amount of new paperwork needed.

The Role of Race

As noted above, we asked participants several questions about race because of the potential effect of race on guardianship and other permanency options. A number of professionals, both White and Black, did not perceive a role of race in the use of guardianship and/or their practice. Some mentioned that their geographic area of practice was not diverse, so they did not work much with families of different races. Some acknowledged the possibility of implicit racial bias that they were not aware of.

A number of participants mentioned racial disparities and biases in society that disadvantaged Black families and made them more likely to be involved with DCFS and to have poorer outcomes once involved. Several participants pointed to a lack of services in some geographic areas with substantial marginalized populations. A few participants discussed racial inequities in the child welfare system and/or courts that they have witnessed. One Black participant described racial inequities in juvenile court in permanency cases, and another Black professional described racial bias they experienced in juvenile court on permanency cases.

One issue that several participants mentioned was clients' negative reactions based on caseworker race. One White professional described how she received greater respect and deference than her Black colleagues, even those with substantially more experience. Some Black professionals were also concerned about underrepresentation of Blacks in different roles related to permanency and the consequences of lack of diversity in child welfare agencies and the courts.

Several participants talked about Black families' preferences regarding providing permanent care for children in substitute care. One observation was that Black family members preferred to maintain the roles they had with the child rather than change roles (i.e., change from being a relative to being a parent), even if they had raised the child. This could lead Black caregivers to prefer guardianship over adoption. Several Black professionals described how opposition to adoption among many Black families led to a higher rate of guardianship among Black families than White families.

The most frequent support that participants received to deal with racial bias was training from the state organization in which they worked (DCFS or the Administrative Office of the Courts), from their local agency or office, from professional organizations, or from a combination of these. Some reported that their training was helpful, but others were less positive. A few participants also mentioned that their agency had a program, committee, or trained individual charged to help the agency deal with racial bias and develop cultural humility and competence. Sometimes they mentioned informal support from supervisors or colleagues at their agency that helped them deal with racial concerns.

Participants varied in their response to a question about additional support regarding racial bias they might need. Some felt their agency was handling this well, and no additional support was needed. Most felt that they could benefit from more support. Some mentioned that more training would be valuable, although they were often not specific about what form it should take. One participant emphasized the need for judges to develop greater awareness of the systemic racism affecting Black families throughout society. Another stressed that trauma-related training was useful for dealing with racial disparity, given the large number of Black children in the system who have experienced trauma. Some professionals pointed to training needed for other types of professionals that they worked with or in parallel offices in other geographic locations. Several participants responded to the question about support by suggesting changes in policy or practice that were needed to increase racial equity, without pointing to specific support for workers for their everyday practice.

Conclusion

Increased dialogue between those focused on the benefits of guardianship and adoption for children and those concerned about the risks of each could help refine criteria for when each is appropriate and help point to future research that is needed to compare adoption and guardianship. Greater education and preparation of both professionals and families about guardianship could enlighten them about the potential of guardianship as a permanency option, and may help reduce any obstacles and risks related to guardianship. Better assessment of children's needs and families' commitments, preferences, and capabilities could better inform the decision for adoption or guardianship and reduce the risk of disruption after the permanent placement. The quality of assessment in guardianship and adoption cases should be equal.

Our finding that some professionals see no racial issues related to permanency while others describe such issues in detail also speaks to the need for dialogue. Future discourse among practitioners and research on permanency should explore further any racial issues that may contribute to racial disparities in permanency outcomes. Implications and recommendations are discussed more fully in other publications available through our study webpage at [link].





Chapter 1

Introduction and Methods for the Professional Interview Study

In this study, we interviewed a range of permanency professionals in different disciplines from every region of Illinois. These included permanency caseworkers and supervisors, both from DCFS and from private agencies contracted with DCDS; DCFS attorneys; guardians *ad litem*; and juvenile court judges who hear permanency cases. We asked them about their experience with and opinions about subsidized guardianship, including how they compared it to adoption. We also sought to understand their perceptions of racial issues in permanency planning. The interviews aimed to learn more about the choices professionals make about guardianship and their perceptions of its effects. We also wanted to know whether they perceived that race played a role in how permanency work was conducted. This study was approved by the Institutional Review Board of the University of Illinois at Urbana-Champaign.

Methods

Composition of the Professional Interview Sample

Table 2 shows the types of professionals we planned to interview, the number of interviews planned for each type, and the number of interviews actually completed. The number of interviews planned and completed was informed by the time constraint of completing data collection within a relatively brief time (December 2021 to March 2022), which enabled us to report within the one-year time frame specified by our grant. Because of the time constraint, we were unable to follow through on our intention to interview birthparents' attorneys (We also interviewed caregivers during the time period – see [link]). We interviewed more permanency caseworkers, permanency supervisors, and more DCFS attorneys than originally intended in order to increase the racial-ethnic diversity of the interview sample (Table 1).

Table 1
Interviews Planned and Completed for the Professional Interview Study

Type of Professional	Number of Interviews Planned	Number of Interviews Completed
Permanency caseworkers	10	13
Permanency supervisors	10	11
DCFS attorneys	5	6
Guardians <i>ad litem</i>	5	5
Judges	5	5
Birthparents' attorneys	5	0

Note. The number of interviews completed exceeded the number of interviews planned in some categories to increase the racial-ethnic diversity of the sample. The plan to interview birthparents' attorneys was canceled because of insufficient time.

The DCFS Advisory Group for the study assisted the research team in recruiting professionals to interview. To recruit permanency caseworker and supervisors, the research team prepared a recruiting email, which was distributed by a member of the DCFS Advisory Group through DCFS' dnet listserv. Members of the Advisory Group also networked with fellow professionals to identify judges, DCFS attorneys, and guardians *ad litem* to interview. The research team then sent recruiting emails to the professionals identified through networking. Selection of individuals to recruit and interview mainly occurred in order of opportunity, but it was also informed by efforts to make the interview sample diverse by geographic region and race-ethnicity. We strived to recruit and interview members of each discipline, in each region and of different racial-ethnic groups and asked the DCFS Advisory Group to help us do that. Our initial recruitment of caseworkers and supervisors produced very few Black caseworkers and supervisors. Working with the DCFS Advisory Board, we launched additional recruiting specifically focused on recruiting Black caseworkers and supervisors, and thereby essentially equalized the number of Black and White caseworkers and supervisors. We use the pronouns "they" and "their" to refer to each participant. This is totally unrelated to their gender preference; it is done simply to help maintain their anonymity.

A total of 24 caseworkers and supervisors were interviewed. All but one were women. About equal numbers identified as Black (11) and White (12), which followed from our sampling method, and one identified as Latinx. A large majority (87.5%) were working in permanency planning[others had experience in permanency planning or did related permanency work (e.g., writing subsidies). The caseworkers and supervisors combined had a median of 4 years in their current position and had a median of 20 years of experience in child welfare. Seven worked for DCFS and the remainder for a variety of private agencies. Every DCFS region was represented, with the



regional distribution as follows: Cook County (11), Central region (6), Southern region (5) and Northern Region (2). A large majority of caseworkers and supervisors were women, but a few were men.

Four of the DCFS attorneys were women and two were men. Four were White, one was Black, and one was White-Latinx. Each DCFS region was represented: Cook County (1), Central (1), Northern (3) and Southern (1). Three of the guardians *ad litem* were women and two were men. Three were White and two were Black. The guardians *ad litem* does not work for DCFS and are not organized by region, but we can report that two practiced in Cook County alone, one in both Cook and the Northern region, one in the Central region, and one in the Southern region. Four of the judges were women and one a man. Two were Black and three were White. The judges worked in the following regions: Cook County (1), Central region (1), and Southern region (3).

Interview Protocols

Questions in the professional interview protocol were in the following categories:

- Comparison of effects of adoption and guardianship on children's stability and well-being (we also asked if there were any other ways in which the interviewee felt that adoption and guardianship had a different impact on children)
- The circumstances in which they would explore guardianship with caregivers
- Examples of their case experience with guardianship
- The circumstances in which they would feel guardianship is the preferred permanency option
- How they help families prepare for guardianship
- What makes it difficult to use guardianship
- What factors help people use guardianship
- Their perspectives on why the rate of subsidized guardianship have declined since the early 2000s
- How they felt that licensing requirements affect the use of subsidized guardianship
- What their process is for ruling out adoption in subsidized guardianship cases. How that compares to the process for ruling out adoption in the rest of their office.
- Whether they were aware of the new legislation affecting subsidized guardianship, and how they thought the new legislation would affect the use of subsidized guardianship?
- Whether and how they thought that race affected the use of guardianship and their practice
- What support have received around issues of racial bias, disparities, and disproportionality, and what additional supports regarding race, if any, they needed or would benefit from
- What were their demographics and professional background information?

The interview protocols are presented in Appendix A to this report.

Interviewing and Coding Procedures

Recruitment took place via email. Most of the professionals who were invited and agreed to participate were interviewed via the meeting site Zoom. Professionals were also given the option of participating by telephone instead of Zoom and three professionals chose this option. Most of the interviews were conducted by two Ph.D. level researchers (Landa and Cross), although time constraints meant that some interviews were conducted by one of these two researchers. For most interviews, they were assisted by one of the junior researchers on the team (Thebaud, Hines, Parsons, Hampton-Campbell, or Steiner). When participants consented, the interviews were recorded using Zoom technology. Two participants did not consent to have their interviews recorded; for these interviews, interviewers took notes and produced a composite document recording the interviewee's answers.

Members of the research team or professional transcribers listened to each recording and produced transcripts of the interviews. We then used the qualitative software AtlasTi to analyze the transcripts. The research team conducted a preliminary review of the transcripts and developed a data codebook. Multiple research team members then coded each transcript. We then outputted reports for each code across multiple transcripts and multiple coders. We used these reports to provide the data for this report.



Chapter 2

Assessment of Adoption and Subsidized Guardianship

Because the permanency choice is often between adoption and subsidized guardianship when children are in kinship care, we asked professional participants to compare adoption and subsidized guardianship on the stability of the placement and the well-being of children. We found a split among participants. A large number favored adoption, but also, a large number could not choose between adoption and guardianship—they felt it depended on the case. A few participants saw no difference in stability and child well-being between adoption and guardianship. Below we describe the views of these groups and report other participant observations on adoption and guardianship.

Participants Who Valued Adoption over Subsidized Guardianship

A number of participants emphasized that they thought that adoption was more stable or permanent than subsidized guardianship. One interview with a judge provided considerable detail about this point of view. This judge was committed to the advantages of adoption. In some cases, this judge had moved a child out of an otherwise stable and adequate placement for the express purpose of placing the children with a caregiver who was prepared to adopt the child. Despite this judge's preference for adoption, they reported that they approved of guardianship if they felt that the case circumstance indicated that it was in the child's best interest. Below is an excerpt from the interview.

We should use [guardianship] when it's appropriate. But it rarely should be the first option. We should always try to give the most permanency that we can. If we can't return home, then we should try to find that stable and permanent environment through adoption for the child....It should be a process where you always start with adoption and you find a reason to rule out adoption before you move to private guardianship...I have had problems where foster parents have said, "No, I don't want to terminate parental rights," I will have them come in and I will talk to them. And I will say, "If you will

not offer permanency, then I will remove the child from your care and direct the agency to find a home that will adopt.” And I’ve done that...I’ve had other situations where I have relented because of the factors like the length of time that they’ve been there, the child’s desire not to leave. I just have to dig a little deeper in the circumstance that presented where I’ve relented and entered a goal of private guardianship. [Judge]

Adoption as Final and Irrevocable

The chief reason many considered adoption more stable was adoption’s legal status as final and irrevocable, contrasted with the legal status of guardianship, which can be dissolved if the court approves it. These participants felt that this made it less likely for a child who was adopted to re-enter DCFS care than a child in a guardian home. Participants used a variety of metaphors and other language to describe the finality of adoption. Interestingly, all five judges we interviewed mentioned the legal permanency of adoption as an advantage, while most of them also mentioned that sometimes guardianship was in the best interest of the child. The quotes below illustrate the point of view of professionals who favored adoption:

...our priority is adoption...this is important for us in our courtroom. The reason that, when you close the case to private guardianship, the private guardian, whoever it is, for any reason or for no reason whatsoever can come back to court and say, “I don’t want to do this anymore. I don’t want to be the private guardian.” So that clearly is less permanent than adoption. That’s not to say that an adopting kid can’t come back or doesn’t come back, but it’s much less likely to happen. [Judge]

Guardianship...gives the parent an opportunity to come back, because the guardianship parental rights are not terminated. So if the parent says years down the line that, you know, they may want to get involved in services again, they can [Supervisor]

Adoption is more final, there is no turning back, there is no second chances [Caseworker]

Adoption is for life and guardianship may at some point terminate [Judge]

Guardianship is temporary. Guardianship can always be switched over and given to someone else. Adoption is, as we say, it’s permanency. This is now where you are. This is now your home. There’s no takesies backsies as some would say [Caseworker]

The parent could go back to court and say, “Oh, I’m good now,” and now we’re yanking that child out of your home, and that’s going to create...additional trauma to the child ...parent pops back in so many years later, what does that do to the child? Then what if they get that child back, and the child’s home for a year, and then they end up coming back into care? [Caseworker]

Life-Long Commitment

Several people who thought that adoption was more stable cited concrete actions adoptive parents take to make a child a part of the family and provide life-long support and belonging to the child. Proponents of adoption contrasted this with guardians’ lack of legal commitment once a child turned 18. One guardian *ad litem* also noted what they saw as another disadvantage of guardianship: an adoption stipend that is available when youth are age 18 to 21 that they reported was not available to youth once guardianship ends at age 18. Representative comments follow:

Adoptions are more permanent...they become your child legally, you get a new birth certificate, you get a new social security card,...it becomes your child. I feel like guardianship doesn’t feel as permanent, although it can be [Caseworker]

...adoption is the legal death... When you...legally adopt a child you take on all responsibilities as if you gave birth to that child. The name changes on the birth certificate, the relationship changes, they have full inheritance rights should anything happen to you [Supervisor]

I feel more confident in adoption ...I definitely feel like they are making a lifetime commitment to this child...they inherit the same way that...your biological child inherits from you...they are making a statement in court and they're changing the child's birth certificate to reflect them as the parents [Caseworker]

Guardianship is over once a child turns 18, so that legal relationship just ends [Guardian ad litem]

Concerns about Future Problems with Birthparents and Kin Caregivers

A few professionals described concerns about the risk in guardianships of future problems with birthparents and with the kin caregiver serving as guardian. One attorney we interviewed thought that some professionals viewed the family with some suspicion, considering the birthparent as “an apple that hasn’t fallen far from the tree”. A few participants expressed concerns about the subsidized guardianship returning the child to unsafe or disturbing situations, or birthparents not following through on promised visitation, or there being chaos stemming from legal efforts to change custody.

With guardianship...if the mother or father want to come around whenever they want to, it stirs things up in the family. Whereas adoption, you as an adoptive parent control the situation. [Supervisor]

And you definitely want to maintain the family connection. But I just wonder, sometimes, “is it a way to put the child back in an unsafe situation?” [Caseworker]

I've always felt that there's this sort of, “well, we're going to put these kids in private guardianship with this family and we're going to keep this family, which is problematic and dysfunctional, together”. Especially if...you're taking the children of a mother and placing both children with the grandmother, who produced the mother...So it always just felt to me to be...sort of propagating a dysfunctional family...it's always bothered me that we're not...getting to the root of any problem. All we're doing is getting the kids out of the system. [Judge]

I always remind the potential guardians that the parents are still unfit, so they cannot be left in the role of the caretaker alone for this child. So that's a really difficult situation for guardians to be in...We understand this is a relative placement. It's very difficult because your allegiance is torn. You're taking care of the grandchild and you've got your child... So that's a difficult situation for the family members and for the child to understand, too, because, “Hey, Mom and Dad can come over now”. [Caseworker]

I think sometimes the hard thing about guardianship is that...some of them still want to maintain that contact with mom or dad...even though it may not be a safe situation. So, having those conversations:... “How do we do this in a safe way? I think a lot of them are sentimental about mom and dad. And so that can be a little bit difficult. [Caseworker]

With guardianship, there has to be that ongoing constant contact and visitation between the two parties. And so sometimes that's very difficult... our big three issues are domestic violence and substance abuse and mental health...we have a lot of parents who are...still struggling with those issues when their case closes. That can make maintaining a relationship really tumultuous for the caregiver. It can make maintaining a relationship tumultuous for kids. [DCFS Attorney]

If the whole reason it was done was so that a parent could continue to visit and have some type of relationship, but then I start seeing a permanency report that says, now they're not visiting and now they're not having any type of a relationship, which I did have happen in one case and the guardianship still was not complete, I asked the question is that still the appropriate goal? ... that's why we were doing a guardianship and not proceeding to termination...then we're probably better off...to switch to adoption... and...have more finality and permanence for the minor child. [Judge]

If you end up with litigation in the guardianship case by a parent or others, you're not going to have court-appointed representation in those matters...you could be allowing situations where you have

parents and guardians...in these legal battles in probate court...there's no court appointed counsel and you have financial expense that people may or may not be able to afford to properly litigate those matters. And again, you've now lost your finality [Judge]

We do have cases where the case goes out to guardianship and we have parents who file really regular motions to vacate guardianship and have that child return to their care. ... it can...be incredibly stressful for kids, pretty traumatizing...because every time that motion gets filed, somebody comes out to their house to talk to them about whether they want to stay where they or go home...we definitely have cases where we have really frequent filers. So I think that a big factor too...they want kids to feel some sense of finality too. [DCFS Attorney]

One concern is the possibility that kin caregivers will undertake guardianship as a subterfuge to return children to their birthparents, perhaps as a result of pressure from the birthparents. This could put children in danger. Two participants described disturbing scenarios:

The aunt, I don't know if she was going to take guardianship or adopt this child...the little girl was never there, she was never present for the visit...I just asked her, I said, "Do you even have her in your care?" And she said, "No, she's with her mother", so all of that time, mom was taking her to school. She says she was giving the mom the board payment, because the family really was afraid of the mother, she was very volatile. [Supervisor]

It was essentially a shell game where families are like, "Okay, we'll do the guardianship, we'll get all this done. And then DCFS will be out of our lives. And then we'll go to probate court and get it all undone on our own. And the kids will go back with the parents." I can't say that happens frequently, but I've seen it happen. [DCFS Attorney]

Concerns about Caregiver Advanced Age

Some participants discussed advanced age of the caregiver as a risk factor for disrupting a permanent placement. This applies to both adoption and guardianship. However, cases with grandmother caregivers may disproportionately be guardianship cases, which can happen if grandmothers do not want the birthmother's rights to be terminated. Disruptions because of advanced caregiver age may therefore occur disproportionately in guardianship cases. Representative comments are below:

It [disruption] happens a lot of times we have older grandparents who are adopting the kids or getting guardianship of the kids and maybe they ...[have] health reasons [and] can't keep doing it when the kids get older and more difficult to handle in some situations or just their health is such that they can't do it anymore. [Judge]

You then start to look at age of...the prospective foster parents and things of that nature in terms of how old they are and if you're concerned that they might pass away. And then you would still have, again, parents that have rights in the case. And so then are you going to end up that you have parents' rights who aren't cut off and would then have a right to have children in their care for whatever circumstance. [Judge]

Caregivers Misunderstanding Guardianship

Several participants reported that some caregivers planning on guardianship do not understand this permanency option. Some believe that some caregivers think that guardianship is not permanent. They may think that they can give children back to the birthparents. Other caregivers do not realize that birthparents retain some parental rights under guardianship, and guardians need to accommodate parental visitation and be prepared for the possibility that birthparents can petition the court to regain custody. They felt that caregivers need education. These situations could put guardianships at risk for disruption.

There's a sense that there's less of an obligation with guardianship, and I'm not sure exactly where that comes from, but we try to help people understand that it's not a lesser permanency option. [Supervisor]

The foster parents are under the impression that it's not a permanent situation...And you have to educate them on that. [Supervisor]

Our caseworkers start to have that conversation with our foster parents because they're not attorneys... the foster parent will tell the caseworker what their preference is. And we find out months later that they truly didn't understand...the legal implications of the two options. They didn't understand that with adoption, your parental rights are completely terminated, or they didn't understand with guardianship that mom and dad retain the right to visitation, or they retain the right to ask the court to modify custody orders or visitation orders or whatever. So, there is some disconnect there, I think. [DCFS Attorney]

What typically happens is that the caregiver is not prepared to provide permanency for the child should return home fail...So they get into [guardianship] with the idea, "Well, I don't want these kids or my sister's kids, or my daughter's kids going to, or my son's kids going to a stranger. So I'll take them. But I'll take them in because I'm hoping that they will get their act together. And I can give them back in short order". [Judge]

Inadequate Assessment and Preparation of Prospective Guardians

A few participants described how inadequate assessment and preparation of prospective guardians threatened the success of guardianships. One judge attributed this to more limited vetting of guardians due to guardianship being viewed as temporary rather than permanent. One attorney talked about how their unit recognized and responded to the need to improve assessment and preparation. Relevant quotes are below:

It comes up because the caregiver is not properly vetted and informed when the children are placed with them as to what the court is looking for...So the children aren't placed in a proper placement that...can take care of them and offer permanency should return home fail, or the caseworker doesn't properly explain to them, or doesn't properly understand that you have to rule out adoption. [Judge]

I think in adoption, we look a little harder. Is this really going to work? ... [Adoption] is permanent and you aren't going to undo it. So I do think probably some more in- depth discussions take place with the adoptive parents. I think they go through a more extensive background vetting and check because we want to make sure, again, this is it...Guardianships, because by their nature, are temporary, we don't necessarily do the deep, deep dive into the situation that you would do with an adoption. [Judge]

The biggest thing we did frankly was try to do better due diligence beforehand...We have 60 plus meetings, so now all caregivers over 60 now have to have a full meeting before we can close those cases out to guardianship or adoption, where we talk about their medical health and their financial health and what their plan is if they are not able to care for these kids and who the standby care provider is. And the standby care provider has to be part of that conversation, so that they're not shocked in five years when we come calling to say, "Oh hey, you enlisted as the standby caregiver for this kid. Is that some something you're still willing to do?" [Attorney]

The attorney also described their unit's strategy of intervening to prevent adoption and guardianship disruptions.

When guardians would come to the courthouse to file a motion to vacate their guardianship, we would intervene to see if there were services we could put in place to try to support that relationship. If there was another relative who may be willing to take over care and by using like a short-term guardianship... the post [adoption and guardianship] unit developed quite a few community based contracts with therapy providers, IPS [Individual Placement and Support] services, other providers that could be put in place. So, Grandma who got these kids when they were three and now was trying to deal with teenagers for the first time in a very long time, could have some support and a sense of community in trying to deal with those issues. [DCFS Attorney]

Experience with Guardianship Disruptions

Participants sometimes described case experiences with disrupted guardianships as evidence favoring adoptions. They talked about guardianships sometimes disrupting because the guardian was unequipped to deal with child behavior problems that emerged. One attorney talked about how the transition from juvenile court to probate court that happens with a guardianship could make it more difficult.

We have had some difficult cases where the kids' behavior is such that the guardianship doesn't work out, doesn't last because the management needs are more than the family can provide for in a home setting or they need a more structured home, the home isn't working out for them... [Judge]

the majority of disrupted guardianships...they're all 16, 17-year-old kids...all of our kids have some history of trauma. And they're oftentimes acting as kids who have a history of trauma do...And every time a guardian files a motion to vacate because the kids who were three years old when they got them are now 16 years old and wreaking havoc, I think all the judges...it gives them a moment of pause about using guardianship as goal moving forward. [DCFS Attorney]

here in [County Name 1] and [County Name 2], those guardianship cases are done in probate court... It's a different attorney. One who does not specialize in working with DCFS, that does not specialize in abuse and neglect...And in some ways has a more objective perspective, although in other ways they are bound only by what's presented to them at court. JA [juvenile abuse] cases are confidential, sealed files. So they can't then go and grab those cases and see everything that's happened in them. They have to rely on what the current guardian presents, as well as what the parent presents. I've seen situations where the probate attorney has appropriately given the children back. I've also seen situations where... they've given a child back to a parent who had been terminated on other kids and did absolutely no services. [DCFS Attorney]

Another participant cited historical evidence of the risk of guardianships disrupting:

I think adoption provides greater stability than guardianship...I can explain...my answer...from a historical perspective. I've been with the office...for 25 years and years ago...there was a push to achieve permanency through guardianship and what happened...the numbers were much higher...I think... there were maybe 50 to 60,000 children in foster care at the time. So there was a push to achieve permanency through guardianship...What I saw was maybe seven to 10 years after that, many of those...children returned to care as failed guardianships because...all the guardian had to do was come back into court and say, I can no longer care for this child. There were no penalties on that guardian, the court retained jurisdiction...And so our clients, unfortunately, ended up sometimes with a second stint in foster care... [Guardian ad litem]

Participants Who are Reluctant to Generalize or See No Difference in Outcomes Between Adoption and Guardianship

The current section relies mostly on participants who did *not* report a preference for adoption. The number of participants in this group and the group who favored adoption were approximately the same. Most of the content in this section is from caseworkers, supervisors, DCFS attorneys, and guardians *ad litem*.

Most of those who did not favor adoption stressed that they could not compare adoption and guardianship on outcomes because it so depended on the nature of the case. Permanent placements that were a good fit for the child could be stable whether they were adoptions or guardianships. Even those participants who made a clear statement favoring adoption usually added that guardianship could be preferable to adoption in certain cases. Deciding on the permanency goal depends on developing knowledge about the child and family, with input from other professionals such as a court clinic or therapists.

It's good for children to be adopted, it's good for children to have their guardianship, but how that plays out in each child is a little bit different and unique. [Judge]

Comparing, I would say that whichever one is going to provide them the permanency that is best for them is what I look at, taking into account what their wishes are... and just overall seeing what is best for them...No one really wants to be in DCFS, so whatever the team can do to achieve a permanency for them, they're better off. [Guardian ad litem]

It depends...I would like to believe that the caseworker...or myself has a pretty good understanding of the minor, their background, and the background of whom they're placed with. In terms of placement stability, I can't really say from my experience that there's a great difference. [Caseworker]

I don't really think there's that much difference with the permanency goals. With guardianship,...this is with a relative placement...most of the time, those children have been around that family member...a good portion of their lives. So the permanency for a guardianship, it's no different for those kids because they know that they are family. [Caseworker]

It really depends on the kid... almost all of our kids are in some form of therapy at some point, depending on their age. And so I think we take a lot of input from their clinician about what the impact would be of guardianship or adoption on them long term. We also...have the Juvenile Court Clinic ...essentially making a clinical recommendation based on the forensic evidence and interviews with the children and interviews with the parents and observations of parent child visits about what that impact would be. And essentially, whether that risk outweighs the benefits or vice versa. So, I think it really depends on the child. I think we have kids who view guardianship as a very permanent and stable thing, and we have kids who desperately want to be adopted. [DCFS Attorney]

Participants' Perception that DCFS and/or the Courts Favor Adoption

Some participants who saw no difference between adoption and subsidized guardianship contrasted their opinion with their perception of DCFS policy or the opinion of judges in juvenile court. One DCFS attorney (who did not consent to their interview being recorded) distinguished between the professional opinion they would express as a representative of DCFS, which favored adoption, and their private opinion, which saw no difference between adoption and guardianship. Others expressed a similar distinction between what they saw as DCFS' preference for adoption and their own personal opinion. Another participant (who also did not consent to their interview being recorded) felt that DCFS and the courts did not always see subsidized guardianship as permanency. Other participants also contrasted their own opinions with those of DCFS and the courts:

The issue I often find with DCFS is they believe in ruling out adoption first before going to guardianship. They like to rule out adoption, and I don't think there's necessarily a hierarchy between guardianship and adoption...I think they're equal options. [Guardian ad litem]

[I don't think I have ever been able] to approve a guardianship for a child under the age of 12. Unfortunately, that can be a conflict for a lot of our grandparents, aunts, and uncles who don't necessarily want to give up the placement of the child, but they're just simply not comfortable being the adoptive parent because of the way it may make other family members feel, things like that. There's a lot of personal reasons that go behind that decision. It can be frustrating when you have a minor that's around six years old, and they would love to do guardianship, but because the department doesn't find that as stable as adoption, it's really difficult to get that to pass. [Guardian ad litem]

There are times where adoption is not necessarily the best option, but that's what's being pushed, in my opinion. [Caseworker]

I've had workers that have, for lack of a better term, bullied people into saying, "No. I mean, if you're not willing to adopt, we could remove [the child] from this placement." And so those people feel like they're in a bind where if they don't say they're okay with adoption, even though they really would prefer guardianship, they'll go along and say adoption. [DCFS Attorney]

The GAL will say, "This is what I would like to see for my client." And from a legal perspective, they know what the judge will or will not accept. Some judges will never do a guardianship goal for a child that's two or three years old. Some judges are adamant on adoption for children under a certain age. [Supervisor]

One of my duties as a [DCFS] attorney to make the courts aware that we do have guardianship as a goal...I do realize that the courts seem to favor adoption with younger children. [DCFS Attorney]

An Alternative Historical Perspective

Previously we quoted a participant who thought Illinois' previous history of failed guardianships suggested the need for caution in using subsidized guardianship. Another participant, however, thought that guardianship disruption had abated since those days, as agencies began to do them more carefully. This attorney thought that judges accepted guardianship more readily now that disruptions had decreased, though this interviewee thought that judges were more conservative about guardianship if they had been through the previous wave of guardianship.

Lots of folks interpret the Juvenile Court Act as needing to rule out adoption before or considering guardianship. And we have different judges who take a harder stance on that than others, because they view adoption as being the more permanent, better option for children in a lot of cases. I think in the past five to ten years, there's been some gradual shift on that, especially now that we're seeing fewer... disrupted guardianships... we saw a big wave of those, especially with our older caregivers. We'd given guardianship to grandma when she was 80 and then we were all shocked when she didn't make it to see the child reach the age of majority. So, I think we saw a wave of those cases come in 10 and 15 years ago, and now we're seeing fewer and fewer. And so I think the courts and a lot of the parties are starting to view guardianship as a more permanent option...

...we saw a lot of cases close to guardianship that maybe should not have closed to guardianship without clear backup planning, without very clear conversations with the family. We had a lot of older caregivers that we were asking too much of. And I think, again, in hindsight...we saw a lot of guardianships entered because we had a super high amount of kids in care to begin with, left over from the '90s when we had really high numbers of kids in care. And then we subsequently saw all those cases ... a lot of cases come back in.

I don't know that it's considered...less of an option at this point...I think most of our judges are just happy to get kids out of the system either way. And so I don't know that guardianship is necessarily considered like the lesser of the two options or something that they're not going to consider. We do have stickler judges...frankly, it's mostly our...judges who...were here during our wave of disrupted guardianships and adoptions, who really prefer adoption as a preferred goal...we were seeing quite a few disrupted guardianships and adoptions, because we were doing a lot more guardianships and adoptions, we [were] doing them much faster and not necessarily always ...doing our diligence in terms of...standby planning and talking about what would happen if the caregiver was unable or incapacitated...We saw a lot of those cases come back and it was pretty devastating for those kids. [DCFS Attorney]



Chapter 3

Circumstances in Which Guardianship is Considered

We asked participants about the circumstances under which they would explore guardianship for a child. No matter their stance on the difference between adoption and guardianship, all the participants could identify circumstances in which guardianship was the best choice for the child. In some cases, reunification was impossible, but adoption was blocked, and interviewees discussed guardianship as the only option for placing a child permanently with a family. Below we discuss different factors that participants reported would lead them to choose guardianship.

Commitment to Existing Family Roles and Connections

In some cases, the kinship caregiver wants to remain in the role of the grandma or grandpa, auntie or uncle, or sister or brother, and they reject adopting the child as taking on the role of the child's "mom" or "dad." They also reject adoption because it means terminating the parental rights of the birthparent, who is their daughter, sister, or even their mother. Similarly, children may be loyal to their birthparents and not want their parental rights terminated, even if the children realize their birthparents should not take care of them. As we discussed above, guardianship can in many situations promote healthy relationships between children and their birthparents, while adoption can in some situations, disconnect children from their birthparents. We heard examples of relevant circumstances from a number of professionals we interviewed:

There is an understanding that the grandmothers who usually take these kids on, or the aunts or uncles, they don't want to terminate that bond. Even though it's a piece of paper, they just don't want to terminate that bond between the parent and the child so, they choose guardianship. An example... if an older sibling who's 30 years old, because mom started having babies at 15 or 14, and there's an older sibling that comes forward and they want their younger sibling, and we place them in their home, most of the time they want to do guardianship because they do not want to be their sibling's mother.
[Supervisor]

The family is saying, "We don't want that legal status [adoption] because we're all still family." Or if the minor is old enough to have a say and say, "Look, I don't want my parents' rights terminated. I don't want to live with them, but I don't want to add that burden to my parents. And I don't want to carry that around with me. I'm not saying that they're appropriate, but I don't want the court to go that far." [DCFS Attorney]

A lot of relatives -- grandparents, aunts, uncles, cousins -- they like the guardianship piece, because they don't want to change, they don't want to change the family dynamics. They don't want to go from auntie to now mom. They don't want to go from you know grandpa to now dad. [Supervisor]

They still want to remain the grandma or grandpa or aunt or uncle or that kind of thing. They don't want to become Mom or Dad because the child has a mom and dad. [Caseworker]

Oftentimes it is upon the recommendation of the guardian of litem who has spoken to the minor children and the child has indicated that they really do not wish for parental... They are often wanting and needing some connection still to the biological parent. They recognize that, that isn't the parent that needs to care for them on a daily basis, but they already know mom or dad and would like to still perhaps visit with them, but not them be their primary caretaker and custodian. [Judge]

One of the families, they have their grandchild, and that is the concern. And they do not want the parents' rights to be terminated. They don't want their daughter's rights to be terminated. It's very important to them that she maintain her rights and some of it could have been cultural as well. I think they were of Indian descent. [Supervisor]

I have a case where [the child is] four...it's his great grandmother that's providing permanency....[she] just want[s] to do guardianship...they don't want us to terminate rights...because that's her grandson's kid that she has [Supervisor]

Our older youth... struggle with...thinking that adoption severs the tie with their families. With guardianship, they usually don't change their name, they don't get a new birth certificate. So a lot of times for our older youth anywhere from 12 on up the guardianship is more appealing to them because...they still have a lot of loyalty to their biological family [Supervisor]

There can be an impasse that delays permanency if the caregiver is committed to existing family roles and does not want to terminate the birthparents' rights, but the court prefers adoption, as one participant explained.

Sometimes the Court, they, because of the age, they want they want to do adoption due to the age, because they're adoptable, but sometimes family members do not want to terminate

Participants mentioned situations in which permanency plans were made for a sibling group placed together. An older youth in the sibling group may prefer guardianship and they may be old enough to veto adoption. There are cases in which the same caregiver is a guardian for older siblings but an adoptive parent to the younger siblings. But we also heard about a case in which an older sibling chose guardianship, and then guardianship was chosen for the entire sibling group, to give each sibling the same status. If a caregiver only wants to be a guardian to the children and that is what the older sibling wants as well, it would be ill-advised to split up the siblings and move the younger ones to a new home in order to be adopted. Below is a relevant quote:

One case in particular with a sibling set of three. And the guardianship was completed for them because the older kids want[ed] guardianship and of course they wanted all of them to be together. so they agreed to the guardianship for all three of the minors to remain in that placement [Supervisor]

Two participants described how adoption could sometime disconnect children from contact with and/or knowledge about their biological family. One attorney pointed out that parents who adopt through DCFS are able to keep the adoption entirely closed, not providing any information to the child about their birthparents.

For children who were young when adopted and lack any knowledge of or connection with their family of origin, this makes it difficult for them to obtain relevant medical information or to develop a relationship when they are older with birthparents and siblings. The following quotes illustrate this issue:

You are at the mercy of whether the adoptive parents deem [birthparent visitation] to be appropriate or not. And we do have some wonderful families that either still stay in touch with family, allow visits, or even just send pictures and notes. But we do also have some families, and sometimes it's for good reason, that cut out the biological family that's not part of their life anymore. [DCFS Attorney]

Once the child is adopted by a family...they don't have to tell anything to the child about their biological family...the adoptive parents...have control. They don't have to let them see their siblings, if they had siblings... the biggest psychological impact [of guardianship] is the ability to still have that familial contact and that relationship and that knowing. [DCFS Attorney]

Adoption in and of itself terminates parental rights and terminates all connections that child would ever have or could ever have with the biological family or family of origin. Especially considering in Illinois where we don't have open adoptions, the adoptive parents very well could exclude any sort of contact with any biological family members that the child may or may not have bonds or attachments with. [Guardian ad litem]

Loving, Engaged Parents Who are Judged to be Incapable of Caring for their Children

Several participants mentioned circumstances in which birthparents were loving and engaged with their children, but they were judged to be incapable of caring for their children because of the child's special needs, or because of the birthparents' incapacity due to health or mental health problems or cognitive limitations. In the situations that were described, the court recognized the benefit to the child of their relationship with the birthparent. Sometimes both the birthparents and kin would not initially agree regarding the birthparents' incapacity, and guardianship would need to be presented as the best alternative – a necessary change that was less radical than adoption.

The father was still involved with the child and it wasn't one where we needed to terminate his parental rights...the kid had very severe developmental disabilities. And the father just couldn't meet those needs. The aunt was better equipped to meet those needs. And both the aunt and the father agreed that a guardianship was sufficient for the role that she was going to step into. [Judge]

We thought it was going to work with them [two brothers] staying home with the father, but the father continued to leave the children alone while he went to work...And so...we decided to go to guardianship. Dad...just could not figure out childcare for them...he didn't have much of a support system to assist him with taking care of two boys. And because the boys have a good relationship with their father, that was going to be hard on them, to have to end any kind of relationship or contact [with an adoption]... Sometimes a parent just doesn't have the capacity, they don't have the parenting ability to do, whether it's because of a cognitive delay or they can't stay clean. [Supervisor]



I have several cases in which there is a guardianship goal...often [it] is a situation where there is a parent or family remaining that may not be suitable to really be the custodian of the minor child, but it would certainly be in the child's best interest for them to still be in the child's life. [Judge]

Child Age Influences the Permanency Decision

The biggest factor almost every participant mentioned in choosing between adoption and guardianship was children's age. Guardianship was more likely for older youth for a number of reasons: because older youth are aware of the situation; have established, long-standing relationships with relatives; know their birthparents; and do not need or accept adoption. One key fact making age important is the rule that allows youth age 14 or older in substitute care to veto any proposed adoption, which then often makes guardianship the preferred permanency option if reunification is not possible. Even if adolescents are not old enough to have veto power over an adoption, their wishes to have a relationship with their birthparents and/or maintain their birthparents' rights may influence the court to approve guardianship.

One participant explained their rule of thumb:

If I've got a two-year-old or a three-year-old, and they come to me with private a guardianship, it's very likely I'm going to deny that as the recommended goal, not accept that...my thinking is we are doing what's in the best interest of the child. If it's a 14-year-old or a 15-year-old or something like that, he or she clearly has had a long period of time with their parents. They know who their parents are, they've got a relationship. [Judge]

A number of participants discussed how guardianship matches the needs of older youth. It could fit well with youth nearing adulthood, who may be living in independent or transitional living settings, or just looking forward to their independence. One casework supervisor felt that youth's experience with chaos might make them reluctant to go through an adoption. Relevant participant comments are below:

[And under what circumstances would you approve guardianship?] it tends to be the older kids that are established with relatives and they know their parents, they have a relationship with the parents, but they're not safe with their parents and they know that [Judge]

If they're a teenager...they can clearly understand what's going on...if their life has been rather chaotic already, because of whatever the circumstances are with the family, going through the adoption process may not be what they prefer. Sometimes they just want a guardian until the point where they can become independent [Judge]

We have one young lady...she was probably 15 or 16. Obviously needed support, obviously wasn't an adult...but she didn't want to be adopted...But she had a support system...that ...was able to get guardianship and kind of work with her through the process [Judge]

They know what's best for them...what they want and think matter [Supervisor]

We have some other kids who are in independent living type situations, transitional living situations. Don't really need 24/7 care, but need somebody who can make decisions for them about medical treatment and things like that. So some of those we do guardianship type arrangements instead of adoption arrangements [Judge]

If they're older and they will eventually reach the goal of independence within a shorter timeframe, maybe they just need a guardian. If they're a teenager,...if their life has been rather chaotic already, because of whatever the circumstances are with the family, going through the adoption process may not be what they prefer. Sometimes they just want a guardian until the point where they can become independent [Supervisor]

One attorney questioned the wisdom of adoption for older youth, given their observation that adopted children can make their way back to their biological parents once they turn 18.

They wind up going back to their parents or grandparents where they have that familial relationship... Aging out and going back. You will see that quite often that even though they were adopted by someone else, there still was that familial tie. So they will, once they get older, still wind back up with their parents or whatever. [DCFS Attorney]

Naturally, the principle that adoption is appropriate for younger children and guardianship for older children raises the question: what is the age threshold for beginning to consider guardianship as an option? One judge discussed handling this ambiguity:

And when I say older kids, where is that line? Is it 11? Is it 12? Is it 14? So it's going to be fact-specific, but the key is the way I visualize this as a judge is, am I giving the child in this given circumstances the most permanency and stability that I can? Because there's so many gray areas, I believe you have to have one guiding principle [Judge]

On the other hand, several participants also mentioned cases in which older youth eagerly looked forward to adoption. One DCFS attorney (who declined to have their interview recorded) noted that some teenagers favor adoption because it most thoroughly removes the court from their lives—with guardianship, there is always the possibility of having to return to court. See comments below:

I've seen it where the kid can't wait to be adopted [Supervisor]

One of my youth...she's just turned 13. For her...severe mental health [problems], the stability of knowing that grandma adopted her, and that there's no fear of mom and dad getting her back is a big thing for her. For that one, it'd being very easy to say, "Oh, we're just going to do guardianship because the parents agreed to it," For her, it's more important for her to do an adoption [Caseworker]

The idea that guardianship is less stable influenced some professionals to avoid it for young children. Holding fast to adoption for younger children sometimes leads to disagreement with other professionals or family members who would prefer guardianship. Representative quotes are below:

We really don't like to do guardianship for children under the age of 12 because statistically and from our experience, kids of younger demographics need a lot more structure and placement stabilization than children who have grown up in the system and are more aware of their surroundings and aware of their situation [Caseworker]

We don't do a lot of long-term guardianships on the younger kids because we don't want them to...get bounced around [Judge]

Judge [name withheld] takes [into account] the well-being of the children more than any other judge I've ever seen. I think if [the child] was 14, 15, then he probably wouldn't have said a thing about the guardianship, but the fact that she's four, he was like, "Yeah, she's four. She deserves the permanency of adoption...and stability from that." [Caseworker]

if a child is very young, I want to see them adopted. I think that's important to have that connection. Not that guardianship doesn't have that connection. But that... child is part of a family through the adoption...if a child is very young, adoption may provide them more stability overall in the long term. [Supervisor]

I was leaning personally towards the guardianship just because, I mean, she's with grandparents, there's a great relationship all around, but the judge was more like, "Yeah, she's four." I think the overall feeling is adoption is more of a secure placement than what a guardianship is. I don't know why that

thought process is there necessarily, unless it's because she's four. Maybe it's the age...I think the biggest thing was in order to set a guardianship goal, you have to rule out adoption first. In this case, we haven't ruled out adoption as an option [Caseworker]

I have I don't think ever been able to approve a guardianship for a child under the age of 12. Unfortunately, that can be a conflict for a lot of our grandparents, aunts, and uncles who don't necessarily want to give up the placement of the child, but they're just simply not comfortable being the adoptive parent because of the way it may make other family members feel...It can be frustrating when you have a minor that's around six years old, and they would love to do guardianship, but because the department doesn't find that as stable as adoption, it's really difficult to get that to pass. [Caseworker]

The Potential for Birthparents to Change

Several participants saw value in using guardianship when birthparents had the potential to change over the course of years and become capable of providing the nurturance and safety their children needed. Participants based their judgment on observations of the birthparents' emotional connection to their children and their participation in services and other efforts to change. Guardianship would make it possible for them to regain custody if they were able to change in this way. One specific example pertains to guardianships for incarcerated birthparents, who could potentially regain custody once they are released. Here are quotes on this theme:

You'll see some cases where adoption may not be the best option for the family, simply because we know mom and dad care about the child; however, their issues will probably take longer than we would like to [address] and we don't want to keep children in care because parents need more time, but it's not appropriate to terminate their rights...if it is going to take maybe two, three years and grandma wants to just remain as grandma then subsidized guardianship may be the better route to go...one day those children would be older and a little more self-sufficient... And she had had a lot of trauma, so taking that into account, she just needed time, and time that foster care doesn't allow a lot of parents [Supervisor]

These were two younger children. But the judge decided for a guardianship goal because it was the hope that this mother, at some point, would get herself together and maybe petition to get [her] guardianship reinstated... the mother...was a parenting teen. she was a youth in care. She's now emancipated, and the father was also a youth in care [Supervisor]

Mom is in jail...she should do guardianship for her children, and then at some point, [w]hen she gets herself together, she can petition to get her children back. so that was a decision that this mother sat down with this relative caregiver and they made a family plan...I think it's an appropriate plan [Supervisor]

One attorney described cases in which the entire family was happy when birthparents successfully petitioned to regain custody:

We do have parents who file motions to vacate guardianship because they've corrected the conditions that brought the case into care. It happens probably once or twice a year where the court vacates a guardianship and returns a child home to the care and custody of their parents. But that's almost always where the child is in some sort of a relative situation, and those situations usually grandma's thrilled or their auntie is thrilled that mom or dad have made the gains needed to correct whatever issues brought the case into care...they're very rarely contentious because usually it's something that everybody is supporting once it gets to that point. [Attorney]

But a judge expressed wariness about the strategy of agreeing to guardianship to enable birthparents to change and then regain custody:

we give parents chance and chance and chance to correct the conditions, right? But at some point, that child needs permanency...I would be reluctant to do that... I can see why the case workers bring that

up, because we do see that all the time. But I'm not sure guardianship would be the answer in most of those cases, with the idea then that eventually, the parents may come back in. It still doesn't sound like permanency for the child. [Judge]

The birthparents engaging in services is frequently an action they can take to help avoid their parental rights being terminated. This can be challenging, however, if the services they need are not available, as one caseworker explained:

[An] issue that sometimes come up is...challenges that we are having in parents being able to get into certain services or comply with service plan requests. We sometimes have a challenge down here in [rural area of Illinois] of it being months to get certain services complied with, certain evaluations done, and things of that nature and parents having to travel very far to have perhaps a psychological examination or something of that nature...it's an...issue of not having a lot of places that are able to provide that service or are contracted with the state to provide that service. So it is not uncommon in my cases to have delays, because a certain evaluation that has been requested in this part of the service plan has not been able to be achieved from one permanency hearing to the next, or it's set up that it's three and four months down the road before it can be achieved. And the more unique the service I guess I would say, probably the more challenging of a time that we have for that to be completed...So I think in general, we have a shortage of services, we have a lot of transportation issues and parents getting to those services...a lack of resources to actually get people in any type of a quick manner to get those services completed. [Caseworker]

Difficulty Terminating Parental Rights

Some participants talked about situations in which it was difficult to terminate parental rights. Birthparents' deficiencies with their children may not be so pronounced that parental rights would be terminated, particularly if they have participated in services and made progress on their problems, but reunification would not be safe for the child. Effective legal representation for birthparents might also make it difficult to terminate parental rights. There may be other reasons that terminating parental rights might not be considered in the child's best interest. Guardianship might be a compromise negotiated to achieve permanency when adoption was blocked.

Mom had done all services. Mom had, for the most part, been remaining clean and sober. And mom had a private, very aggressive attorney who is very, very determined to do her job and to try to get her client reunited with her children. And it was going to be very hard with all of those factors to get her rights terminated. [Supervisor]

DCFS agreed to guardianship only because family dynamics and dad was willing to sign the guardianship paperwork. [Supervisor]

So there are some cases maybe where parents haven't done everything that would cause them to lose their parental rights, but everybody kind of agrees that the best setting is the foster home where they are. So I could see a guardianship perhaps coming into play in that setting, because I said that was one of the things that we talked about in that case. [Judge]

Reluctance to Commit to Adoption

One judge discussed a situation in which there was an interest in the foster parent becoming the permanent caregiver, but the foster parent was reluctant to adopt. This judge felt that guardianship could be used to try permanency without committing to an adoption. We did not hear about this possibility from other participants, but felt that this judge's opinion was worth quoting to illustrate further the variety of points of view participants had about adoption and subsidized guardianship. Their quote is below:

Then we have a couple kids who are younger, they're probably 10, 11 years old, significant behavioral, psychological issues and the foster parents are a little bit reluctant to take that full step into adoption. They're willing to try this out and see how it goes by kind of starting with guardianship. But if it becomes too much for them, they have that escape hatch, so to speak, which again, we don't

encourage them to exercise, but as opposed to them saying, “We don’t think we can commit to this kid,” it gives them that option to at least try it and then if it doesn’t work out, we’re not blowing an adoption and trying to fix something that’s really not necessarily fixable. What happens then if it doesn’t work out, they end up giving up the kid. We do a dependency petition, kid comes back into the system as an abused, neglected, dependent child in a different setting. So sometimes it’s a bit of a trial period to make sure that the family’s going to be able to handle whatever issues that child has for the long term. [Judge]

Greater Ease of Transitioning to a New Permanent Caregiver

Many kin who become permanent caregivers are grandmothers or grandfathers or other older relatives. Given their age and health, they may be concerned about whether they will be able to provide permanent care for their granddaughter or grandson during their entire childhood and youth. They may anticipate a need for a transition to a new permanent caregiver. As one judge explained to us, the transition to a new permanent caregiver is easier in a guardianship than an adoption. The guardian can make a plan designating the specific person who would replace them in the event of incapacitation or death.

I have had a few grandmothers or even great grandmothers in cases, who are serving as foster parents. In those cases, I have had some of them express that guardianship may be better than adoption, given the age of the caregiver...If there’s a guardianship, it’s much easier to replace a guardian, should they have a serious health condition, or something should happen to them. It’s easier to change the guardian than to go through everything with adoption. Now, obviously, they can set up subsequent guardian shares after the adoption and that’s one way to look at it. But I have had some foster parents who are older express concern about adopting the child, because of their age and any health concerns. So in those cases again, we may look at guardianship instead of adoption and then have them as a guardian and maybe identify a backup aunt, relative, caregiver, someone who could step in as guardian, if something should happen to the primary caregiver. [Judge]





Chapter 4

Challenges to Achieving Permanency Through Guardianship

We asked participants to describe any obstacles to achieving guardianship. We thought that the low rate of guardianship in Illinois might relate to practical challenges in achieving it even when it might be in the best interest of the child. Participants mentioned a range of different obstacles. Some of them pertained to permanency planning in general and some were specific to guardianship.

The Kin Home is Not Capable of Providing Permanency

Research has shown benefits of kinship foster care compared to traditional foster care⁸, and it is DCFS policy to look first for kin homes when children need to be moved to substitute care. Most kin homes provide stable, loving care to children and many lead to adoption or guardianship. One interviewee, however, discussed situations in which choices of where to place a child when they are removed from an unsafe home may be limited. Kin caregivers may be chosen who are not necessarily prepared to provide permanency. Although many kin are substantially involved in caring for children even before DCFS becomes involved, other kin have not been involved and may not be prepared. According to this participant, this subset of kin caregivers may not have a realistic appraisal of the birthparents' difficulties and of the challenges they will face in providing children a nurturing and safe home in the future. This can make both adoption and guardianship difficult to achieve. This participant explained the dilemma that they perceived:

[You said there's situations where...the caregiver is not capable of becoming a permanent caregiver. If they're not capable of becoming a permanent caregiver, how were they deemed capable of being a foster caregiver?] Ah, that's the \$64,000 question. That's exactly the issue, and let's look at the reality of it though. You've got children that you decide, that a DCP [Division of Child Protection] investigator

8. Winokur, M. A., Holtan, A., & Batchelder, K. E. (2018). Systematic review of kinship care effects on safety, permanency, and well-being outcomes. *Research on Social Work Practice, 28*(1), 19-32.

decide needs to be removed for their safety. And now you've got to find a place to put these kids... We start with a relative, right? That's their protocol and priorities. And they have two or three relatives that say no. They get to one who says, "Oh, well, okay. I'll take them." And they may not say verbally for a little while, but that may be exactly how they take them, or they're not explained that this could be for a while, because that's the reality. A lot of these cases that come in, come in for substance abuse. And the parents are misusing substances. And a lot of times, that's a long road back... And so it's hard to get these cases... and out of the system... So when you and I say capable, that's not the concern all the time in the beginning. The concern is just get them in a home. [Judge]

Time Frame

Many participants talked about how much time both adoption and guardianship took to achieve, with substantial negative impact on children and families. Several participants cited examples of permanency that took years to achieve. Once children are removed from the home, adjudication in court takes time. Ruling out reunification and moving on to either adoption or guardianship can require years. One attorney (who declined to be recorded) talked about a case that ended in a guardianship after DCFS had fought in court for years in an unsuccessful attempt to terminate parental rights.

Some caregivers delay their efforts to obtain a license and then can wait months to get the license even after they complete the requirements. A six-month waiting period is needed to obtain a federally funded subsidized guardianship even after a caregiver is licensed. Numerous documents need to be assembled such as birth records, court orders, and therapy reports. High rates of caseworker turnover make it difficult for preparation to be completed. According to some participants, huge caseloads and worker lack of skills make it difficult to complete permanency cases in a timely way. Preparing the agreement on subsidies and obtaining DCFS approval can take substantial time in itself. Delays can result from two courts being involved in the case. One participant told us about guardians who forego the subsidies just so they get the guardianship completed sooner. Below are quotations in which participants mention some of the extraordinary time spans and some of the reasons for delays.

I think we have over a hundred kids in our agency who are waiting on adjudications... we're at two years without adjudication... And because the child isn't adjudicated, we can't make a decision on what even the permanency role is. So it's causing a very great delay with the entire system [Supervisor]

It...takes us such a long time now to get cases to a point where we rule out return home, that it just ... I mean, as I'm sure you're aware, especially in Cook County, when our kids come into care, they're in care for a really long time. [DCFS Attorney]

The boys wanted a guardianship. Parents wanted a guardianship. The case had been open five years, so it had gotten to the point they just wanted to be done with everyone. ... We got one guardianship of three completed while it was with me, and then the two younger boys ended up moving with a different family member, which started their little six month in the home before we could do anything... Those boys are now 17 and 14, and they're still waiting on a guardianship to complete. Their case has been open, like eight years. [Caseworker]

What makes the process difficult is when we get our...subsidies approved by DCFS, there's a larger timeframe from the time that the subsidy gets approved, to the time that it's actually finalized in court... For adoptions for example, our attorneys are very prepared on what to do, and they just kind of take the ball and roll with it. They're the panel attorneys who are specifically trained to do the adoptions and everything. For guardianships, what happens is the subsidy will get approved, and then it goes back to the DCFS legal attorney...it seems like there's at least a three to four-month timeframe between when that guardianship subsidy packet is approved, and the guardianship occurs. Whereas with adoptions, it's usually within 30 to 45 days, the adoption is finalized... there's certain documents that are not necessarily given to the case workers to get filled out early enough. Or they need to get birthparents to sign paperwork, then it takes the case workers forever to get the birthparents to sign it because they're

not necessarily available. So it's like, there's a lot of things that could be streamlined with that process, that has been for adoptions, but I'm not sure why it hasn't for guardianships. [Supervisor]

Time that's the big flaw. It's true for adoption also. It's just, I've never understood why it takes so long once the goal has changed to complete these. ... I think I [a judge] have a little more control with adoption, but with guardianship, it just goes in this black hole...I have no idea what DCFS Legal is doing... the case has already been in the system probably years....now the agency says to the caregiver, "Okay, you've agreed to private guardianship. Now you have to get licensed." And so now you have to take classes and do whatever it is.... Our license department had to get involved and make sure you meet all the license requirements. The process doesn't even start until I've entered a goal of private guardianship, so... And then once they're licensed, they have to wait six months, I think, from that point before they can close the case. ..if I had to guess, if you looked at the cases I closed the private guardianship...from the time you entered the goal, it would be probably at least a year before you actually close the case permanently. [Judge]



The Department hires people not best qualified, but most seniority. So we have adoption workers. That shouldn't be adoption workers...they're not good writers or, they're not organized or they're just slow... The Department only hires, for the most part..., people with seniority...DCFS... workers have too many cases. They're just putting fires out. And so the permanency [work] slowed down because they don't have time to focus. [It's like], "I need to put this fire out. I'll worry about this one." [Supervisor]

The process is a little tedious [for subsidized guardianship in Cook County]. You have to go to a pre-screening, and you got to go to a legal screening. And then once you pass a legal screening, then you got to send a subsidy to the person doing the legal screening at the state attorney office to get the paperwork together to get the guardianship started. I think some of that needs to be cut. It just takes a lot of paperwork and a lot of time. Just cut out the pre-screening. Just do the legal screening to get the paperwork started with the subsidies instead of going to pre-screening. It just takes up too much time...

which makes the process longer to do guardianships than adoptions... The paperwork, I'd say, it needs to be cut in half. [Supervisor]

Sometimes, unfortunately, there can be very high turnover in these jobs, especially at the private agencies. So sometimes, it's a matter of, the workers just haven't had a chance to work on the guardianship yet. Because there's a whole packet they have to do, get submitted to the Adoption Unit. The Adoption Unit has to review, send back for corrections. It has to go to our Federal Financial Participation Unit, make sure that the subsidy is approved. Sometimes, there are delays in that, just because maybe the worker left. Now we're losing a step, we're having to work with that, those kinds of things. So sometimes, it's numbers, personnel wise, that affect that. [DCFS Attorney]

If a family has the financial means, sometimes a family will just accept a private guardianship and forego the subsidy. Private guardianship can be achieved much more quickly than subsidized guardianship because of the time it takes to write the subsidy. [DCFS Attorney]

Agency-Court Coordination

Several caseworkers and a supervisor reported that judges' lack of understanding of permanency and lack of coordination with child welfare agencies made it difficult to achieve timely and appropriate permanency outcomes, as we illustrate below.

Judges change. They change yearly, just about, or every two years. So, I mean, that makes a big difference because of course your cases aren't closed out as quickly as they should be sometimes. And you're getting two different judges hearing the same thing, but interpreting it differently. [Caseworker]

A lot of times where we hit hiccups is that almost always a child's goal is changed to adoption because there is a disconnect sometimes between the legal system, and the foster care system, and terminology. Understanding of what guardianship means and what adoption means isn't always something that they can recall or that they're aware of. A lot of times judges will change their goal to adoption upon the termination of parental rights automatically without considering the age of the child or where they might be placed... There have been instances where we've had to go back to court and ask the judge to change the goal... [in one instance] for example, [the judge did not understand that] there is a rule within the adoption process that you can't adopt if you're legally married to someone and that partner does not want to adopt the child, but you do... we've had to just nip the goal a little bit to where they can still achieve permanency, but just maybe with a different term that works for everybody. [Caseworker]

[The child in foster care] started with a maternal aunt and uncle, was there for three and a half years, got removed due to medical neglect, because he's medically specialized, and was sent to a traditional foster home. It was a three-year termination hearing out of Cook County, which we just got termination on. The biggest thing was, is the judge considered the previous foster parents, the maternal aunt and uncle, de facto parents. He was trying to figure out a way to make it guardianship and court-order visits with them, but still order no visits with mom or dad who haven't done anything in the case in six and a half years. He took an entire 11 months to decide after the last court hearing what he wanted to do. Sometimes I feel like the courts get in the way. And sometimes the judges stop... They become so focused on one party that they lose what is in the best interest of the child... This kid is going to be 18 before he's adopted at this rate. [Caseworker]

Lack of Awareness of Guardianship as a Permanent Placement

Two participants asserted that lack of knowledge about guardianship was an obstacle to its use. Many people do not consider it permanent, even though it truly is a DCFS permanency option. They maintained that part of the issue was workers' lack of knowledge about guardianship, meaning that they are unable to explain it to family members.

The reason why I think subsidized guardianship is not used often is because this word “permanency” keeps getting thrown around: like adoption is permanency, return home is permanency, guardianship is not permanency, and that is the goal for our children, is permanency. Until people start looking at guardianship as permanency, then I think that’s, the only thing that systematically needs to change in order for subsidized guardianship to be considered more. I think, because it’s not looked at as permanency. [Supervisor]

I guess a huge barrier would be just within workers if they don’t know. And they can’t explain the benefits to the parents, or they can’t explain any of what that would look like to the family, or they don’t have that conversation until a year and a half down the line. And parents said, well, if I would’ve known this I would’ve done my services, or I would’ve done something differently. So I think sometimes the knowledge around guardianship, if the parents don’t know that’s even an option, they’re not going to offer it. [Supervisor]

Birthparents’ Consent and Participation

Because guardianship does not terminate birthparents’ parental rights and typically leads to birthparents staying involved with the children, DCFS seeks birthparents’ consent and participation in guardianship. As one participant told us, often this is straightforward. However, sometimes it is not easy to obtain consent of both birthparents. Sometimes one birthparent consents, but it is difficult to obtain consent from the other birthparents, who may have no connection to the agency.

And, in some cases when you do subsidized guardianship they want parents’ consent for subsidized guardianship, and a lot of times parents don’t want to give that consent. It’s been done without it, but most times they, the state, the court, want parental consent for subsidized guardianship, because without termination of parental rights...parents still have rights to decide, the fate of their children, or what they would like to see happen. And so it makes, sometimes if they don’t agree to that, sometimes subsidized guardianship may not be a good option if DCFS won’t approve it for that reason.

Licensing

Several participants mentioned that licensing requirements have been an obstacle to achieving subsidized guardianships, particularly when they concern situations over which prospective guardians have little control, such as the criminal background of a family member or the physical specifications of their dwelling. Caregivers may also have difficulty or be slow in completing the training required to be licensed, or they may resist the scrutiny or effort that licensing requires. Caregivers not being licensed also increases the amount of new paperwork needed. The below comments describe the issues:

I have cases that I’ve staffed, and I said “Oh, are we looking at guardianship?” And then, we start talking about it, and then I realized they’re not in the licensed home...it’s either delayed, because then, we had to, you know, really work on the foster parents getting licensed. Or sometimes, it’s just, made it impossible. Because, for whatever reason, the foster parent can’t get licensed. Or [they are] just like, “I don’t want to go through that to get licensed.” [Supervisor]

I think it’s difficult if they have to become licensed. If there’s a barrier to becoming licensed you know, and again I think that’s what you have to start working on Day One. You know, getting everybody’s social security numbers, run a background check on everybody in the house, because there may be a barrier to licensing. If you’re in Year Two, and you’re just starting to do that legwork now, you may not even be able to provide guardianship to this kid so then the licensing department might have to try to get a waiver from the department to make some exception... We have [utilized waivers] but that’s a whole difficult process as well [Supervisor]

There’s been people not able to get licensed because of a prostitution charge 30 years ago...we need to take a look at individual cases and maybe lift that requirement because of the fact it does impact a lot of families and keeps them from being able to provide guardianship... sometimes...they can’t be



licensed. And we have to either delay permanency because we have to wait for some clearance or statutory limit expires or move to another relative [Caseworker]

The maternal grandmother moved someone in, a family member who cannot pass the background [check]. And she had a challenge of “This is my family member. They’ve had some criminal activity, but they’re not going to cause harm to the child”. And she had to make a decision and have that person live with another family member, so that she could take on her grandchild...she eventually obtained custody, but it was a very difficult and challenging situation for the entire family [Caseworker]

They might have a swimming pool in the backyard...There’s a 15-year-old [youth in this kinship home]. They know they can’t afford the fence that’s required by licensure. So there’s like, “I’m not gonna get licensed because I have a 15-year-old and he knows that he’s not going to drown in the pool.” [Supervisor]

We see a lot of families dragging their feet on finishing the licensing and...then I think you have to wait six months after the license. So that’s the difficult part, that’s what holds cases up. [Caseworker]

It is very dependent on how motivated the caregivers are for their licensure. So I’ve had caregivers in the past, who take forever to get their physical done. Or take forever to sign and return a piece of paper, despite the multiple phone calls to them or reminder emails. [Supervisor]

And so to get licensed, you have to do a medical. So now we need to know your medical business. You have to get fingerprinted...A lot of foster parents think it’s too much work. They don’t want to be bothered. And sometimes we have a huge Hispanic population, a lot of our Hispanic families are illegal immigrants. [Supervisor]



Chapter 5

The Role of Race

As noted above, we asked participants several questions about race, because of the potential effect of race in decision-making and implementation related to guardianship and other permanency options. We hoped also that learning more about any racial issues in permanency work might increase our understanding of factors underlying racial disproportionality in permanency outcomes. We asked questions about whether race was a factor that affects the use of guardianship, how race affects their practice, what supports they have received related to race, and whether they thought they would need or benefit from additional support related to racial issues. Participants had a wide variety of responses, which is not surprising given how broad our questions were. Some perceived no effect of race. Others talked about racial disparities and biases in society that affected their clients and increased the likelihood of Black families' involvement with the child welfare system. A few participants discussed racial inequities they witnessed in child welfare agencies and the courts. One Black professional talked about racial bias they had experienced in court, and other Black professionals talked about under-representation of Blacks in different professional roles related to permanency. Some reported on cultural differences they saw in the preferences of clients of different races. Some participants talked about racial issues in transracial adoptions, which we do not discuss here, because these issues fall outside the scope of this study.

Perceiving No Effect of Race

A number of professionals did not perceive race affecting permanency practice or the use of guardianship. Among the equal number of White and Black caseworkers and supervisors who participated, both White and Black caseworkers expressed this opinion. Several perceived no difference in the use of guardianship for families with Black children and families with White children. In responding, some made the case for factors that they felt were more influential than and transcended race, such as the nature of the difficulties families face and the relationship among family members. Some mentioned actions in individual cases that they felt were counterexamples to racial differences, such as a case described by a Black caseworker in which a Black caregiver

was successfully awarded guardianship of two White children she had fostered. Some emphasized their efforts to treat families of all races the same and be sensitive to differences in cultural practices. On the other hand, some who did not perceive race as a factor in guardianship or their practice nevertheless reported some limitations in their ability to make judgments about it. Some mentioned that their geographic area of practice was not diverse, so they did not work much with families of different races. Others acknowledged the possibility of bias that they were not aware of, as the following quote illustrates:

I have not seen it personally. I can't think of any cases where I feel that's come up or that's been an issue, but I'm not naive enough to say, "Well, no, of course not. That would never take place." I've not personally seen it. But it's obviously possible that that could be a potential issue, especially, just given the state of everything these days. A lot of things that have come out these past few years have, in my view, unfortunate viewpoints that some people have, that I think a lot of us didn't realize a lot of people had. So I think it could be an issue, but I have not personally seen it...In terms of the overall practice, I mean, again, it's always possible. Honestly, if you'd asked me this a couple years ago, I probably would have said no. But just, the things have changed in our country these past few years, and the things that have come out, I think it's obviously possible that can factor into things. Nobody intends it.

Racial Disparities and Biases in Society

Several participants mentioned racial disparities and biases in society that disadvantaged Black families and made them more likely to be involved with DCFS and to have poorer outcomes once involved. One participant described how differences between Black and White people in their interactions with systems make it more likely that Black families will be reported to DCFS:

I think it's statistically been shown that Black people don't abuse their kids more than White people. People of color are not more inclined to do that, but the system is designed to bring more people into that system to have more contact...one of the reasons we have so many drug-exposed infants in the system who are Black is because they're going to public hospitals and giving birth to kids where it is required that they test for [parental substance abuse]...if they're on welfare...they go...to [name of public hospital] ...they've got no money, they're on welfare. And the mother is required to be tested. Whereas the mother that lives in the suburbs and going to [name of private hospital], there's no requirement. There may be a suspicion that she's using, but there's no requirement. But routinely they test at [name of public hospital] and other public facilities and so it's picked up. So the system and the way you have contact with system ...brings more people into the system.

Some participants mentioned the disproportionate percentage of Black children in foster care, and one mentioned the lower rate of reunification for Black children in substitute care. Participants mentioned unemployment, poverty, and inadequate transportation among Black families. Participants pointed to inequities in the mental health treatment of Black youth in care. One thought that a lack of appreciation of the trauma Black children experience led them to be misdiagnosed and mislabeled, and another noted that Black youth were more likely to receive psychiatric medication. One professional related her perceptions of the unequal treatment her Black clients received:

Racism plays a factor into I think how the kids get to me. Meaning that you know, I think that there's a higher scrutiny on them coming into care...it impacts my kids in how they live their lives...I have to fight for my African American boys more than I have to fight for any of my other kids. I know I have to fight the school systems and I have to fight how they're treated in school and how people come down on them harder than they come down on my other kids. I just had to go to a hearing for an expulsion for disobedience, and I felt like my kid got unfairly targeted and to know that and see the anger in him from it, that's hard. [Supervisor]

Several participants pointed to a lack of services in some geographic areas with substantial minority populations. They mentioned gaps in post-adoption services, insufficient services for people on probation and parole, and a lack of agencies to work with Latinx families. Families were not always able to advocate for the children in their care. One participant described the dilemma for several families:

The child may have needed to get a specialized rate due to their diagnosis, their mental health issues or whatever, and a grandmother in Englewood might get a basic rate but a grandmother who lives in another area might get a specialized rate...Even in situations where they call in and they need additional resources, sometimes the grandparent, or the aunt, or the older adult can't articulate what they need. Because they can't articulate what they need, because you still have a large group of people who didn't finish high school, they didn't finish grammar school, they started taking care of kids at a very young age, now you are a grandmother and you trying to get services for your grandchild but you don't know how to articulate it. [Supervisor]

Racial Inequity in the Child Welfare System

A few participants discussed racial inequity in the child welfare system or courts that they have witnessed. Here is a quotation from one (we have omitted the discipline of the quoted professional in this section to provide additional protection of participants' anonymity):

[Kids of color] linger longer in the foster care system. They don't achieve permanency and that can be either return home or adoption or guardianship...a lot of times the hoops that the families have to jump through, because people do have biases...there's not a whole lot of that cultural competency

One Black participant described racial inequity in court on permanency. A related factor was the family's ability to hire a private attorney.

I've overall seen Caucasians treated very differently than Hispanics and Blacks of course, in all aspects, whether it's guardianship, return home or adoption...Caucasian families get their children home more often and quicker than Blacks and Hispanics...as far as guardianship, those factors still play a piece in that. Like the young [Black] man I just mentioned, he did everything we asked him to, and the court decided to do a guardianship goal instead of sending his child home with him. Instead of trying to work with the family... Caucasian are able to afford a private attorney...if you have a private attorney, you're looked at different and you're treated different. I had a white family that...had a private attorney. They had money...And the mother was very much an alcoholic and was very aggressive to the children and to the father. And they sent those kids home...I have African American children that been in the system for 10 years, sometimes longer than that. And they just age out because nobody cares.

A White participant felt that racial bias played a role in permanency cases, but felt that it was subtle, as the below quotation illustrates:

Some minority families...I feel like they're not necessarily getting the support, or the services, or the consideration that other White families in a similar situation might get...It's never giant things that are blatantly obvious. It's the adding up of little things, or it's the way a worker says things or shapes their presentation of facts to the court. So it's kind of like the devil's in the details is the best way that I can describe it. I can't think of a case where an outsider, just listening to what's said in court would say, "This went this way because the parents are minorities. And this went this way because the parents are White." It's in the little things that add up.

Bias Against and Under-Representation of Black Professionals

Black professionals doing permanency work are not immune from experiencing racial bias themselves. One Black professional recounted the following episode:

I have been assigned to do cases in [name of region]. My first day there, the bailiff, when I was going through security, was shocked that I was an attorney. They had never seen one in their courtroom. The bailiff proceeded to ask me how long was I going to be there. I said, "Well I think there are five cases up." He's like, "Okay. Well, just kind of make sure you're out of town before it gets dark." ...[County name] is a sundown town...If you're Black, don't be caught in town after the sun goes down...There's still sundown towns all across the US...The judge could not get it in his head that I was actually [an] attorney.

One issue that several participants mentioned was clients' negative reactions based on caseworker's race. One White professional described how she received greater respect and deference than her Black colleagues, even those with substantially more experience.

I was an investigator for 10 years...I remember when I was an intern and I went out with African American female who had been in the field for years, and we went out on an investigation. I was an intern, a 20 something year old intern. and when we went out to the homes, they turned me and started talking to me like I was the authority and not to my African American female peers. You know that the response you get is going to be different. In that there is, whatever that is. When I walk into the projects in [name of city], it is like the parting of the Red Sea. You, you are aware that there is a difference, and if you're not aware of that every day and you're not living it, noticing it, then there's a problem that's deeper than something they're going to teach you in a webinar. And if you're not aware of it, you're probably in the wrong field.

Some Black professionals were also concerned about under-representation of Blacks in different roles related to permanency and the consequences of lack of diversity in child welfare agencies and the courts. Two noted how rare they were as a Black person in their role. The following quotations illustrate their perspective:

There needs to be greater representation of a variety of people making these decisions. Social workers, attorneys, judges, they need to look like these kids that they're taking into care...The majority of these kids are children of color and the majority of people making decisions for these children are not. And I think that's problematic. So I think the supports or systems that need to be in place really need to just dismantle this kind of systematic approach of the savior complex that I think DCFS has of trying to implement what they believe is the perfect family structure based on the predominant culture, which is white culture and implementing those into other cultures. And if it doesn't look the same, then there must be something wrong in this household.

The [name of geographic area] DCFS field office is all White and there's racism and just not the type of diversity and...knowledge that we have.

I've never seen anybody practicing in that courtroom that looks like me. [County A], no. [County B], I think I've seen maybe one other Black attorney, maybe two. [County C], no. [County D], definitely no. [County E], no. I've seen a couple of African American or minority attorneys in [County F], a couple in [County G]. There's quite a few in [County H], [County I], [County J], [County K]. But from Chicago, west, it's less.

There's not a lot of Black male case manager supervisors in child welfare. I can count on two hands between all these private agencies and how many Black men are case manager supervisors. Well, let's just say black supervisors, period...It affects a lot because we're perceived as we're just here for the job. Don't know what we're doing. I've been doing this since 1999. I can give you ins and outs on the service plan, or subsidy, or whatever. And like I said, when I was in my class being certified to do adoptions and subsidies, I was the only Black male there with the number of years of experience that I had...So, race does have a lot to do with doing this job...the percentages have decreased. I would say it's about 3% that a black males work at DCFS or in private agencies. Because there's one Black male executive director at [name of city], and then that's about it. The rest are either Caucasian.

Obstacles to Licensing for Black Families

As we discussed earlier in this report, licensing is necessary to receive subsidies for guardianship from federal funds. Guardianship subsidies from state funds also require licensing if the child is under the age of 12. Several participants mentioned that licensing requirements present an obstacle for many Black families seeking guardianship. Screening for licensing includes criminal background checks on every member of the household; any criminal history typically disqualifies a family for subsidized guardianship, even if the criminal history is well in the past and the individual has no record since. This is especially challenging for many Black families because Black men are disproportionately likely to have a criminal history. One participant explained:

There is a disparate representation first of African Americans in...the criminal justice system as well. So when I was talking about those days gone by, legal errors that people may have made in their life, many of them are indeed African Americans that have that blemish on their record... sometimes that is an impediment to licensure, which then again is an impediment to achieving guardianship. [There is] disparate representation in the criminal justice system for African Americans. [Guardian ad litem]

Criminal history can sometimes be waived depending on the nature of the crime(s), but the fact that it is being checked can be a deterrent for families to pursuing a license, as family members may be reluctant to subject themselves to the scrutiny of a background check. They may forego attempting to get licensed. The guardian *ad litem* who we just quoted explained this:

Honestly, once whoever does the background check that case worker does that background check and she knows it, I know it, the judge is going to know it, the state's attorney's going to know it. The parents' attorney's going to know it. We're all going to know it. You know what I mean? So that person may have buried or moved on from now has reopened. And so, yeah, I think sometimes it is the fact that's an inquiry is a deterrent. That disproportionately impacts African-Americans in my opinion.

Black Families' Preferences Regarding Foster Care and Permanency

Several participants talked about Black families' preferences regarding providing care for children who could not be cared for by their birthparents. One observation was that Black family members preferred to maintain the roles they had with the child rather than change roles (i.e., change from being a relative to being a parent), even if they had raised the child. This could lead Black caregivers to prefer guardianship over adoption. Several Black professionals described it in these ways:

People of color...they like to have, they like to keep the roles, the roles. You know, even though grandma raised you, that's still grandma. And everybody knows that and that's okay that's not a that's not a taboo in our culture. You know, that's, just, it could be your parents are perfectly fine, you just happen to be over there all the time. that wouldn't be so unusual for them. [Supervisor]

There is an understanding that the grandmothers who usually take these kids on, or the aunts or uncles, they don't want to terminate that bond. Even though it's a piece of paper, they just don't want to terminate that bond between the parent and the child, so they choose guardianship. [Supervisor]

In my experience, our Black and Hispanic families are more willing to consider guardianship and probably for a lot of reasons. A lot of times I think that the sense of family and community in terms of raising children is just slightly different sometimes such that they're willing to consider guardianship at a time when sometimes I think our other families are not. I don't think I said that very delicately, but yeah. Yes, I think it's a consideration only in so far as I think oftentimes our Black and Hispanic families are more willing to consider guardianship. [Supervisor]

One participant linked the preference for guardianship to Black history:

If...there's an older sibling that comes forward and they want their younger sibling, and we place them in their home, most of the time they want to do guardianship because they do not want to be their sibling's mother. Even though it's just on paper, it's an emotional thing for them...I've always understood it being tied to an emotional thing a lot of times. Adoption is not frowned upon, but normally in African American communities you can just come stay here as long as you want to...I think that comes from when we migrated from the South. You migrated from the South to the North and you stayed with a friend of the family, you just stayed there until you were an adult and could take care of yourself. I think a lot of it really comes out of our Black history... I'll go as far back as slavery. I mean if your whole family was sold off and there's another person there and they start to care for you, then that became your family. There was no piece of paper to make that connection, we just loved each other and did the best we could until they could be independent.

Several Black professionals thought that Black families' opposition to adoption and led to a higher rate of guardianship among Black families than White families.

I think more minority children probably have a guardianship goal rather than adoption goal. There are I think a lot of large number of DCFS minority youth who are still awaiting pre adoptive homes. And we just can't find the pre-adoptive homes for these kids so oftentimes these children they do want and deserve an adoptive home but there's no homes available to these kids, so they end up with a guardianship goal

I think it's almost taboo for the African American culture to adopt or even to adopt outside their family. And when it's talked about, it's said, well if you adopt,...you wait until the child is 18, 19 years old, you have them for a while, so that you don't get stuck with the medical or the education piece. So now, the kids, the kid, is in limbo like, "Do I really understand you're my family?" and by the time they become teenagers they're seeking information outside of their direct household where they've been living, whether it's guardianship or foster care, to find out who their actual family member is, or who's actually responsible for them. But I don't...really see many African Americans doing guardianship, that really understand it.

I've always been uncomfortable with the idea of kinship care and I guess kinship guardianship. I think they go hand in hand, because I think most of private guardianships are with family members. And I've always felt that there's this sort of, well, we're going to put these kids in private guardianship with this family and we're going to keep this family, which is problematic and dysfunctional, together. Especially if you've got you're taking the children of a mother and placing both children with the grandmother, who produced the mother whose children are now going to the grandmother. So it always just felt to me to be circular and sort of propagating a dysfunctional family...I've always had that sense and it's always bothered me that we're not solving any problems. We're not getting to the root of any problem. All we're doing is getting the kids out of the system... disproportionately you're doing that to people of color. More people of color are coming in to the system, more have contact and statistically, I think if you look at it that you'll find that you have more people of color disproportionately in these private guardianship situations.

Supports to Deal with Racial Issues

The most frequent support that participants received to deal with racial bias was training. Almost without exception, participants had received training related to racial bias. Often it was implicit bias training. They received training from the state organization in which they worked (DCFS or the Administrative Office of the Courts), from their local agency or office, or from professional organizations, or from a combination of these. Some participants mentioned studying racial bias as part of the education to get their professional degree. We did not ask participants to evaluate the quality of their training, and most did not, but some participants volunteered their opinions of the training. Some reported that their training was helpful. Two participants discuss how their training had helped them understand the perspective of clients who were not like them:

I'm a white woman...so I don't understand what it entails to be a[n]...African American or a person of color. Because I've never had to, you know, that's just not my life. And so I'm hearing some of the things that they've had to endure. Hearing some of their culture. Hearing, you know, just how they feel systematically attacked. Or, How the system has treated them. It helps me to empathize a little bit more with how they feel or what they might think, or why I, as a social worker, may be a threat to them. It also helps me understand their culture, a little bit more. Um. It has given me a lot more empathy and my practice. And just in the conversations that I have with people that feel marginalized or people of color. So I really have appreciated the training that we've gotten [Caseworker]

They brought in specific people that were involved in the department, biological parents, adoptive parents of all different backgrounds that came in just to share their perspective and their story. I do think meeting with individuals who have their own particular situation of what has occurred is unbelievably helpful because it's always beneficial to hear because only working with the [name of

region], that's only a particular part of the world that I get to deal with. When I get to experience people maybe from the Chicago area and things like that who just have a completely different perspective, whether it be adoptive parents or biological parents and whether their situation be positive or negative, I think that would be a great impact on people working with adoption and case work overall [Caseworker]

Other participants were less positive about trainings. Two felt that the effect was diminished by the need for individuals to have open minds and a desire to change for training to have an impact. One participant put it this way:

You can go to as many DEI [diversity, equity, and inclusion] trainings as you want to, and as many think tanks and staffing and sit around the tables as you want to, but I think, inherently, people have to want to change this system. They have to want to change themselves.

One participant thought that the annual trainings they were obliged to complete were redundant and lacked depth, but felt that they were able to deal with working with clients of a different race through experience and support from their peers.

Those useless trainings that they make me do on the webinar every year...I don't want them, I don't need them. I am tired of wasting my time on the same cultural sensitivity training that they give you every year, that's exactly the same thing that there's no depth to, there's no anything, that they just keep pounding on you again and again, like you learned in social work 100 back in, God, when was I in college ...I'm not trying to be insensitive about that, but we live this work every day. we practice this work every day. we discuss with our peers if there are any issues or biases we may have, or the racism we may experience in reverse, because you do. when you go into a community that's predominantly African American, you have to be aware of what the response to you is going to be like.

A few participants also mentioned that their agency had a program, committee, or trained individual charged with the responsibility to help the agency deal with racial bias and develop cultural humility. Sometimes they mentioned informal support from supervisors or colleagues at their agency that helped them deal with racial concerns. For example, the Black professional described who experienced racial bias in court said this:

Previous supervisors, they had my back if I told them a situation. I had a situation one time where one of the judges threw me in jail, threw me in contempt of court because I wouldn't put a kid in my car. I'm not allowed to put a kid in my car [in her professional role].

Participants varied in their response to the question about what additional supports regarding racial bias they might need. Some felt that their agency was handling this well and no additional supports were needed. Most felt that they could benefit from more supports. Some mentioned that more training would be valuable, although they were often not specific about what form it should take. One participant emphasized the need for judges to develop greater awareness of the systemic racism affecting Black families throughout society. Another stressed the need for trauma-related training as useful for dealing with racial disparity, given the large number of Black children in the system who have experienced trauma. Some professionals pointed to training needed for other types of professionals that they worked with, or in parallel offices in other geographic locations. Several participants responded to the question about supports by suggesting changes in policy or practice that were needed to increase racial equity, without pointing to specific supports for workers for their everyday practice:

I think the biggest thing is if we could make certain that we have good agencies and competent workers involved

We have children of color whose primary language is not English, and there's a huge lack in services to be provided in their primary language, there's a huge lack of caseworkers who speak the family's primary language

I think that some resources should be directed in other areas. For instance, permanency, permanency, permanency, permanency, permanency. Not that it's not needed and not that it's not necessary, but they could be diverting that energy and time to other things. They could be putting that to the Black and Brown cause or something like that...Because you have a lot of Caucasian case workers that don't know how to relate to Hispanic families or black families.

I think the supports or systems that need to be in place really need to just dismantle this kind of systematic approach of the savior complex that I think DCFS has of trying to implement what they believe is the perfect family structure based on the predominant culture, which is White culture and implementing those into other cultures. And if it doesn't look the same, then there must be something wrong in this household.





Chapter 6

Discussion

This chapter discusses conclusions we can draw from interviews with professionals. The reports from each of the four components of the larger study will have similar chapters. However, we do not in this report describe the policy context of these results, nor do we discuss here the implications for policy and practice, nor do we in this report make recommendations for change. A separate report on the policy context and lessons learned from the research draws on findings of all four components of the larger study. It discusses implications and recommendations. We have also prepared a compact research brief on the findings from the professional interview and survey data, which includes capsule information on context, implications, and recommendations. All of our publications are available through our study [subsidized guardianship webpage](#).

Professionals differed in their appraisal of adoption and guardianship, but uniformly they were committed to making a permanency decision that was in the best interest of each child given their unique circumstances. Even those professionals who were most committed to adoption recognized circumstances in which guardianship was in the best interest of the child. Participants differing views about adoption and guardianships did not overwhelm this fundamental commonality.

When we asked participants to compare adoption and guardianship, many participants favored adoption. Others could not choose between adoption and guardianship – they felt it depended on the case. A few saw no difference between adoption and guardianship. A qualitative study such as this is ill-equipped to compare the magnitude of the allegiance to each point of view among Illinois professionals (the professional survey component of the larger study provides better data), but clearly each point of view is common.

The primary reason many favored adoption was adoption's legal status as final and irrevocable. In contrast, guardianship can be changed if the court approves it, which could happen if the guardians petition the court

to terminate the guardianship or birthparents petition the court to return custody to them. This led several participants to view guardianship as inherently less permanent or stable than adoption. Participants also mentioned less tangible and immediate aspects of adoption that they felt connected adopted children to the family: getting a new birth certificate and social security card, and gaining inheritance rights.

Several adoption proponents also felt adoption protected children against certain risks they associate with guardianship: birthparents who might “stir things up” in the family; struggle with domestic violence, substance abuse, or mental health; continue to threaten the safety of children; or embroil families in contentious and expensive legal battles. Another aspect of the risk is guardians who might expose children to unfit birthparents because the guardian’s “allegiance is torn” or they are “sentimental about mom and dad”. Another concern was that the connection to birthparents that guardianship promises might fall through if birthparents do not visit as planned. An additional risk mentioned was that families would use guardianship as a subterfuge for returning children to unfit birthparents. The fact that guardians are disproportionately grandparents leads some to be concerned about the risk of disruption related to guardians’ age. Several participants felt families’ lack of understanding of guardianship leads some families not to consider it permanent, yet prospective guardians are inadequately assessed and prepared, according to some participants. Two participants told cautionary tales, one recounting their case experience with guardianship disruptions, and one recalling what they saw as Illinois’ history of increased guardianship disruptions.

Other participants, rivaling in number those favoring adoption, were either reluctant to generalize about the difference between guardianship and adoption or saw no difference in outcomes. Most of those who did not favor adoption felt that the best decision depended on what an individual child needed. Some of these participants felt that their perceptions conflicted with DCFS policy or the opinion of judges in juvenile court, which they thought favored adoption over guardianship. One participant’s optimistic historical perspective suggested that Illinois had reduced the rate of guardianship disruptions, which reflected learning greater discretion in making the decision for guardianship.

According to participants, the most important circumstances favoring guardianship as a permanency option involved supporting relationships within the permanent family in a way that is consistent with the child’s best interest. Typically in guardianship cases, the permanent family is a kin family. One major factor favoring guardianship was the guardian’s preference to remain in the role of the grandpa or grandpa, auntie or uncle, or sister or brother. These guardians reject adoption because it requires terminating parental rights, which they felt would usurp the birthparent as “Mom” or “Dad.”

Children too may reject adoption by their caregiver, because they often do not want their birthparents’ parental rights to be terminated, even if they acknowledge that the birthparents are unfit to take care them. Guardianship typically gives birthparents visitation rights, which can in many circumstances promote positive relationship with birthparents that enhance children’s well-being and development. Visitation rights under a guardianship can prevent a situation that can happen with adoption, in which adoptive parents can legally prevent beneficial contact with birthparents. Some circumstances involving permanency for sibling groups can favor guardianship. If guardianship is chosen for one sibling (if, for example, a sibling age 14 or older refuses adoption), guardianship may be indicated for all the siblings to maintain a consistent relationship between the permanent caregiver and all the children. On the other hand, there are situations in which the permanent caregivers become the adoptive parents for one or more siblings and the guardians for one or more of the others.

Another circumstance favoring guardianship that some participants mentioned involved birthparents who were loving and engaged with their children but judged to be incapable of caring for their children. Their incapacity could be because the child had special needs that the birthparents were unable to handle. Or it could be because the birthparents had limitations in their physical, cognitive, emotional, or behavioral capacity to be parents. Guardianship supports the birthparents’ beneficial loving relationship with the child while ensuring that a capable caregiver has custody and primary caregiving responsibility. The best interest of the child could certainly justify the decision for guardianship in this situation, but we wonder if there is also a moral perspective that influences thinking in such circumstances. Are professionals more likely to choose guardianship in these circumstances compared to other circumstances because these birthparents “can’t help” being incapable of

caring for their children? One could think that these parents are not to blame and therefore do not deserve to have their parental rights terminated. If moral judgments are being made, an interesting question concerns the boundaries of assigning moral responsibility to birthparents who are judged to be incapable of caring for their children, and how this influences permanency decisions. Which circumstances would involve judgment of birthparents and which would not? Such questions were beyond the scope of the current study, but should be explored by future research. Note that a loving, nurturing relationship with the child was the central necessary condition for favoring guardianship in these circumstances, and would likely be the most important factor in any moral assessment.

Participants told us that child age was a big factor in making decisions about guardianship. Part of this written in the rules: youth age 14 or older are allowed to veto adoption, leaving guardianship as the sole good permanency option in many of these cases. But child age was also a consideration in the thinking about the psychological and familial conditions favoring guardianship. Participants thought that older children (even if under 14) would be more likely to have relationships with their birthparents, and feelings about maintaining their contact with them and not terminating their parental rights. They may also have negative or positive reactions to the prospects of being adopted even independent of their relationship with their birthparents. One question concerns the boundaries for the effect of child age on the decision for guardianship. Clearly there is a difference between a 15-year-old and a 2-year-old, but how should one think in making a permanency decision about the perspective of, say, a 6, 7, 8, or 9-year-old? Our understanding of child development indicates that most school age or even young children have feelings and wishes about their birthparents that should influence the permanency decisions. Different parties in the case may differ in their judgment about this, which can lead to conflict in making the permanency decision. The age-related differences in youths' attitude toward guardianship and adoption speaks to the need to understand the youth and family and make choices attuned to the best interest of the child.

Some participants saw guardianship as a good permanency option in some cases in which loving birthparents needed more time to change their lives and recover custody of their children in the future. The permanency process typically starts with the goal of reunification with birthparents. However, the federal Adoption and Safe Families Act requires the state to request termination of parental rights from the court if the child remains in substitute care for 15 out of 22 months.⁹ But several participants mentioned case examples in which the birthparents had the potential to change but needed more time. Guardianship can be a way to get a child out of DCFS custody while still keeping the door open for later reunification with birthparents. Several participants saw this as a positive option in some cases, including cases in which a birthparent is incarcerated. But one participant discussed the risk of guardianship offering false hope. Birthparents may never change, and meanwhile, real permanency for the child has been delayed.

In some cases, several participants told us adoption is blocked, and guardianship may be the best practical permanency option. Older youth may veto adoption. There may not be sufficient cause to terminate parental rights, despite reunification not being in the best interest of the child(ren). Kin providing loving care for the child may be hesitant to adopt. Guardianship gives them the option to be permanent caregivers and keeps open the possibility of later adoption if they overcome their hesitancy. Even if adoption is not blocked, there may be circumstances, as we heard, in which guardianship is seen as a more practical choice because it is easier to transition to a new permanent caregiver. This may be relevant if the permanent caregiver is older and they can foresee a time in which they can no longer care for the child.

Clearly, though participants' views of guardianship varied, there was consensus that it had an important role in the array of permanency options. But participants mentioned several obstacles that could make guardianship difficult to achieve. Some kin caregivers take in a child in a time of crisis, seeing it as their duty as a family member, but are not psychologically prepared to become permanent caregivers. The time frame for completing guardianship can extend to years, sometimes keeping children from permanency for much of their childhood. Child welfare agencies and the courts face challenges in coordinating their work on their child's permanency plan, disrupting efforts to complete a guardianship. Potential guardianships may also be blocked if a birthparent

9. See, e.g., Radel, L. & Madden, E. (2021), [Freeing Children for Adoption within the Adoption and Safe Families Act Timeline: Part 2 – State Perspectives](#). Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services. Office of Human Services Policy.

does not consent to it; a birthparent who is very involved with the child may provide consent, while another one may not, even if they are largely absent from the child's life. Two participants cite lack of knowledge in the field about guardianship, with the result that it was not always used in circumstances in which it could be the best permanency option. Licensing, which is necessary for all federal and some state guardianship subsidies, can also be an obstacle, if caregiving families have factors such as criminal histories that make licensing difficult.

We asked participants questions about the role of race in permanency work because of its potential effect on permanency and implementation. We hoped to gain a better understanding of factors underlying racial disproportionality in permanency outcomes. Some participants perceived no effect of race, while others had substantial experience with or observations of racial issues related to permanency work. Among the issues described were racial disparities and biases in society that affected their clients, Black families' increased likelihood of involvement with the child welfare system, racial inequities they witnessed in child welfare agencies and in the courts, cultural differences they saw in the preferences of clients of different races. One Black professional talked about racial bias they had experienced professionally, and other Black professionals talked about underrepresentation of Blacks in professional roles related to permanency.

Conclusion

Participants' commitment to flexibility in service to the child's best interest and their openness to guardianship when it is best for the child suggest that guardianship is a promising permanency alternative. Professionals have philosophical disagreements regarding adoption and guardianship, and the historical preference for adoption still holds sway among many professionals, while others see little difference between the two. Increased dialogues between those focused on the benefits of guardianship and adoption for children and those concerned about the risks of each could help refine criteria for when each is appropriate and help point to future research that is needed to compare adoption and guardianship. Greater education and preparation of both professionals and families about guardianship could enlighten them about the potential of guardianship as a permanency option, and may help reduce any obstacles and risks related to guardianship. Better assessment of children's needs and families' commitments, preferences, and capabilities could both better inform the decision for adoption or guardianship and reduce the risk of disruption after the permanent placement. The quality of assessment in guardianship and assessment cases should be equal. Our finding that some professionals see no racial issues related to permanency while others describe such issues in detail also speaks to the need for dialogue. Future discourse among practitioners and research on permanency should explore further potential racial issues that may impede permanency for Black youth and contribute to racial disparities in permanency outcomes.



Appendix A Interview Protocols

Introduction

Hello! My name is _____ and I work at the University of Illinois. Thank you for meeting with us today. We are doing a study about how permanent plans are made for children who are in DCFS custody. We are interested in the role that systemic racism may play, and we are especially interested in learning about why subsidized guardianship is so infrequently used.. We are interviewing both family members and professionals who have been involved in making permanent plans for children. Part of our study is to interview permanency supervisors, and we'd like to interview you today. First, we need to make sure you understand what this research involves for you and that you consent to it. Did you receive the informed consent form we sent to you?

[Review consent form & obtain verbal informed consent]

Basic Work Information

1. Could we first ask about your work situation?
2. What DCFS region do you work in? Northern ___ Cook ___ Central ___ Southern ___
- 3a. (caseworker, supervisor) What kind of agency do you work for?
DCFS___ Private agency (name of agency)_____ Other (specify) _____
- 3b. (guardian *ad litem*) Do you work with a particular agency? Is it:
DCFS___ Private agency (name of agency)_____ Other (specify) _____
4. What court(s) do you work in?
5. Please describe your work related to permanency planning and decision-making.
6. (judges) Could you describe the process of collaboration of the court with other professionals and the family in permanency cases?

Assessment of Permanency Options

How would you compare the impact of adoption and guardianship on children's stability? How would you compare the impact of adoption and guardianship on children's well-being? Are there [other] ways in which adoption and guardianship have a different impact on children?

Guardianship

DCFS Attorneys

1. Was subsidized guardianship considered for any of the children in your caseload? Describe the people, circumstances, and what happened.
2. Under what circumstances would you feel that guardianship is the preferred permanency choice?
3. In what ways do you help prepare families for guardianship?
4. What makes it difficult to use subsidized guardianship? On what do you base your response?
5. What helps people use subsidized guardianship? On what do you base your response?
6. Why do you think the use of subsidized guardianship has declined?
7. How do you think the requirement that guardians be licensed has affected the use of guardianship?
8. Are you aware of the new law regarding subsidized guardianship? The law says that caseworkers should discuss both adoption and guardianship at the same time with caregivers. How do you think the new legislation will affect the use of subsidized guardianship?

Guardians ad litem

1. Was guardianship considered for any of the children in your caseload? Describe the people, circumstances, and what happened.
2. Under what circumstances would you feel that guardianship is the preferred permanency choice?

3. In what ways do you help prepare families for guardianship?
4. What makes it difficult to use subsidized guardianship? On what do you base your response?
5. What helps people use subsidized guardianship? On what do you base your response?
6. The use of guardianship for permanence for children in DCFS substitute care has always been low in IL and the U.S. as a whole. In Illinois it was highest in the early 2000s and then declined again. Why do you think the use of subsidized guardianship declined since the early 2000s?
7. How do you think the requirement that guardians be licensed has affected the use of guardianship?
8. Are you aware of the new law regarding subsidized guardianship? The law removes the requirement that adoption be “ruled out” prior to setting a guardianship goal, but still requires that other goals, including adoption must be determined not to be in the child’s best interest prior to setting the guardianship goal. It also requires discussing both adoption and guardianship with caregivers prior to setting a guardianship goal. How do you think the new legislation will affect the use of guardianship?

Judges

1. Under what circumstances would you approve or not approve guardianship? Why?
2. Were you ever asked to approve guardianship for any of the children in your caseload? Describe the people, circumstances, and what happened.
3. Under what circumstances would you feel that guardianship is the preferred permanency choice?
4. What factors make it difficult to use guardianship? On what do you base your response?
5. What factors help people use guardianship? On what do you base your response?
6. Although the use of guardianship has always been low, it was greatest in the early 2000s, and then declined. Why do you think that the use of guardianship has declined?
7. How do you think the requirement that guardians be licensed has affected the use of guardianship?
8. Are you aware of the new law regarding guardianship, Public Act 102-0193 that amends Section 2-28 of the Juvenile Court Act of 1987? This act removes the language that adoption must be “ruled out” prior to a goal of guardianship and says that adoption must be deemed to be inappropriate and not in the child’s best interest for there to be a goal of guardianship. It also requires that both adoption and guardianship must be discussed with the caregiver prior to selecting a guardianship goal. How do you interpret this amendment? How do you think it will affect the use of guardianship?
9. Do you ever need to coordinate with other courts in guardianship cases? Could you please describe that? How well does the coordination work?

Permanency Caseworkers

1. Under what circumstances would you explore subsidized guardianship? Why?
2. At what point would you begin to do so? Why?
3. Did you ever consider subsidized guardianship for any of the children in your caseload? Describe the people, circumstances, and what happened.
4. Under what circumstances would you feel that guardianship is the preferred permanency choice?
5. In what ways do you help prepare families for guardianship?
6. What makes it difficult to use subsidized guardianship? On what do you base your response?
7. What helps people use subsidized guardianship? On what do you base your response?
8. Although the use of subsidized guardianship has always been low, it was greatest in the early 2000s, and then declined. Why do you think that the use of subsidized guardianship has declined?
9. How do you think the requirement that guardians be licensed has affected the use of guardianship?
10. What is your process for ruling out adoption in subsidized guardianship cases? How does that compare to the process for ruling out adoption in the rest of your office?
11. Are you aware of the new law regarding subsidized guardianship? The law says that caseworkers should discuss both adoption and guardianship at the same time with caregivers. How do you think the new legislation will affect the use of subsidized guardianship?
12. Do you feel that race is a factor that affects the use of guardianship? Can you give examples?

Supervisors

1. How would you compare the effect of adoption and guardianship on permanency? How would you compare the effect of adoption and guardianship on children's sense of security?
2. Under what circumstances would you explore subsidized guardianship? Why?
3. At what point would you begin to do so? Why?
4. Did you ever consider subsidized guardianship for any of the children that you supervise caseworkers on? Describe the people, circumstances, and what happened.
5. Under what circumstances would you feel that guardianship is the preferred permanency choice?
6. In what ways do you help prepare families for guardianship?
7. What makes it difficult to use subsidized guardianship? On what do you base your response?
8. What helps people use subsidized guardianship? On what do you base your response?
9. The use of subsidized guardianship in Illinois, although always low, was greatest in the early 2000s, and then declined to even lower levels, where it is at present. Why do you think the use of subsidized guardianship has declined?
10. How do you think the requirement that guardians be licensed has affected the use of guardianship?
11. What is your process for ruling out adoption in subsidized guardianship cases? How does that compare to the process for ruling out adoption in the rest of your office?
12. Are you aware of the new law regarding subsidized guardianship? The law says that caseworkers should discuss both adoption and guardianship at the same time with caregivers. How do you think the new legislation will affect the use of subsidized guardianship?
13. What is it like supervising permanency caseworkers in planning adoption and subsidized guardianship? Are there any special challenges for this?

Role of Race

DCFS Attorneys

1. Do you feel that race is a factor that affects the use of guardianship? Can you give examples?
2. How do you feel that race affects your practice? Do you feel you need or would benefit from supports in this area? What supports have you received around issues of racial bias, disparities, and disproportionality?

Guardians ad litem

1. Do you feel that race is a factor that affects the use of guardianship? Can you give examples?
2. How do you feel that race affects your practice? Do you feel you need or would benefit from supports in this area? What supports have you received around issues of racial bias, disparities, and disproportionality?

Judges

1. Do you feel that race is a factor that affects the use of guardianship? Can you give examples?
2. How do you feel that race affects your practice? Do you feel you need or would benefit from supports in this area? What supports have you received around issues of racial bias, disparities, and disproportionality?

Permanency Caseworkers

1. How do you feel that race affects your practice?
2. What supports have you received around issues of racial bias, disparities, and disproportionality? Do you feel you need or would benefit from additional or different kinds of supports in this area?

Supervisors

1. Do you feel that race is a factor that affects the use of guardianship? Can you give examples?

2. How do you feel that race affects your practice?
3. What supports have you received around issues of racial bias, disparities, and disproportionality?
4. Do you feel you would benefit from different or additional supports for dealing with issues of race in your work?

Demographics and Background

1. Can we ask you some background questions?
2. How long have you worked in your current job?
Less than one year
1 to 2 year
2 to 3 years
3 to 4 years
4 to 10 years
More than 10 years
3. How long have you worked in child welfare?
Less than one year
1 to 2 year
2 to 3 years
3 to 4 years
4 to 10 years
More than 10 years
4. How do you identify your gender? Man___ Non-binary___ Woman___
5. You prefer to self-identify (write description)_____
6. Are you of Hispanic, Latino, or Spanish origin? No___ Yes___
7. How would you describe your race?
White
Black or African American
American Indian or Alaska Native
Asian
Native Hawaiian or Other Pacific Islander
Other Please specify _____

This report was produced as a collaboration between the Children and Family Research Center (CFRC) and the Translational Research team. The Translational Research team consists of University of Illinois researchers who provide research and analytical support to the Illinois Department of Children and Family Services (DCFS). They are affiliated with the DCFS Office of Research and Child Well-being at the Illinois DCFS. CFRC is an independent research organization created jointly by the University of Illinois at Urbana-Champaign and DCFS to provide independent evaluation of outcomes for children who are the responsibility of the DCFS. This report is available on the [subsidized guardianship website](#). Questions about this brief should be directed to Dr. Theodore P. Cross at (781) 640-4532 or tpcross@illinois.edu.

This research was supported by a grant from the Office of the Vice Chancellor for Diversity, Equity and Inclusion of the University of Illinois at Urbana Champaign, as part of its Call to Action to Address Racism and Social Injustice Research Program. DCFS also contributed the time of the Translational Research team, who are contracted through the University of Illinois at Urbana-Champaign. The views expressed herein should not be construed as representing the policy of the University of Illinois or the DCFS.

Acknowledgments

The research team would like to extend their gratitude to the permanency professionals who participated in interviews and completed the survey. Without their insight and expertise, this study would not have been possible. We are also grateful to the advisory team of administrators and analysts from DCFS who guided and supported the implementation of this research. The advisory team included staff from the DCFS Division of Strategy and Performance Execution, the Office of Research and Child Well-being, the Office of Race Equity Practice, and the Permanency Division.

Suggested Citation

Cross, T. P, Landa, C., Fox, H. L., LaSota, R., Thebaud, M., Hines, D., Parsons, T., Song, E., Hampton-Campbell, S., Kwon, S., & Steiner, M. J. (2023). *Exploring the role of guardianship in effective and equitable permanency: Report of interview findings with child welfare and legal professionals in Illinois*. Research Report. University of Illinois at Urbana-Champaign. <https://www.cfrc.illinois.edu/sgs.php>

© 2023 University Board of Trustees

