

## ASK ABOUT GUARDIANSHIP

### WHAT SOCIAL SERVICE PROFESSIONALS NEED TO KNOW TO SUPPORT

# GUARDIANSHIP FAMILIES



Attaining legal permanence is not always about finding a new family. In some instances, it is about legally re-defining roles of existing family members or establishing legal relationships with other adults who have a family-like relationship with children through guardianship. Although different from adoption, the adjustment to these newly defined responsibilities can be just as complicated, including the need to address children's trauma and the changes in family dynamics. Social service professionals can better serve guardianship families by learning about the dynamics of the family's permanent relationships, factors that influenced their decision-making in choosing the guardianship option, and how those decisions might affect the family's current situation. Data on children exiting to guardianship from foster care can be found at <https://www.acf.hhs.gov/cb/research-data-technology/statistics-research/afcars>.

### WHAT IS GUARDIANSHIP?

For children in foster care, guardianship is an important option when reunification with birth parents or adoption are determined to be not appropriate for a child. Guardianship is a legal relationship in which a court gives an adult caregiver the authority to care for a child. Guardianship authorizes caregivers, usually a relative or a close family friend, to make the same daily decisions that a parent might make, such as enrolling a child in school or authorizing medical care. Unlike adoption, guardianship does not require the termination of parental rights, and therefore, allows the biological parents to remain involved in the child's upbringing. You can learn more about guardianship on the Child Welfare Information Gateway website: <https://childwelfare.gov/topics/permanency/guardianship/>.



### WHY GUARDIANSHIP?

Guardianship is an important permanency option for children and families.

- Guardianship allows children to maintain important connections with their birth parents, extended families, and communities.
- Guardianship honors the wishes of older children who do not want to be adopted.
- Guardianship allows for permanence when termination of parental rights is not possible or not in the best interest of the child.
- Guardianship provides children with a sense of stability, identity, and belonging.
- Guardianship respects cultural norms and beliefs.

## WHY WOULD A FAMILY CHOOSE GUARDIANSHIP?

Guardianship is an option that prevents children from staying in foster care longer than necessary when reunification and adoption are not possible. Guardianship provides an assurance that children can exit foster care with someone they know and someone who will help them maintain a sense of stability, identity, and relationships with their parents and extended family. Guardianship can provide permanence for children when adoption is not possible because either no legal grounds exist for the termination of parental rights or the court determines it is not in the child's best interest to pursue termination of parental rights. Some family members find this permanency option to be appealing because they hope that the biological parent(s) will address the issues that prevented them from caring for their child and, ultimately, that a court will allow the birth parent(s) to resume the role of permanent caregiver. Further, some family members want to maintain their biological relationship to the child and do not want to "legally" become Mom or Dad. Especially when children are older, family members might have concerns about severing children's legal ties with their biological parents. Finally, some cultures believe that adoption is contrary to the community's collective responsibility to step in during times of need and serve as substitute caregivers without severing parental ties to the child.

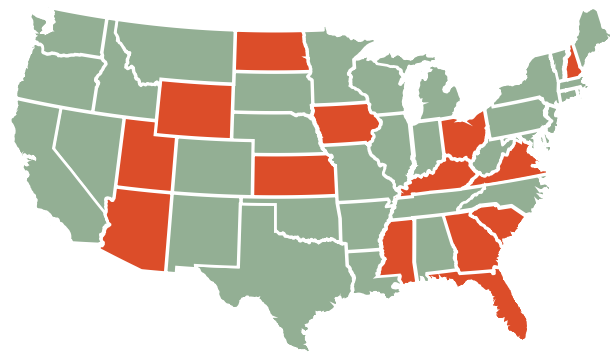
## IS GUARDIANSHIP PERMANENT?

Over the years, concerns have been raised about the legal differences between guardianship and adoption. Although the legal ties of adoption are more difficult to relinquish than guardianship, it is important to understand that guardianship bonds are often just as enduring as adoptive bonds. While the legal obligations of guardianship end when the child reaches the age of majority (usually age 18, but 21 years in some jurisdictions), the emotional relationship often lasts a lifetime. Data show that the overwhelming majority of guardianships do not end prematurely. Data analysis that matched children on characteristics such as the age at which a child entered adoption or guardianship have found no statistical difference in rates of instability between children in adoption and guardianship.

## CAN FAMILIES WHO ASSUME GUARDIANSHIP RECEIVE FINANCIAL SUPPORT?

Guardians often begin caring for children unexpectedly, which can create lasting economic hardship for families.

However, families who assume legal guardianship of children through the foster care system can often receive ongoing financial support and other services through state-funded assisted guardianship programs or through federally supported guardianship assistance programs, commonly referred to as Title IV-E GAP. In addition to providing ongoing financial subsidy up to age 18 or 21 years, many states offer children in guardianship families health insurance through Medicaid or other state programs. You can learn more about Title IV-E GAP here: <https://www.acf.hhs.gov/cb/resource/title-iv-e-guardianship-assistance>, <https://www.childwelfare.gov/topics/systemwide/laws-policies/federal/fosteringconnections/>, and at <https://aspe.hhs.gov/pdf-report/title-iv-e-gap-programs-work-progress>.



- STATE OPERATES A GAP PROGRAM
- STATE HAS NOT APPLIED TO OPERATE A GAP PROGRAM

*\*Data from 09/2017*

## WHAT ADDITIONAL SUPPORTS AND SERVICES ARE AVAILABLE FOR GUARDIANS?

Guardianship families face many of the same challenges as adoptive families, and like adoptive families, guardianship families often need supports long after permanence has been achieved. Supports provided to guardianship families might include counseling and therapy, crisis stabilization services, respite care, support groups, and navigation services for accessing benefits and services. While some states provide access to post-permanency supports for guardianship families, many do not. Typically, guardians might have better success seeking services available to the broader category of relative caregivers than those specifically targeted to guardians. More information about services available to relative caregivers can be found at <http://www.grandfamilies.org/State-Fact-Sheets>.

## WHAT CAN MY AGENCY DO TO HELP SUPPORT GUARDIANSHIP FAMILIES?

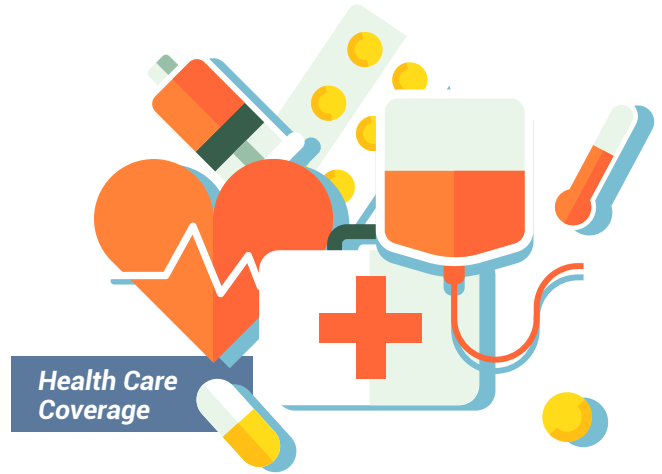
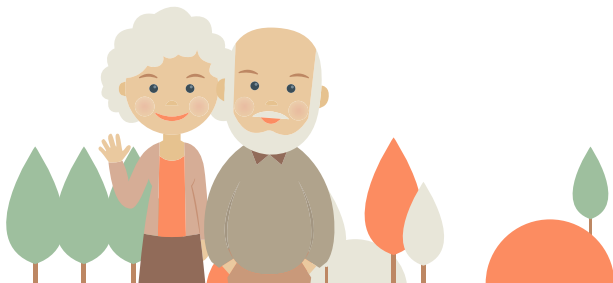
Thinking about how agencies can support families who have assumed guardianship of children is critically important because relative caregivers—the population that makes up the majority of guardians—tend to have characteristics that put them in greater need of assistance. Relative caregivers tend to be older, single, have lower socioeconomic status, and have less access to post-permanency supports. It is important for agencies to recognize the unique situations guardianship families might encounter and ensure that services are adapted to address these needs. Agencies can support guardianship families in the following ways:

### HELP FAMILIES UNDERSTAND HOW ASSISTED GUARDIANSHIP IMPACTS ELIGIBILITY FOR OTHER PUBLIC BENEFITS

The supports provided through assisted guardianship play an important role in the success of the guardianship arrangement. However, some families might not be aware or understand how the financial supports provided through assisted guardianship can limit their eligibility for other public assistance programs such as housing or food benefits.

### SUPPORT GUARDIANS WITH PARENTING AND SETTING EXPECTATIONS

Legal guardians might not have parented a child in many years or their parenting style might differ significantly from that of the birth parents. Additionally, guardians might benefit from help understanding the ways in which the transition to guardianship can affect adolescent development, especially in the pre-teen years when children are struggling with identity issues and testing boundaries. Agencies might need to provide guardians with information specific to parenting a child who has experienced trauma and to facilitate connections between guardians and other critical supports.



### HELP GUARDIANS NAVIGATE HEALTH CARE COVERAGE

If your state does not have Title IV-E GAP supports, children placed with guardians might not have access to Medicaid, leaving the guardians responsible for medical costs. This financial responsibility can be especially difficult when children have developmental disabilities or need mental health treatment. Obtaining health coverage for a child can also be more complicated for a guardian than a birth parent. For example, guardians might not have all the required information, or the local Medicaid agency might not be experienced in completing applications for guardianship families.

### HELP GUARDIANS ESTABLISH AND MAINTAIN SAFE BOUNDARIES WITH BIRTH PARENTS

Caregiving arrangements require the guardian and the birth parent to set clear boundaries and expectations, especially regarding visitation and contact with the child. Establishing boundaries at the outset is important because, once guardianship is finalized and caregivers no longer have a case-worker's support or court oversight, some guardians might feel uncomfortable asserting themselves and maintaining safe boundaries. Guardians are likely to need assistance in understanding how to navigate complex issues with a birth parent who still has legal rights and remains involved in the child's life, while ensuring the safety and well-being of the child. The Annie E. Casey Foundation has free training videos that provide tools for coaching families through this process: <http://www.aecf.org/blog/engaging-kinship-care-givers-with-joseph-crumbley/>.

## HELP GUARDIANS THINK ABOUT SUCCESSION PLANNING

Many guardians are older caregivers who are more likely to face the threat of serious illness or death. Because caregivers often step into the role of guardian during a crisis, many have not thought about who will care for the child in their absence or inability to continue caring for the child. Children of legal guardians have no rights to inheritance unless the child has been included in the guardian's will. In addition, the guardianship arrangement might not have included the guardian's spouse as a caretaker, which can cause a disruption in the child's physical and legal custody.



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