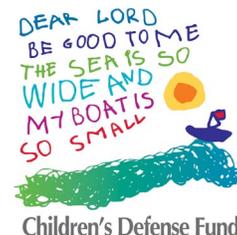


September, 2015



## The Title IV-E Guardianship Assistance Program (GAP): An Update on Implementation and Moving GAP Forward

*The enactment of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act) represented the most significant federal reform for children in foster care in more than a decade. The Fostering Connections Act contains a number of provisions intended to help keep families together and improve children's outcomes, and established the Title IV-E Guardianship Assistance Program (GAP), which allowed for the first time for federal dollars to support children exiting foster care to permanent homes with relative guardians.*

### **The Title IV-E Guardianship Assistance Program (GAP) and its Benefits to Children in Foster Care**

States have the option to receive federal financial assistance under the Title IV-E Guardianship Assistance Program for a group of children removed from the care of their parents, raised by relatives in foster care and then cared for permanently by those relatives who become their guardians. More specifically, GAP helps children eligible for federal foster care payments under Title IV-E of the Social Security Act who are cared for by licensed relatives for at least six consecutive months in foster care and who become their legal guardians when the children leave foster care. States have to apply to and be approved by the U.S. Department of Health and Human Services (HHS) to operate Title IV-E GAP.

GAP helps promote permanency for children in foster care. Financial assistance for guardians raising children who were in foster care with them is an essential component of the supports relatives need to offer these children permanent families. Children benefit in many ways because GAP:

- Promotes a sense of belonging and helps children stay connected to family and to their culture;
- Increases stability and continuity;
- Prevents children from remaining in foster care when reunification and adoption are not appropriate permanency options;
- Reduces agency supervision and intervention in children's lives once they are in a permanent family;
- Does not require the termination of parental rights for children who have relationships with parents who cannot care for them; and
- Provides relatives with assistance to care permanently for children.



***Promising GAP State with Previous Experience with Subsidized Guardianship***

California has a long history of offering guardianship assistance to relatives through its Kinship Guardianship Assistance Payment (KinGAP) Program, which first became available in 2000. As of June 2012, as reported in *Making It Work*, California had 5,852 children benefiting from Title IV-E KinGAP and 9,848 non-IV-E eligible children benefiting from its state-funded program. As of June 2014, the state reported 6,378 children in Title IV-E KinGAP and 9,830 in state-funded GAP, an increase of more than 500 children in Title IV-E GAP in two years. Given that California has operated a subsidized guardianship program for over a decade, the state was not anticipating a significant increase in participating children when it began its Title IV-E program and was encouraged to see such an increase.

***Promising GAP State with No Previous Experience with Subsidized Guardianship***

Michigan enacted state-subsidized guardianship legislation in August 2008, right before passage of the Fostering Connections to Success and Increasing Adoptions Act, and delayed implementation of its state program in order to conform it to the federal requirements for Title IV-E GAP. Michigan's Title IV-E GAP was approved in January 2011 and as of March 2012, according to *Making It Work*, 264 children had been approved for guardianship assistance, with approximately 67 percent being eligible for Title IV-E. The GAP active caseloads in Michigan have increased month-by-month since FY 2011. The average active monthly caseload was 394 in FY2012 and increased to an average of 485 in FY2013. As of February 2015, 807 children (492 Title IV-E GAP and 315 state GAP) were receiving guardianship assistance with relatives and/or foster parents, an increase of nearly 550 children in approximately three years.

- **Tracking and/or analysis of data and information about GAP's impact on children is limited.** Relatively few states reported tracking or analyzing how GAP is being implemented. This is troubling because such data and information can help states learn more about: which children are benefiting from GAP (i.e. older youth, sibling groups, children of color, etc.); how children are benefiting (i.e. shorter lengths of stay in care, more or fewer children returned home or adopted, disrupted guardianships, etc.); and the progress of state implementation (i.e. trends in numbers of children served, impact of GAP on other permanency options, etc.). Despite potential benefits only a small number of states were conducting formal analyses and reporting regularly on GAP implementation. And in states tracking data, it is unclear whether and how they are using these data or sharing them publicly. Some states are just starting to set up data systems or improving existing data systems for analyzing GAP. A small number of states reported not being able to perform these analyses due to data system restrictions. More concerning is the fact that most states seem to have the ability to track the impact of GAP on children but are not performing such analyses, and a few states are tracking nothing about GAP implementation.

***Promising State that is Tracking and Analyzing GAP***

New York State's legislation that established KinGAP included requirements for the Office of Children and Family Services (OCFS) to track and report on KinGAP. Starting in 2012, New York has reported annually on information detailing the implementation and progress of KinGAP, including, but not limited to:

- The total number statewide, and number of children in each local department of social services (LDSS), who have entered into KinGAP within that yearly reporting period;
- The total number of children who have entered into KinGAP since implementation;
- The total number of KinGAP applications statewide, and number of applications in each LDSS;
- The total number of KinGAP applications denied and accepted by a LDSS;
- The ages of children entering into KinGAP;
- The number of fair hearings requested by KinGAP applicants and recipients, including the reasons for such requests;
- The number of fair hearings held, the time frames within which decisions were rendered, and the number of fair hearings resolved in favor of the aggrieved party and the LDSS;
- Changes since implementation of KinGAP in the 1) percentage of foster care children adopted, reunified, and released to other permanency outcomes, and 2) percentage of children directly placed with relatives under Article 10 of the Family Court Act; and
- Changes in the average length of stay in foster care.

OCFS also runs monthly reports of the number of KinGAP applications received, approved, and denied and how many children have been discharged to KinGAP. OCFS has continued to work diligently to assist districts and agencies to enter KinGAP activity codes into the appropriate OCFS data systems to provide an accurate picture of the KinGAP work accomplished.

- **Tracking or assessment of the fiscal impact of Title IV-E GAP is not underway.** None of the jurisdictions surveyed reported having analyzed the fiscal impact of implementing Title IV-E GAP. However, many anticipated having savings – in their state and federal guardianship assistance programs – because foster care is a more expensive placement option, guardianships help lower administrative costs and moving children to legal permanency reduces county department and court caseloads, which in turn reduces expenditures incurred by the state. Some jurisdictions that were using entirely state and local funds for subsidized guardianship prior to Title IV-E GAP had been able, with the infusion of federal dollars, to stretch their subsidy resources further to reach more children. In some states with relatively small programs, staff said fiscal analyses were not conducted because they assumed the fiscal gains would be very minimal; however, at the same time, some of these states with small programs acknowledged this type of fiscal analysis could be performed relatively easily.

## ***Useful Data Elements to Track GAP's Impact on Children and Its Fiscal Impact***

### ***Child Information Data:***

Basic information to help states and advocates better understand the fundamental impact of GAP on children and the state.

- Number and percent of children in GAP (Title IV-E, state-funded, total)
- Ages of children currently in GAP
- Number and percent of children in GAP by race and ethnicity
- Length of time in care before exiting to guardianship with GAP
- Length of time children have benefited from GAP
- Number and size of sibling groups receiving GAP

### ***Programmatic Impact Measures:***

Data specific to the program that will allow for more in-depth analysis to help identify challenges in GAP implementation and the broader impact of GAP (both federal and state-funded) on the permanency continuum.

- Total number of GAP applications statewide/by county or other local agency designation
- Total number of GAP applications denied and accepted
- Ranges of guardianship assistance payments for Title IV-E GAP and state-funded GAP
- Since GAP was first implemented, percent changes in:
  - Children receiving Title IV-E GAP
  - Children receiving state-funded GAP
  - Children exiting to reunification
  - Children exiting to adoption
  - Children exiting to guardianship
  - Children exiting to another permanency outcome
  - Children exiting to emancipation
  - Average length of time in care for children in GAP (and for children more broadly)
  - Percent of children in foster care moving to GAP by race/ethnicity
  - Increase or decrease in the proportion of children in foster care by race/ethnicity
- Number of children re-entering foster care from GAP arrangements statewide/by county or other local agency designation
- Guardian's relationship to the child (i.e. grandmother, grandfather, aunt/uncle, siblings, cousin, step-relative, fictive kin, etc.)

### ***Fiscal Impact Measures:***

Data that will demonstrate the impact of GAP on various parts of the system that have fiscal implications.

- What has been the increase or decrease in the number of children exiting foster care since Title IV-E GAP was started? What is the fiscal impact?
- What has been the increase or decrease in length of stay for children in foster care since Title IV-E GAP started? What is the fiscal impact?
- How do the GAP payments compare with foster care payments that would have been paid for the same children?
- How long have children been staying in GAP? At what cost?

## Moving Forward and Recommendations

The Children's Defense Fund's survey findings highlight a number of areas where greater attention to the Guardianship Assistance Program's impact could help strengthen the program, its benefits for children and the important role it plays in the permanency continuum for children in foster care.

- **Tracking the impact of GAP on children.** Data on the impact of GAP are critical to learning how effectively the state is utilizing GAP and its benefits for children. States should be educated on the importance of collecting comprehensive data on GAP and encouraged to assess whether and how their current data systems can conduct such assessments. Without data on GAP, states cannot identify permanency trends or which children are benefitting from GAP. Such information is critical for states implementing GAP and also for encouraging states that have not yet taken the GAP option. These data also are essential to encourage policymakers at both state and federal levels to consider improvements and expansions in guardianship programs. The Administration on Children, Youth and Families should share with states the types of data at least a few states are collecting and encourage them to collect similar data. As the Congress considers expansion of GAP to all states and to a broader group of eligible children, it should require annual reporting of the sort the New York legislature has required.
- **Tracking the fiscal impact of GAP.** Given current budgetary constraints facing many states, information on the fiscal impact of Title IV-E GAP and potential state savings from it should be a major priority for advocates and others as they strategize how to move more states to take the Title IV-E GAP option. Equally important is using the fiscal analysis of GAP to build support among policymakers. Demonstrating both the cost-effectiveness and child benefits of GAP is critically important in expanding support and should be encouraged by the Administration on Children, Youth and Families and the Congress as the program continues to be implemented and expanded.

**Average Monthly Number of Children with Title IV-E GAP or Receiving Any GAP, Fiscal Years 2010 - 2013**

		2010	2011		2012		2013	
	Effective Date of Title IV-E GAP	Children with Title IV-E GAP	Children with Title IV-E GAP	Children Receiving Any GAP	Children with Title IV-E GAP	Children Receiving Any GAP	Children with Title IV-E GAP	Children Receiving Any GAP
Alabama	10/1/2010		---	---	27	27	135	135
Alaska	10/1/2010		---	---	11	146	26	126
Arizona	x				---	---	---	---
Arkansas	11/1/2011		---	---	---	---	---	---
California	1/1/2011		---	---	6,510	-	6,076	13,872
Colorado	10/1/2009		1	1	8	8	7	7
Connecticut	7/1/2009		---	---	---	---	---	---
Delaware	x				---	---	---	---
District of Columbia	1/1/2009		376	391	211	509	256	833
Florida	x				---	---	---	---
Georgia	x				---	---	---	---
Hawaii	4/1/2011		---	---	124	835	178	791
Idaho	10/1/2010		---	---	3	8	4	8
Illinois	11/1/2009	3,450	424	4,243	591	3,700	782	3,419
Indiana	10/1/2012				---	---	---	---
Iowa	Post-Demo		-	-	-	-	-	-
Kansas	x				---	---	---	---
Kentucky	x				---	---	---	---
Louisiana	10/1/2010		---	---	47	61	50	64
Maine	1/1/2009		---	---	26	185	37	210
Maryland	10/1/2009		4	1,080	64	1,747	185	2,103
Massachusetts	7/1/2009		---	---	158	357	271	972
Michigan	10/1/2009	40	73	149	200	318	326	470
Minnesota	Post-Demo		---	---	-	-	-	-
Mississippi	x				---	---	---	---
Missouri	1/1/2009		---	---	678	2,110	1,773	2,881
Montana	10/1/2009		79	159	95	181	124	219
Nebraska	10/1/2009		---	---	4	858	9	838
Nevada	x				---	---	---	---
New Hampshire	x				---	---	---	---
New Jersey	10/1/2009		30	90	60	-	134	-
New Mexico	x				---	---	---	---
New York	10/1/2010		---	---	12	18	108	135
North Carolina	x				---	---	---	---
North Dakota	x				---	---	---	---
Ohio	x				---	---	---	---
Oklahoma	7/1/2010		---	---	---	---	---	---
Oregon	1/1/2009		-	-	1,016	1,133	1,103	1,209
Pennsylvania	4/1/2009		-	-	2,938	2,938	2,146	2,146
Rhode Island	1/1/2009	22*	28	192	32	286	48	375
South Carolina	x				---	---	---	---
South Dakota	1/1/2010		---	---	---	---	1	202
Tennessee	4/1/2009	106	226	302	306	503	470	794
Texas	10/1/2010		60	53	357	444	800	1,003
Utah	x				---	---	---	---
Vermont	7/1/2010		---	---	4	4	5	5
Virginia	x				---	---	---	---
Washington	10/1/2009		---	---	---	---	72	80
West Virginia	Pending				---	---	---	---
Wisconsin	8/1/2011		---	---	46	46	117	118
Wyoming	x				---	---	---	---
<b>TOTAL</b>	<b>32</b>	<b>3,618</b>	<b>1,299</b>	<b>6,659</b>	<b>13,528</b>	<b>16,422</b>	<b>15,243</b>	<b>33,015</b>

Source: Based on unpublished Title IV-E state expenditure claims data (annual files for FY2010-FY2013), prepared by HHS, ACF, Office of Legislative Affairs and Budget (OLAB).