

January 29, 2018

Senator Eric Brakey  
Representative Patricia Hymanson  
c/o Legislative Information Office  
100 State House Station  
Augusta, ME 04333

To the Members of the Joint Standing Committee on Health and Human Services:

As a result of conversation initiated by LD 270 and pursuant to a directive from this Committee, the Department of Health and Human Services (DHHS) convened a group of interested stakeholders around the challenges faced by grandparents and other extended family members who are caring for children not their own. The group included representatives from the State Legislature, State Government, academia, kinship caregivers, agencies that work with children and families, child protection attorneys, and other interested parties. Known as the Kinship Advisory Group, it met seven times over the course of the summer and fall of 2017 and once in 2018. The meetings were open to the public.

The Kinship Advisory Group was tasked with evaluating ways in which the State could provide additional and coordinated support to the thousands, if not tens of thousands, of kinship families who have stepped in to raise the children when the birth parents in that family are unable or unwilling to do so. We are pleased to present to you the results of our work and several programmatic and statutory recommendations.<sup>1</sup>

### **Scope**

The Kinship Advisory Group estimates that approximately 8,000 to 10,000 children in Maine are being raised by relatives, rather than by their birth parents. Those relatives provide full-time protection and nurturing care of children include grandparents, aunts, uncles, brothers, sisters, members of their tribes or non-related extended family members, including fictive kin.

On a national basis, for every child in the state foster care system in the care of relatives, there are twenty children in the care of relatives outside of the foster care system. There are approximately 1,650 children in DHHS custody and roughly a third of those (580) are placed with kin. Historically, Maine DHHS has a higher number of children in custody than the per capital national average, so the ratio may be closer to 1-15. More than a third of these kinship parents are over the age of 60; given the demographics of Maine's population, this percentage likely will increase in the near term.

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<sup>1</sup> Members of the Kinship Advisory Group are : Bobbi Johnson, Hope Tormey, Kirsten Capeless, Jan Strout, Representative John Picchiotti, Representative Richard Malaby, Susan Clardy, Gail Erdheim, Frank Ellis, Robin Chamberlain, Ken Walsh, Donna Lufkin, Kathleen Ayers, Barbara Kates, Barbara Ford, Paul Collins, Newell Augur, Jeff Young, Tracy Leigh

These estimates of Maine children in kinship care are based upon research undertaken by a series of organizations that work in the child development, child welfare and elder advocacy fields including AARP, The Brookdale Foundation Group, Casey Family Programs, Child Welfare League of America, Children's Defense Fund, and Generations United. These groups partnered together to produce a report known as GrandFacts, a series of data points for children that are raised by grandparents and other relatives. GrandFacts were developed for all fifty states; the data presented here is based upon that research and tailored slightly based upon the experience of the Kinship Advisory Group. The GrandFacts data for Maine is appended to this letter.

It is important to note that children in DHHS custody or children who have been placed with kin as a result of a safety plan mandated by DHHS (following a child protective investigation) represent a very small portion of the total number of children in kinship care. This is significant because unless some other fiscal arrangement with birthparents has been agreed to, the kinship family is not provided with any of the support available to families involved in the foster care system. This includes daily per child stipend, respite care, transportation assistance and MaineCare, among other supports. In most cases, the family member who is raising the child of a relative has stepped into that role with little if any assistance from the State.

### **Challenges**

The underlying task in providing more support to kinship families may be reframing the conversation about who is being served through the formal child welfare system versus the informal child welfare system. The formal system is run by the Government, serves a small number of children only on an individualized basis, is heavily litigious and is characterized by numerous administrative burdens. The informal system, by contrast, is run by families, serves more children than the formal system with limited if any governmental support or judicial intervention.

Kinship families must resolve legal relationships, figure out how to access services, navigate visitation with birth parents, among other tasks, with limited structural or financial assistance. Kinship care takes a toll on the caregivers, exacerbates family relationships, and often jeopardizes the retirement plans of the grandparents who are compelled to parent once again. Yet, the more the informal system can be stabilized and the more support that can be given to kinship placements, the fewer children will enter the formal child welfare system, resulting in better outcomes for the children and savings for the taxpayer.

The Kinship Advisory Group found a variety of supports for kinship families, though far from robust. The availability and capacity of these resources is different in each county, and dependent upon the flexibility of local social services agencies to adapt an existing program to assist kinship families.

One of the most significant barriers is connecting kinship families to existing resources that, in most cases, have not been tailored for them or designed with them in mind. Many kinship families have a hard time asking for help. When they are inclined to ask for assistance, the normal channels of communication – through the school, hospital or local service agency –

are geared towards birth parents. It is critical to connect these prospective kinship caregivers to resources as early as possible in the process so as to limit disruption for both the children affected and the new kinship parents.

The Advisory Group further noted the occasional unwillingness of unfit parents to allow other family members to raise their children because once those parents do so they lose many of the benefits that they depend upon. Those who are eligible for housing vouchers, MaineCare and SNAP, among other benefits, will lose some, if not all, of those benefits if there are no children living with them in the home. This makes birth parents less likely to turn their children over to kinship options and heightens family conflict.

## **Recommendations**

Giving kinship families better information to navigate the complexities of providing care for a child – establishing safety and emotional support, seeking school, medical and respite care, coordinating visitation with birth parents – would be a powerful step in securing the informal child welfare system in Maine. Building upon existing infrastructure is the most effective way to close the knowledge and resource gap for families providing informal kinship care. The Advisory Group primary recommendation is the creation of a Kinship Navigator to accomplish this objective.

### **I. Kinship Navigator**

The Kinship Navigator will enhance the ability of kinship families to support children in their care. The Navigator will be responsible for communicating with state agencies, social services agencies and others stakeholders to establish a collaborative working relationship with the providers serving this group. Most significantly, the Navigator will coordinate existing resources to assure that kinship families are receiving services to support their placement.

The Navigator will be tasked with identifying the resources currently available in Maine, organizing that resource network, and identifying a cost effective way to collect and present this information to kinship families. This may include the development of a brochure for kinship families that identifies available resources, legal issues and connectivity with support groups. It may involve developing a database of kinship families who would like to receive a digital newsletter or designing a webpage to provide an internet presence.

On a limited basis the Kinship Navigator also will provide assistance and support to individual kinship families with community resources, such as food programs, health, financial and legal services, support groups, child care options/camperships, trainings, and emergency funds. However, it is the Advisory Groups belief that the Navigator should operate more like a referral service and would not be someone whose work is primarily with individual families. Rather, this position is meant to address the systemic challenges for all kinship families.

The Kinship Navigator will need to have working knowledge of the child welfare system, including family matters and probate court proceedings, as well as an understanding of child

developmental issues, including trauma, separation/attachment and prenatal exposure to substances. This individual will present information and educational resources to the broader community and to improve awareness of kinship related issues. For example, some providers in Maine assist families is establishing a power of attorney arrangement between kinship caregivers and legal parents for medical and educational decisions that can be terminated at any time by that parent. Resources like this should be known to kinship families and social service providers throughout the State, especially given that not all kinship families have the ability to secure legal representation.

It is also anticipated that the Kinship Navigator will be familiar with the State political process and will be able to advocate at the Legislature on issues that would improve support for kinship families statewide. Additionally, the Navigator would be able to advocate for the state to apply for federal waivers to existing federal programs that would provide additional support – either structurally or financially – to kinship families.

This office would be independent of DHHS and would report to a Board of Directors, specifically constituted to oversee the position (in much the same way as the current Child Welfare Ombudsman reports to an independently constituted Board of Directors that is, similarly, independent of DHHS or other State agencies). It is anticipated that this position would be sunset after 3 years. A request for proposal (RFP) and a list of qualifications for the position of Kinship Navigator is appended to this letter.

## **II. Legal Changes**

The Kinship Advisory Group also believes several statutory changes – some technical, others more substantive - would facilitate earlier and more successful placement with kinship families and should be explored further:

- A. Permanency Guardianship – extend the timeframe for which a parent can ask for review from once every 12 months to once every 24 or 36 months.
- B. Improve the process for filing 3<sup>rd</sup> Party Petitions in District Court
- C. Streamline the Temporary Guardianship option available through the Probate Court
- D. Create a guardianship option in District Court that places custody of a child with a kinship family and allows the Department to dismiss a Child Protection Petition prior to a finding of Jeopardy.
- E. Provide funding to birth parents to cover MaineCare, housing and other benefits for a period of 6-12 months following the placement of their child with a kinship family so as to discourage those parents from keeping their child as a means of securing public benefits.

### **III. Funding**

The Kinship Advisory Group believes that federal funds are available – either through grants or existing federal programs – and would encourage DHHS to explore those options as a means of funding the Kinship Navigator position.

We appreciate the opportunity to present this information and would be happy to provide any additional information the Committee might request pursuant to this report.

Sincerely,

The Kinship Advisory Group