



SUPPLEMENTAL MATERIALS OF GLBTQ LEGAL ADVOCATES & DEFENDERS

LD 699 – WORKING SESSION

JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

March 25, 2021

Senator Claxton, Representative Meyer, and Honorable Members of the Committee on Health and Human Services: Good Afternoon. GLAD appreciates the opportunity to speak with this Committee regarding LD 699 and the proposed kinship navigator program. Following the hearing on March 17th, GLAD spoke with a representative of Adoptive & Foster Families of Maine (AFFM) who administers the kinship program within the agency and who has been involved in kinship care at AFFM for many years prior to the contract with the Department of Health and Human Services (“DHHS” or “the Department”). We offer the following for your information:

At the outset, we recognize that AFFM, Dr. Landry, and DHHS have the same interests in supporting children and families – including when parents are unable to care for their children and whether they are DHHS-involved or not – as does GLAD (and others who supported LD 699). The fact that the Department has now sought and obtained available federal money to fund a kinship navigator program is a crucial step in anchoring it going forward.¹

To maintain and nurture this vital program across future administrations, we note an amendment to a previous iteration of LD 699 that this Committee passed in the 128th Legislature. That amendment would expressly establish an “independent program within the department,” while contracting out to a non-profit to “operate the program.”² GLAD is favorably intrigued by this approach as it (1) codifies the requirement of a DHHS-based kinship navigator program in statute (and would be federally funded, *see* note 1 above), (2) maintains the existing framework DHHS currently employs with AFFM by contracting out for on-the-ground services, and (3) sets forth the role of DHHS in the relationship.

Dr. Landry testified that the current contract will expire in September of this year. We understand from AFFM that the Department has or will apply for continued federal funding. A

¹ See ADMIN. FOR CHILD. & FAM., *Kinship Navigator Programs to receive \$19 Million* (Aug 10, 2020), <https://www.acf.hhs.gov/media/press/2020/kinship-navigator-programs-receive-19-million#:~:text=Kinship%20navigator%20programs%20help%20fill,children%20placed%20in%20their%20home.> (announcing grants to all States and other jurisdictions for federal fiscal year 2021); Kim Phagan-Hansel, *Federal Kinship Grants Awarded to Most States*, THE IMPRINT (Sept. 24, 2018), <https://imprintnews.org/child-welfare-2/federal-kinship-grants-awarded-states/32293> (noting that most kinship navigator programs commenced after passage of the federal “Fostering Connections to Success and Increasing Adoptions Act of 2008,” when several grants were made available to assist states in launching these programs, and that ‘now these programs are being expanded as part of the first phase of the recently passed Family First Prevention Services Act.’)

² The referenced bill is attached as an addendum for reference.



statutory requirement for this program can ensure a commitment to seek funding and the continued availability of this resource.³

GLAD's discussion with AFFM illuminated a clear need for far broader visibility in the community regarding the kinship resources available to children and families. AFFM reported that families they serve often express that they wish they – or those they hired for assistance – had known about AFFM earlier in their difficult journeys of securing the children in their care. DHHS's own website could list the Kinship Navigator program as one of the Department's programs and add community-facing resources related to the existing kinship program. AFFM conveyed that many of the interactions they have are with families that are *not* involved with DHHS, but that their greatest difficulty is in reaching families and providing information, as most individuals hear about AFFM via word of mouth. AFFM also confirmed that many of the families that they work with are hosting or parenting youth in the LGBTQ+ community, and that AFFM provides cultural humility and sensitivity training for new participants in their program.

Kinship navigator programs are clearly a vital and necessary program given this feedback from AFFM. GLAD urges the Committee to consider additional improvements to codify in statute to provide further access and reach the communities that do not or cannot access AFFM of their own volition (especially LGBTQ+ youth who no longer live at home and rely on couch surfing or homeless shelters for services). GLAD's hope is that legislation like LD 699 can capture often-overlooked populations and bolster the existing inter-agency and -organization collaboration. GLAD recommends consideration of:

- Adding the proposed instruction in LD 699 to “[d]evelop publicly accessible educational materials about the program and resources” to help direct families to available options;
 - Other states provide accessible information. For example, Vermont's Department for Children and Families provides several background publications outlining the different options for kinship and childcare, as well as a survey for data collection purposes, available at <https://dcf.vermont.gov/resources/kin>.⁴
- Making available, as required by statute,⁵ the Department's written kinship care policies;
- Addressing the process and identifying the resources needed by families who provide kinship care, both those that care for children in the DHHS system and those who provide care outside of it;
 - As stated in the testimony of Deirdre M. Smith, there is significant unmet need in helping families navigate legal guardianship and kinship, particularly for families where the children are not DHHS-involved because the kin-caregiver is able to care for and support the child.

³ See HP0203, LD 270 (2017), §§ 3921.1, 3921.4.

⁴ See VT. AGENCY OF HUM. SERV., DEP'T FOR CHILDREN & FAM., KINSHIP CAREGIVERS GUIDE (2019), <https://dcf.vermont.gov/sites/dcf/files/Adoption/Kinship-Guide.pdf>.

⁵ ME. REV. STAT. ANN. tit. 22, at § 4010-B.3.



- The impact of the Maine Home Court Act makes it possible for either the Probate or District Courts to hear guardianship cases, and court personnel are not able to advise individuals about how to carry out these proceedings.⁶ For the program to work, there must be available information that is digestible without a law degree; and
- Providing direct outreach to underserved communities and youth state-wide, including LGBTQ+ homeless youth.

Navigating guardianship and kinship care can be a difficult and expensive process even without the involvement of DHHS in custody proceedings: GLAD's intent in supporting LD 699 is to galvanize collaboration with the various stakeholders in the community, as well as the department, to provide resources and options to Maine's families that are digestible without a law degree.

Thank you for your consideration, and we look forward to discussing this bill and are happy to answer any additional questions.

⁶ See ME. REV. STAT. ANN. tit. 4, §5-A.

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

'An Act To Support Kinship Families by Creating a Kinship Care Navigator Program'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 22 MRSA c. 1065 is enacted to read:

CHAPTER 1065

KINSHIP CARE NAVIGATOR PROGRAM

§ 3921. Kinship care navigator program

1. Program established. The kinship care navigator program, referred to in this chapter as "the program," is established as an independent program within the department to provide resources and support to persons providing kinship care to children in the State. The department shall contract with a nonprofit organization to operate the program. The nonprofit organization must have an understanding of child development issues and must have experience in the support of persons providing kinship care to children, with the child welfare system and with District Court and Probate Court proceedings. The department shall choose a nonprofit organization that the department determines to be best able to provide resources and support on a statewide basis.

2. Services. The program, in consultation with appropriate interested parties, as determined by the department, may:

A. Identify and coordinate existing resources available to persons providing kinship care to children;

B. Develop collaborative working relationships with state agencies, social services agencies and other organizations serving persons providing kinship care to children;

C. Develop publicly accessible educational materials about the program and resources available to persons providing kinship care to children and present that information to the public, state agencies, social services organizations and other stakeholders;

D. Provide to persons providing kinship care to children referrals to available resources and information about the means of obtaining services from the department;

E. Analyze and provide recommendations to agencies, the Governor and the Legislature on state programs, rules, policies and laws relating to kinship care to children; and

F. Collect and analyze records and data relevant to the duties and activities of the program and make reports as required by law or determined to be appropriate.

3. Report. The department shall require the entity contracted under subsection 1 to operate the program to provide annually by January 1st a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over judiciary matters on the activities of and services provided by the program. A legislative committee that receives a report under this subsection may report out legislation to the Legislature.

4. Funding. The department shall seek and apply for available federal funds to pay the costs of the program.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Office of Child and Family Services - Central 0307

Initiative: Provides funding to contract with a nonprofit organization to provide statewide support to persons who are providing kinship care to children.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$80,000
GENERAL FUND TOTAL	<hr/> \$0	<hr/> \$80,000

SUMMARY

This amendment establishes a kinship care navigator program to be contracted by the Department of Health and Human Services to provide educational information, referrals and support to persons providing kinship care to children. It provides that funding will be drawn from federal funds, if available, and through the General Fund.

FISCAL NOTE REQUIRED
(See attached)