

**FACT SHEET**

African American Grandfamilies: Helping Children Thrive Through Connection to Family and Culture

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**The Importance of Family and Culture to Children**

Babies, children, and youth belong in families. They want and deserve to know that they have a family who loves them, cares for them, tends to their hurts, goes to events and meetings at school, provides a respite in times of need, and celebrates their successes. They want to know their roots and where they come from. They need to feel that they belong and they deserve a forever home that provides those connections.

When a child’s parents cannot care for them, they do best when they are raised by supported and caring relatives or close family friends. These families are known as “kinship” families or “grandfamilies”. Compared to children in foster care with non-relatives, children with relatives have better mental health and behavioral outcomes, more stability, and a greater chance of having a permanent home. They are more likely to keep connections to brothers and sisters and their cultural identity and to report that they “always feel loved.”

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**African-American History and Its Relationship to Kinship Care**

African-American families have survived and thrived despite the context of centuries of slavery; years of “Jim Crow” laws; decades of segregation, marginalization, and limited opportunities, and continued racism. This historical trauma has deeply impacted Black families. The cultural tradition of kinship care is central to their story of strength and resilience. Kinship care builds on a proud tradition that reaches back to the African continent. In Africa, relatives, including extended family, traditionally cared for vulnerable, displaced and orphaned children. Often, grandmothers were the kinship connection, the stabilizers, and the family’s “rock.”

Today, kinship care in Africa remains an abiding practice. Despite the lack of resources, government commitment, and harsh times, the extended family system still stands in the gap to care for their own. In the U.S., the likelihood that African-American children will experience kinship care is more than double that of the overall population, with 1 in 5 Black children spending time in kinship care at some point during their childhood.

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**Summary**

When children cannot remain with their parents, they do best when they are raised by relatives. African-American children are more likely to be removed from their families and placed in foster care than white children. When placed in foster care, they often lose connections to their cultural identity and experience poor outcomes. Prioritizing and supporting relatives for children who cannot remain with their parents benefit children in three ways: Improved Well-Being, Preserved Cultural Identity, Reduced Disproportionality of African-American Children in traditional Foster Care.

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**7.7 million**
Number of children who live with a relative who is the head of the household

**2.6 million**
Number of children who are being raised by a relative or close family friend and do not have a parent living in the household

**139,017**
Number of children being raised by relatives who are also foster parents
African-American Children Are Disproportionately Represented in Foster Care

The impact of historical trauma is evident in the particularly disproportionate numbers of African-American children in foster care, their poverty rates and health issues in Black communities. African-American children are removed from their families and placed in foster care at disproportionately high numbers. While African-American children only make up 14% of all children in the United States, they comprise 24% of children in foster care.6 Placing children with relatives when they cannot remain at home is an important approach which is culturally appropriate, reduces disproportionality of African-American children in foster care and responds to historical trauma.

Kinship Care Reduces and Responds to Trauma

Culturally, for the African-American population, involvement in the child welfare system itself induces trauma. This can be compounded by other systematic related trauma associated with poverty, homelessness, and mental illness. Kinship care as a practice plays a significant role in both addressing and reducing the trauma for children and families in child welfare.7 When children are placed in the loving and nurturing homes of family, who are members of their kinship care village, they do not have the “foreign land” experiences, rather, they are simply home.

A Cultural Strength and Model Approach

Kinship Care is seen as a solution to many of the challenges faced by child welfare systems, including rising numbers in child welfare due to the opioid crisis, a need for more cultural competency in child welfare and the decline in traditional foster homes available. But for African-American families, kinship care is a strength-based cultural tradition that is not born out of a need for “substitute” parenting or a breakdown of the stereotypical nuclear family. Rather it affirms the intuitive response of extended family taking care of each other during difficult times.

Fortunately, growing research and recognition of the importance of family and cultural connections is leading child welfare agencies to place children with relatives when they cannot remain with their birth parents.9 This practice preserves the family and yields better outcomes for children than traditional unrelated foster care.10

“They feel comfortable being in foster care with their family. Even before being placed with family they were always spending time with their family during family cookouts, family parties and family gatherings. They enjoy still playing with their cousins that are the same age as they are and they know that their family cares and loves them and they feel the same way about their family.”

- Youth in Kinship Care
In her bustling Philadelphia home, Christine Benslimen, 53, is all of these things—grandmother, aunt, cousin and foster mother—to the four children and youth who she is raising.

“I just love all of my babies,” gushes Benslimen whose home and big heart is always open and willing to welcome in one more child or relative if it means keeping them connected to family and out of the system, and in a safe nurturing environment. Her story is much like theirs. At just 10 months old, Benslimen, who is African American, was placed with kin when her young mother couldn’t care for her. The doting, older couple raised Benslimen as their own. When she turned five, Benslimen’s biological mother took her back. The caregivers that she called aunt and uncle, “taught me everything I know about loving, nurturing and disciplining children,” and the power of kinship care. Over the years, she’s stepped up to “care for plenty of relatives, without any financial or other support.”

But being connected to agencies like A Second Chance, Inc., has taught caregivers like Benslimen that they aren’t alone on the journey. “That’s why I’m so eager to use the GrAND Voices platform,” explains Benslimen who recently joined the GrAND Voices network of kinship caregivers who share their stories and wisdom to improve policies and services for kin. “I want to tell other African-American caregivers don’t be ashamed to ask for the help that they need, or fear losing their grandchildren to the system because they are struggling.” Whether it is meal planning, medical assistance, finding Pampers, clothes, or car seats, says Benslimen, help is available for kinship caregivers.

### Inadequate Supports and Services for Kinship Families

Despite research on the benefits of kinship care for children, children and caregivers in kinship families are less likely to get access to supports and services than those in traditional unrelated foster care.\(^{11}\) Although 32 percent of the foster care system is made up of children being raised by relatives, many of these relatives are not licensed foster parents and do not receive monthly maintenance payments for the children in their care. Relatives are often unlicensed either because the state does not offer licensing as an option or because the caregivers face system barriers to meeting family foster care licensing standards.

Research shows that many state licensing standards include arbitrary requirements that have more to do with litigation and socioeconomic biases than with what is safe and appropriate for children.\(^ {12}\) Licensed foster parents and children have access to a wide range of services that are not available to unlicensed kinship families. They range from case management and mental health services to in-home support and training. Even those relatives who are licensed may find the training and supports available to them were not designed with relatives in mind and/or are not thoughtful about cultural and familial differences between African American families and other families.

Addressing problems in foster care licensing is only the tip of the iceberg in better supporting kinship families. The vast majority of children in kinship families are raised outside the formal child welfare system. In fact, for every child in foster care with relatives, there are 20 children raised by relatives outside the foster care system.\(^ {13}\) The challenges for these families are even more difficult. Without a human service or community support worker to help connect them to services, relatives may face challenges navigating complex systems to get help for the children and themselves. Some relatives may lack a legal relationship to the child such as guardianship or legal custody. These families may also have trouble accessing health care or educational services for the children.

### Model Practices for Supporting Kinship Care

Fortunately, pockets of model programs and supports for kinship families are developing across the country. A Second Chance, Inc. (ASCI) in Pennsylvania is one such model that provides culturally appropriate services to African-American children. In 1994, recognizing that kinship families needed an approach that was different from the way traditional foster care is provided, ASCI, a licensed foster care agency designed to meet the unique needs of kinship care families, stepped up. It remains the only agency in the country that specializes in child welfare-involved kinship families. ASCI is able to license 93 percent of its families so that they have access to needed financial support, while providing parents with services to help them regain custody of their children. ASCI also assigns different social workers to work with the caregiver and the parent to ensure that immediate service needs, as well as longer-term reunification and permanency goals, are being met. The Department of Human Services in Allegheny County, Pennsylvania now places more than 60 percent of the children in foster care with kin and achieves permanence in 89 percent of its cases.
Policies to Prioritize and Support Relative and Cultural Connections for Children

While model programs are evolving across the nation, child welfare practice has largely been slow to keep pace with research that shows the benefits of prioritizing relatives and preserving cultural connections. Fortunately, public policies are increasingly directed at improving supports and services to kinship families.

In recent years, additional child welfare laws have been enacted that recognize the importance of preserving family connections and require child welfare agencies to first look for relatives for children who must be placed in foster care. Federal support for guardianship assistance programs became widely available in 2008, offering ongoing financial support for relatives who secure guardianship for children when adoption and reunification with parents are not appropriate. Guardianship respects the cultural tradition of kinship care and is an important option for children who prefer their birth parents’ rights not be terminated while giving them reassurance they will be cared for permanently by relatives.

Most recently, the Family First Preventions Services Act provided federal help to children and caregivers in kinship families in three major ways:

- **Federal support for prevention services to help children at imminent risk of entering foster care:** States can receive federal funds to offer birth parents, children and kinship caregivers of children at imminent risk of entering foster care access to mental health, substance use treatment and prevention, and in-home skill-based training.

- **Federal support for kinship navigator programs:** These programs connect kinship families to supports and services to help them.

- **Addressing barriers to licensing relatives as foster parents:** States must measure their licensing standards against model family foster care standards with a special eye toward addressing unnecessary barriers to licensing relatives.

These policies mark significant steps toward providing needed support for children and caregivers in kinship families, but more is needed. State, local, and tribal child welfare agencies must implement the policies and additional federal support is needed to ensure families have adequate supports.

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Generations United (www.gu.org) and A Second Chance, Inc. (www.asecondchance-kinship.com)

Recommendations

Supporting and prioritizing relatives for African-American children who cannot remain with their parents will benefit children by improving their well-being, preserving their cultural identity and reducing disproportionality. Policymakers and advocates can help by:

- Providing prevention and postpermanency services to grandfamilies such as those available through the Family First Prevention Services Act
- Providing kinship navigation services
- Addressing barriers to licensing relatives as foster parents
- Offering financial and other support to grandfamilies in need
- Implementing Guardianship Assistance Programs
- Offering programs to promote culture diversity and awareness, and address racism
- Providing a training/enrichment curriculum that is kin specific and a pure model of kinship, not an adapted version.
- Ensuring agencies hire staff that value and support kinship families.
- Continuing to collect data that evaluates the effectiveness of current operating model of kinship care.
- Coordinating one-stop shops for caregivers outside of the child welfare system where the needs of the triad can be met and maintained.
- Providing tangible and flexible resources for the everyday needs of the family (e.g., beds smoke detectors, foods, clothing).

ENDNOTES:
4. Ibid
American Indian and Alaska Native Grandfamilies: Helping Children Thrive Through Connection to Family and Cultural Identity

The Importance of Family and Culture to Native Children

Babies, children, and youth belong in families. They want and deserve to know they have family who love them, care for them, tend to their hurts, go to events and meetings at school, and celebrate their successes. They want to know and feel connected to their heritage and cultural identity. They need to feel they belong.

When a child’s parents cannot care for them, they do best when they are raised by supporting and caring relatives, extended family members or close family friends. Compared to children in foster care with non-relatives, children with relatives have better mental health and behavioral outcomes, more stability and a greater chance of having a permanent home. They are more likely to maintain connections with their siblings and their cultural identity, and to report that they “always feel loved.”

American Indian and Alaska Native (AI/AN) family structures differ from European American norms. Native families traditionally engage extended family in child rearing and do not require one to be related by blood or marriage in order to be considered a close relative. Although this is true of tribal cultures, each tribe has its own kinship structures and cultural norms that determine the intricacies of familial relationships. In a recent survey of AI/AN young adults ages 18-24 by the Center for Native American Youth, approximately 66% reported that relatives or extended families helped to raise them. These extended family and tribal connections help preserve cultural and family connections, which are common values central to AI/AN communities.

Culture informs child rearing and caregiving practices. Traditions and ceremonies mark important transitions in childhood. They celebrate when children are able to take on new responsibilities and roles in the family and community. Research shows that a secure sense of cultural identity for AI/AN children is associated with higher self-esteem, better educational attainment (grades and going to college), and is protective against mental health problems, substance use and other issues.

Summary

When children cannot remain with their parents, they do best when they are raised by relatives. American Indian and Alaska Native (AI/AN) children are disproportionately removed from their families and placed in state foster care at a rate of over two times their population nationally. When placed in state foster care with non-relatives, they often lose connections to their cultural identity and experience poor outcomes. Providing culturally relevant services and prioritizing relatives and tribal placements for children who cannot remain with their parents benefit children in three ways: Improved Well-Being, Preserved Cultural Identity, and Reduced Disproportionality of Native Children in Foster Care.

66% of AI/AN young adults report that relatives or extended families helped to raise them.

1. "Always feel loved.”
2. Approximately 66%.
“I grew up on the Yakama Indian Reservation in the Tribal Foster System. I entered when I was only 4 years old and I aged out at 18. While I was in care I was able to stay with 2 of my biological younger siblings, and I lived with my auntie for 10 years. I can say that my family is my motivation in life.”

- Jade Tillequots, Native Foster Youth Advocate

**Impact of Separation from Family and Culture**

Too commonly AI/AN children are removed from their birth families and placed in state foster care with non-Native families where they become disconnected from their culture and traditions. The practice of removing Native children from their families and placing them with white families dates back over a hundred years when thousands of Native children were forcibly removed from their homes and sent to boarding schools. Children were prevented from speaking their native languages, practicing their religion, or participating in other cultural traditions or customs. As a result, AI/AN children lost touch with their culture, traditions, and families. Many children attending these schools suffered physical and emotional abuse and the effects are still being felt in tribal communities today. This experience left entire generations disconnected from their cultural identity, families, and tribes. At the same time, older generations were left grieving the loss of their children and not being able to pass on their culture to future generations. These events presented a very serious threat to the integrity of tribal families and communities.

The adverse effects of this historical trauma, discrimination and unresolved grief transmitted between generations has been shown to be strongly connected to challenges facing children and families in Native American communities today. AI/AN children continue to be removed from their families and placed in foster care at rates that are disproportionate to those of white children. In fact, AI/AN children are in foster care at a rate of over two times their population nationally and as much as 12 times their population in select states.4

Despite the historical and intergenerational trauma faced by Native communities, there are many opportunities to integrate culture and tradition into service delivery. Services and supports that are offered can be culturally adapted to be centered around tribal values and include tribal teachings. While tribes currently have limited access to federal child welfare funding, some tribes have developed independent funding to run child welfare programs. Additionally, tribes can enter government-to-government agreements to receive funding from states to provide culturally specific services. Policies and program leaders should support approaches that promote the development of such culturally appropriate services.
Policies to Prioritize and Support Relative and Tribal Connections for Native Children

**Indian Child Welfare Act:** Child welfare practice has been slow to keep pace with research that shows the benefits of prioritizing relatives and preserving cultural connections, but increasingly public policies are directing improved supports and services. One of the first federal laws that acknowledged the importance of family and relative caregivers was the Indian Child Welfare Act of 1978 (ICWA) which prioritizes placement of Native American children with their relatives or tribes except in the rarest circumstances. It also requires states to provide active efforts to prevent the removal of AI/AN children and the breakup of the family. The 2016 ICWA regulations and guidelines provide a framework and practice examples of how states can provide active efforts and incorporate the child's extended family and tribe in ensuring tribal families are provided support and opportunities to care for their children. As a demonstration of how ICWA is viewed within the field of child welfare, leading child welfare advocacy organizations have characterized ICWA as the “gold standard” in child welfare practice with children and families.

**Fostering Connections Act:** The Fostering Connections and Increasing Adoptions Act of 2008 includes provisions requiring states to identify and notify adult relatives of children when children are removed from their parents’ care. It also makes federal support for guardianship assistance programs available to states, tribes operating Title IV-E programs and tribes with Title IV-E agreements with states. This makes ongoing financial support available for more relatives who secure guardianship of children when adoption or reunification with their parents is not appropriate. Guardianship aligns with the AI/AN tradition of extended family caregiving while respecting AI/AN cultural beliefs that parental rights should not be terminated.

**Family First Prevention Services Act:** In recent years additional child welfare laws have been enacted that recognize the importance of preserving family connections and require child welfare agencies to look first for relatives for children who must be placed in foster care. Most recently, the Family First Prevention Services Act (P.L. 115-123, Division E, Title VII) provides federal help to children, parents and caregivers in grandfamilies in three major ways:

- **Federal Support for Prevention Services to Help Children at Imminent Risk of Entering Foster Care:** States and tribes operating the Title IV-E program and tribes with agreements with states to operate the Title IV-E program can receive federal funds to offer birth parents, children and kinship caregivers of children at imminent risk of entering foster care with mental health services, substance use treatment and prevention, and in-home skill-based training.

- **Federal Support for Kinship Navigator programs:** These programs connect kinship families to supports and services to help them. States, tribes and tribes with state agreements may access these funds.

- **Addressing Barriers to Licensing Relatives as Foster Parents:** States must measure their licensing standards against model family foster care standards with a special eye toward addressing unnecessary barriers to licensing relatives. ICWA provides that tribal licensing standards are equivalent to state licensing standards, which supports the use of tribally-licensed foster care homes with AI/AN children in state foster care systems. Often, states work cooperatively with tribal child welfare programs that often have greater access to AI/AN extended family members than state child welfare systems.

These policies mark significant steps toward providing needed support for children, parents and caregivers in grandfamilies, but more is needed. States, local and tribal child welfare agencies must implement the policies and additional federal support is needed to ensure families have adequate supports.
Recommendations

Supporting and prioritizing relatives for American Indian and Alaska Native children will benefit children by improving their well-being, preserving their cultural identity and reducing disproportionality. Policymakers and advocates can help by:

- Facilitating and advocating for compliance with the Indian Child Welfare Act
- Ensuring early and active engagement with the child’s tribe with regard to family services, addressing cultural needs of the child and family, and locating placement resources
- Providing prevention and post permanency services to grandfamilies such as those available through the Family First Prevention Services Act
- Providing kinship navigation services
- Complying with the Title IV-E requirement to notify all adult relatives of a child within 30 days of removing the child from their home
- Addressing barriers to licensing relatives as foster parents and utilizing the authority to waive non-safety requirements in licensing of relative homes under Title IV-E
- Offering financial and other support to grandfamilies in need
- Implementing Guardianship Assistance Programs and Tribal customary adoption
- Offering programs to promote culture and address racism and bias in child welfare services delivery and decisionmaking.

ENDNOTES:
13. 2 U.S.C. 671(9)
14. 2 U.S.C. 671(10)

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Generations United (www.gu.org), Center for Native American Youth (www.cnay.org) and National Indian Child Welfare Association (www.nicwa.org)

Sonya Begay helped to care for her grandchildren from the time they were young.

One weekend when Sonya was caring for two of her grandchildren, she received a phone call from Child Protective Services. They told her that her son and the children’s mother were drunk driving and got in a car accident with her other granddaughter in the car. They told her they had the child in protective custody and were coming to pick up the other two children. The children were just 18 months, 4 and 6 at the time.

Sonya was employed and had a home for them and was ready to raise them. Still, the child welfare agency in Madison County, Kentucky placed the children in a foster home with people who were not known to them. The day after the children were placed in foster care, the foster parents cut the oldest grandson’s long hair, disrespecting a Native American cultural tradition. While in foster care, the children also experienced physical, emotional, and verbal abuse.

Sonya and her grandchildren were then and still are registered members of the Navajo Nation. The federal Indian Child Welfare Act (ICWA), requires that child welfare agencies work with the Navajo Nation to identify a placement with family or a member of the Navajo Nation, but the Kentucky child welfare agency did not follow ICWA as required. Sonya fought the child welfare agency for 8 months to get custody of her grandchildren. The judge in the case ultimately released the children to Sonya’s care after recognizing that the child welfare agency did not comply with federal law.

After the children came into Sonya’s care, she began attending the Madison County Grandparents as Parents meetings where she learned how little support was available for grandchildren in Kentucky. Sonya began advocating for families like hers at both the state and federal level by speaking up at public forums. She raised her voice about the challenges and needs of grandfamilies with local schools and social service agencies.

In 2016, Sonya secured a full-time job with the U.S. Department of Health and Human Services, moved to Frederick, Maryland and started to create a grandfamilies support group in the area. Two of her youngest grandchildren, Lea and Kaylee, moved with her and are thriving in high school. Sonya’s oldest grandchild, Damian is in the Job Corps program in Kentucky and is pursuing a pharmacy technician certification. This success story of Sonya and her grandchildren is just one of the many that can keep families together.

Courtesy of Sonya Begay
Adoption and Guardianship for Children in Kinship Foster Care: National Comparison Chart

This chart is designed to help kinship foster parents compare adoption and guardianship as two options that you and the children in your care can pursue to exit foster care and create permanent families. It provides a broad, national overview of these legal pathways. Adoption and guardianship laws are developed and implemented at the state, tribal and local levels, so the details of these legal relationships differ in important ways. You should review those differences when deciding which option to pursue. You can get initial information about your specific state’s laws at www.grandfamilies.org/Search-Laws.

While this chart is directed at kinship foster parents, it is also intended as a tool to help child welfare and other case workers assist kinship foster parents. Birth parents and older children may also find it helpful to review as part of their decision-making.

Generations United welcomes jurisdictions to either share the chart as is or tailor it to your own specific laws and policies. A related brief on Adoption and Guardianship for Children in Kinship Foster Care is available at www.grandfamilies.org.

<table>
<thead>
<tr>
<th>ADOPTION</th>
<th>GUARDIANSHIP</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rights and Responsibilities</strong></td>
<td></td>
</tr>
<tr>
<td><strong>What are my legal rights and responsibilities for the child?</strong></td>
<td>You will become the parent in the eyes of the law forever. You have all rights and responsibilities for the child.</td>
</tr>
<tr>
<td><strong>What are the birth parents’ rights and responsibilities for the child?</strong></td>
<td>The birth parents’ rights are terminated.</td>
</tr>
<tr>
<td><strong>Do I have authority to access services for the child?</strong></td>
<td>As an adoptive parent, access to services for the child is the same as for any birth parent.</td>
</tr>
</tbody>
</table>
## Rights and Responsibilities

| **Can the child visit their birth parents?** | You will have the right to determine whether the child visits their birth parents. You may have an agreement in place as part of the adoption, and you should follow that. If you don't follow it, your adoption will not be invalidated but the birth parents may request a hearing in court. | The birth parents typically keep their right to visit the child. The court awarding guardianship often sets up terms for that visitation, which you must follow. You may have to supervise those visits. |
| **Can I change the child's last name?** | You can change the child's last name as part of the adoption process. | The child's last name does not change as part of the process. |
| **Is the child welfare agency still in our lives?** | Once you adopt, the child welfare agency will no longer be in your lives. | Once you obtain guardianship, the child welfare agency will no longer be in your lives. |
| | If the child receives adoption assistance, you will typically need to complete a short annual form regarding the subsidy. | If the child receives guardianship assistance, you will typically need to complete a short annual form regarding the subsidy. |
| **Will we continue to be involved with the court?** | The case will be finalized. You are now the parent. | There will not be any scheduled court hearings. However, the birth parents can go to court and ask to have the child returned to them. |
| **Can the birth parents come back to claim the child?** | Birth parents cannot come back and claim the child. Their rights and responsibilities are terminated. | Parents can seek to have the child returned to them. They must show the judge that something has changed with them, the child or you as the caregiver. |
| | (Note: some states have reinstatement of parental rights laws, but it is very difficult for birth parents to have their rights reinstated.) | |
| **Can the child end up back in foster care?** | Just like any child in the United States, the child welfare agency can remove the child from you in the event of abuse or neglect. Depending on where you live, you may be able to voluntarily surrender the child back to the agency. If you are considering such a serious step, you should consult with professionals in your area. | Just like any child in the United States, the child welfare agency can remove the child from you in the event of abuse or neglect. Depending on where you live, you may be able to voluntarily surrender the child back to the agency. If you are considering such a serious step, you should consult with professionals in your area. |
| **When does the legal relationship end?** | Adoption does not end – the child is permanently part of the family. | Guardianship ends when the child reaches adulthood, as defined by state law. |
| **Is there financial assistance to help meet the needs of the child?** | All states have adoption assistance for relatives adopting children with “special needs” from foster care. “Special needs” is defined broadly and 90 percent of all children adopted from foster care are eligible for adoption assistance. [www.nacac.org/help/adoption-assistance/adoption-assistance-us/state-programs/](http://www.nacac.org/help/adoption-assistance/adoption-assistance-us/state-programs/) has comprehensive information for each state on this assistance. | Guardianship assistance programs exist in over 35 states and 10 tribes. They are modeled on adoption assistance and work in a similar way. For the list of states and tribes, see [www.grandfamilies.org](http://www.grandfamilies.org) or the brief that accompanies this chart. |
| **How much is this assistance?** | The monthly adoption assistance amount cannot be more than the child received while in foster care if the child is receiving federally-funded assistance. It is often less. States typically follow the same rate restriction for their programs. Other supports through the foster care agency are typically no longer available, although there may be post-adoption supports. You should ask. | The monthly guardianship assistance amount cannot be more than the child received while in foster care if the child is receiving federally-funded assistance. It is often less. States typically follow the same rate restriction for their programs. Other supports through the foster care agency are typically no longer available, although there may be post-guardianship supports. You should ask. |
| **How long does this assistance last?** | Adoption assistance payments last at least until the child reaches 18 and can last up until the child reaches age 21. It depends on the state. | Guardianship assistance payments last at least until the child reaches 18 and can last up until the child reaches age 21. It depends on the state. |
| **Will I be reimbursed for my expenses to obtain the permanency option?** | If you are adopting an eligible child with “special needs” from foster care under the federally funded program, the federal government requires the state to reimburse you up to $2000 in nonrecurring expenses that you spent in getting the adoption. These expenses include legal fees, court filing fees, and travel costs. | If you are exiting foster care with a related child as part of a federally-funded guardianship assistance program, the federal government requires the state to reimburse you up to $2000 in nonrecurring expenses that you spent in getting the guardianship. These expenses include legal fees, court filing fees, and travel costs. |
## Public Benefits

<table>
<thead>
<tr>
<th>Question</th>
<th>Adoption</th>
<th>Guardianship</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the child eligible for free school meals?</td>
<td>Children adopted from foster care during the school year will remain eligible for free school meals for the remainder of the school year. After that, your income is used to determine if the child is eligible.</td>
<td>The child is eligible for free school meals as if the child was still in foster care.</td>
</tr>
<tr>
<td>Is the child eligible for SNAP, which used to be known as food stamps?</td>
<td>Your income is used to determine the household's eligibility for SNAP. The adoptive child is now part of your household. Any adoption assistance counts as income for purposes of SNAP eligibility.</td>
<td>You decide whether to include the child in the household for purposes of determining SNAP eligibility. If the child is included, guardianship assistance payments count as income for purposes of determining SNAP eligibility. If you choose not to include the child in the household for SNAP eligibility, the guardianship assistance payments will not count as income, but you will not receive SNAP for the child.</td>
</tr>
<tr>
<td>Can the child receive welfare benefits under Temporary Assistance for Needy Families (TANF)?</td>
<td>The child's adoption assistance will be counted as income and that alone will likely disqualify the child from a TANF child-only grant. Furthermore, TANF child-only grants are only available to children living with parents in a few limited situations – they are mostly for children living with non-parents. Whether to include the child (and the child's income) in a TANF family-grant will depend on whether that will help the family financially or not.</td>
<td>The child's guardianship assistance will be counted as income and will likely disqualify the child from a TANF child-only grant. Children in guardianships who do not receive guardianship assistance payments will likely qualify for a TANF child-only grant. Whether to include the child (and the child's income) in a TANF family-grant will depend on whether that will help the family financially or not.</td>
</tr>
<tr>
<td>Will the child be able to get disability or survivor Social Security benefits based on my work record?</td>
<td>The child may be able to get Social Security benefits based on your work record if: (1) the child is not receiving Social Security benefits from the birth parents, (2) you have already adopted the child at the time you die or become disabled, and (3) when that death or disability occurs, the child's birth parents were not living in the same household and contributing regularly to the support of the child.</td>
<td>It is only possible to qualify for Social Security benefits based on your work record if the child is your grandchild. There are a number of other eligibility requirements, including that the birth parents must generally be deceased or disabled. See <a href="http://www.ssa.gov/people/kids">www.ssa.gov/people/kids</a>. The child remains eligible to receive any Social Security benefits based on the parents' work records.</td>
</tr>
</tbody>
</table>
# ADOPTION

## Health Insurance

<table>
<thead>
<tr>
<th>Can I put the child on my private health insurance?</th>
<th>Your adoptive child can be put on your private health insurance just like a birth child.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Can the child receive Medicaid?</td>
<td>The child you adopted from foster care is automatically eligible for Medicaid if the child is receiving federally-funded adoption assistance. You will need to check with your state if it will provide Medicaid if the child is receiving state-funded assistance. If you have private insurance, Medicaid may become the child’s secondary insurance. It is possible that you might have to remove the child from your private insurance to receive Medicaid reimbursable expenses for certain mental health or behavioral services.</td>
</tr>
<tr>
<td></td>
<td>Some private policies allow for the child to be included, but not all. You would need to check with your insurance carrier.</td>
</tr>
<tr>
<td></td>
<td>If you obtained guardianship with a federally-funded guardianship assistance agreement, the child is automatically eligible for Medicaid. You will need to check with your state if it will provide Medicaid if the child is receiving state-funded assistance. If you have private insurance, Medicaid may become the child’s secondary insurance. It is possible that you might have to remove the child from your private insurance to receive Medicaid reimbursable expenses for certain mental health or behavioral services.</td>
</tr>
</tbody>
</table>

# ADOPTION

## Federal and State Tax Credits

<table>
<thead>
<tr>
<th>Is there a special tax credit that can help me?</th>
<th>There is a federal adoption tax credit, which you can claim for up to $13,810 per child adopted in 2018 (the rate typically increases each year). You may be eligible for the maximum amount of credit regardless of whether you had any qualifying expenses. For more information on this tax credit, visit <a href="http://www.irs.gov/taxtopics/tc607.html">www.irs.gov/taxtopics/tc607.html</a> and <a href="http://www.nacac.org/category/adoption-tax-credit/">www.nacac.org/category/adoption-tax-credit/</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Are there any other tax credits that I can claim?</td>
<td>There are other tax credits that you may be able to claim, including the Earned Income Tax Credit, child tax credit, additional child tax credit and the child and dependent care tax credit. For information, see the IRS website at <a href="http://www.irs.gov">www.irs.gov</a> or the brief that accompanies this chart. There may be similar state tax credits to claim against your state income tax.</td>
</tr>
<tr>
<td>Are these tax credits considered “income” for purposes of determining eligibility for public benefits?</td>
<td>Tax credits do not count as income. This is true even if you owe no taxes and receive a refund check from the IRS.</td>
</tr>
<tr>
<td></td>
<td>There is no federal guardianship tax credit.</td>
</tr>
<tr>
<td></td>
<td>There are no known state guardianship tax credits to claim against your state income tax.</td>
</tr>
<tr>
<td></td>
<td>There are other tax credits that you may be able to claim, including the Earned Income Tax Credit, child tax credit, additional child tax credit and the child and dependent care tax credit. For information, see the IRS website at <a href="http://www.irs.gov">www.irs.gov</a> or the brief that accompanies this chart. There may be similar state tax credits to claim against your state income tax.</td>
</tr>
<tr>
<td></td>
<td>Tax credits do not count as income. This is true even if you owe no taxes and receive a refund check from the IRS.</td>
</tr>
</tbody>
</table>
# ADOPTION  GUARDIANSHIP

## Caregiver Successor Planning and Death

| **Can I plan for the child's care if I should die?** | Like any parent, you can name a guardian in your will to take over your rights and responsibilities should you die. If the child receives adoption assistance payments, after your death, those payments should continue to be paid to the guardian until those payments are scheduled to end. It may also be possible that those payments be made directly to a child age 18 or older. | You will name a successor guardian as part of your guardianship agreement if you are in a jurisdiction with a federally-funded guardianship assistance program. That person will be able to step in your shoes and continue to receive the monthly financial guardianship assistance. If you are not in such a jurisdiction, you may still be able to name a successor. |
| **Can the child inherit from me?** | As an adopted child, the child would automatically inherit from you even without a will. The child will not automatically inherit from the birth parents. However, they can share their estate through a legal document known as a will. | The child cannot automatically inherit from you, but you can create a will and share your estate that way. The child continues to be able to automatically inherit from birth parents. |
| **Will the child be able to get my pension or military benefits when I die?** | The child would be able to receive your pension and military benefits the same as a birth child. The child will no longer be able to automatically receive pension or military benefits from birth parents. | The child would typically not be automatically able to get your pension or military benefits as they usually only pass down to a birth or adoptive child. |

## ADOPTION  GUARDIANSHIP

### College and Independent Living

| **What type of independent living or education vouchers are available for an older child?** | The child is not eligible for independent living services or education and training vouchers (ETV) if adopted before age 16. If the child was adopted after age 16, the child will remain eligible and can apply. | The child is not eligible for independent living services or ETV if the child exited foster care to a kinship guardianship before age 16. If the child entered a kinship guardianship after age 16, the child will remain eligible and can apply. |
| **How is my income used to determine the child's eligibility for financial aid for college?** | Your income is considered when determining financial aid as part of the Free Application for Federal Student Aid (FAFSA). However, the child's past foster care status may be considered when determining aid. However, if the child was adopted at age 13 or older, the child is considered "independent" and your income does not count. | The guardian's income is not considered in determining financial aid. A child in a guardianship is typically considered "independent" and the child's past foster care status may be considered when determining aid. |
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Generations United’s National Center on Grandfamilies

For twenty years, Generations United’s National Center on Grandfamilies has been a leading voice for families headed by grandparents, other relatives, and close family friends. Through the Center, Generations United leads an advisory group of organizations, caregivers and youth that sets the national agenda to advance public will in support of these families. Center staff conduct federal advocacy, provide technical assistance to state-level practitioners and advocates, and train grandfamilies to advocate for themselves. The Center raises awareness about the strengths and needs of the families through media outreach, weekly communications and awareness-raising events. It offers a broad range of guides, fact sheets and tools for grandfamilies, which cover issues from education and health care access to financial and legal supports and can be found at www.gu.org and www.grandfamilies.org.

For further information, please contact:
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