

INTERIM STUDY PROPOSAL 2009-186

SENATE RESOLUTION 26

Grandparents and Other Relatives of Children Removed From Their Parents' Custody and Grandparent Subsidies

December 20, 2010

2010

ISP 2009-186 – REQUESTING THE HOUSE COMMITTEE ON AGING, CHILDREN AND YOUTH, LEGISLATIVE & MILITARY AFFAIRS AND THE SENATE INTERIM COMMITTEE ON CHILDREN AND YOUTH TO COMPREHENSIVELY STUDY THE GOALS, POLICY INITIATIVES, PROGRAMS, PROCEDURES, AND RULES OF THE DEPARTMENT OF HUMAN SERVICES THAT IMPACT ADULT GRANDPARENTS AND OTHER ADULT NONPARENTAL RELATIVES OF CHILDREN REMOVED FROM THE CUSTODY OF THEIR PARENTS AND PLACED IN THE CUSTODY OF THE DEPARTMENT.

SR 26 – REQUESTING THE SENATE COMMITTEE ON CHILDREN AND YOUTH CONDUCT AN INTERIM STUDY ON THE ISSUES OF GRANDPARENTS RAISING GRANDCHILDREN AND THE FEASIBILITY OF PROVIDING A SUBSIDY TO LOW TO MODERATE INCOME GRANDPARENTS RAISING GRANDCHILDREN.

CONTENTS

A. Introduction	1
B. Current Reality in Arkansas	2
C. Agency Testimony Summary	4
D. Grandparent and Other Relative Caregiver Testimony and Statements	5
D.1. The Two Strongest Themes	5
D.2. Overview	6
D.3. Issues with the Division of Children and Family Services	7
D.3.1. Delays in placement with relatives	7
D.3.2. Lack of notice to relatives	7
D.3.3. Biases and unprofessional conduct	8
D.3.4. Home study issues	9
D.3.5. Inconsistent case staffing participation	9
D.3.6. Inconsistencies with visitation before placement with a relative	10
D.3.7. Visitation denied when family reunification is the goal	10
D.3.8. Visitation denied after termination of parental rights	10
D.3.9. Putative fathers and the relatives of the putative fathers	11
D.3.10. Financial assistance and hardship	11
D.3.11. Positive feedback	12
D.4. Issues with the Courts	12
D.4.1. Delays in placement with relatives	13
D.4.2. Lack of notice to relatives	13
D.4.3. Visitation issues	13
D.4.4. Putative fathers and the relatives of putative fathers	13
D.4.5. Allowing potential relative caregivers to testify	14
D.4.6. Independence of the courts questioned	14
D.5. Issues with Attorney Ad Litem Program	14
D.5.1. Delays in placement with relatives	14
D.5.2. Lack of notice to relatives	14
D.5.3. Biases and unprofessional conduct	14
D.5.4. Visitation issues	15
D.6. Contact with Biological Parents after Adoption	16
D.7. Financial and Other Hardships	17
D.7.1. Financial issues facing informal relative caregivers	17
D.7.2. Costs that working relatives will incur	18
D.7.3. Other hardship issues	18
D.8. What Works	18
D.9. Recommendations	19
D.9.1. Financial support for relative caregivers	19
D.9.2. Legal assistance for relative caregivers	19
D.9.3. Other support for relative caregivers	19
D.9.4. Representation in government	20
D.9.5. Changes with the programs	20
D.9.6. Changes to the law	20
E. Expert Testimony Summary	20
F. Caseworker Survey Summary	23
F.1. Caseworkers' views of needs	24
F.1.1. Time to assess options	24
F.1.2. Training	25
F.1.3. Documentation of relative placement process	26
F.1.4. Sufficient information prior to relative placement	27
F.1.5. Hours required to locate relatives	28
F.1.6. Placement type requiring least worker time	29
F.2. Caseworkers' views on relative placement	30

F.2.1. Relatives vs. DCFS Homes	30
F.2.2. Life transitions.....	31
F.2.3. Percent of cases in which continued visits with grandparents are considered	32
F.2.4. Percent of cases Where notice is provided within 30 Days as required	33
F.2.5. Grandparents considered when child has had more than one placement.....	34
F.2.6. Recommend visitation after termination of parental rights.....	35
F.2.7. Percent of relatives recommended	36
F.2.8. Grandparents are in best interests.....	37
F.3. Residence barriers to relative placement.....	38
F.3.1. Different county.....	38
F.3.2. Different state.....	39
F.3.3. Emergency shelter impact on relative placement	40
F.4. Caseworkers' views of the preferences of stakeholders in child placement	41
F.4.1. Views of The Office of Chief Counsel	41
F.4.2. Views of DCFS Leadership.....	42
F.4.3. Views of Ad litem Attorneys	43
F.4.4. Views of Judges.....	44
F.5. Barriers to successful placements with grandparents.....	45
F.5.1. Other barriers.....	46
F.5.2. Comments from the caseworkers concerning barriers	46
G. Best Practices Summary	49
G.1. Illinois.....	49
G.2. Louisiana	49
G.3. New York.....	49
H. Recommendations.....	50
H.1. Recommendations for Assisting Relatives who have Kin in the Child Welfare System.....	50
H.2. Recommendations for Assisting Relatives who are Raising Kin Outside of the Child Welfare System	51
H.3. General Recommendation.....	52
Appendix A - Interim Study Proposal 2009-186	53
Appendix B - SR 26.....	59
Appendix C - Acronym Guide.....	61
Appendix D - DCFS Responses.....	63
Appendix E - AOC Responses	79
E1 - AOC Questions/Responses	79
E2 - Dependency-Neglect Proceedings Flow Chart.....	85
E3 - Permanency Data	86
E4 - PowerPoint Presentation July 15, 2009.....	87
E5 - AOC Sample Orders.....	101
E6 - Background Affidavit.....	115
E7 - Summary of Applicable Laws	124
Appendix F - DWS Responses.....	129
F1 - Written Testimony	129
F2 - TANF Financial Impact – Subsidized Guardianship Program.....	130
Appendix G - Signed Statements from Relatives	141
Appendix H - Pew Foundation Report.....	179
Appendix I - Subsidized Guardianship	187
I1 - LA Subsidized Guardianship Overview.....	187
I2 - Subsidized Guardianship Factsheet	189
I3 - Subsidized Guardianship – Mark Testa Presentation	196

A. INTRODUCTION

The House Interim Committee on Aging, Children and Youth, Legislative and Military Affairs Subcommittee for Children and Youth has conducted a study as proposed in ISP 2009-186 (Appendix A). The study addressed the goals, policy initiatives, programs, procedures, and rules of the Department of Human Services that impact adult grandparents and other adult nonparental relatives of children removed from the custody of their parents and placed in the department's custody. The value of providing a subsidy for grandparent caregivers (SR 26 – Appendix B) is included in this study.

The study outlines the current reality by providing statistics on the number of foster care children, the number of those children in relative care, and census data on the number of grandparents in Arkansas caring for children under 18 with or without a parent present. A guide to acronyms used in the report is provided in Appendix C.

Testimony on their policy and procedures was presented by the Department of Human Services, Division of Children and Family Services (DCFS). Responses to written questions were prepared by DCFS, and the Administrative Office of the Courts. These responses are presented in full in the appendices of the report. The Department of Workforce Services prepared a study entitled, "Implementing a Kinship Care Subsidy Program in Arkansas: The Impact of Utilizing Federal TANF Funding" which is also located in the appendices.

Testimony from grandparents was summarized by common themes expressed during the testimony.

Five expert witnesses presented testimony summarizing their research. The witnesses represented CLASP, the National Conference of State Legislatures (NCSL)—Children and Families Program, Generations United, and Arkansas Voices. Also, Dr. Kopera-Frye, of the University of Louisiana at Monroe discussed her research findings on custodial grandparents, including the impact they have on their grandchildren.

An attitudinal survey was conducted of Arkansas DCFS foster care caseworkers. Caseworker's responses were summarized by service area as well as statewide.

Initiatives in Illinois, Louisiana, and New York were also reviewed. The collaboration of multiple state agencies in Illinois, the TANF-funded guardianship custody in Louisiana, and the navigator system in New York were studied as examples of best practices.

Finally, recommendations for assisting relatives who have kin in the child welfare system and those who are raising kin outside of the child welfare system were presented along with some additional general recommendations. These recommendations were developed through a series of meetings between various stakeholders including state agencies. They were facilitated by the Arkansas Advocates for Children and Families organization. Legislators did not participate in the development of these recommendations.

B. CURRENT REALITY IN ARKANSAS

A review of the most recent annual report provided by Hornby Zeller Associates, inc. for FY 2010 shows the following data concerning the foster care system. Arkansas had 7,491 children in foster care over the course of FY2010. There were 4,118 children in foster care at the end of the fiscal year, a seven percent increase from FY2009.

During FY 2010, data show that 4,134 children entered foster care. This represents a two percent decrease from the 4,214 children who entered care during the last fiscal year. There were 3,831 children who exited foster care during FY 2010, a five percent decrease from FY 2009 (4,050 children).

There were 913 children who were in relative care over the course of FY 2010. DCFS foster homes were the most common placement (49 percent) for children who remained in foster care at the end of FY 2010. Aside from DCFS foster homes, the most common placement options for children residing in care were residential facilities (11%), relative care (7%) and therapeutic foster care (7%).

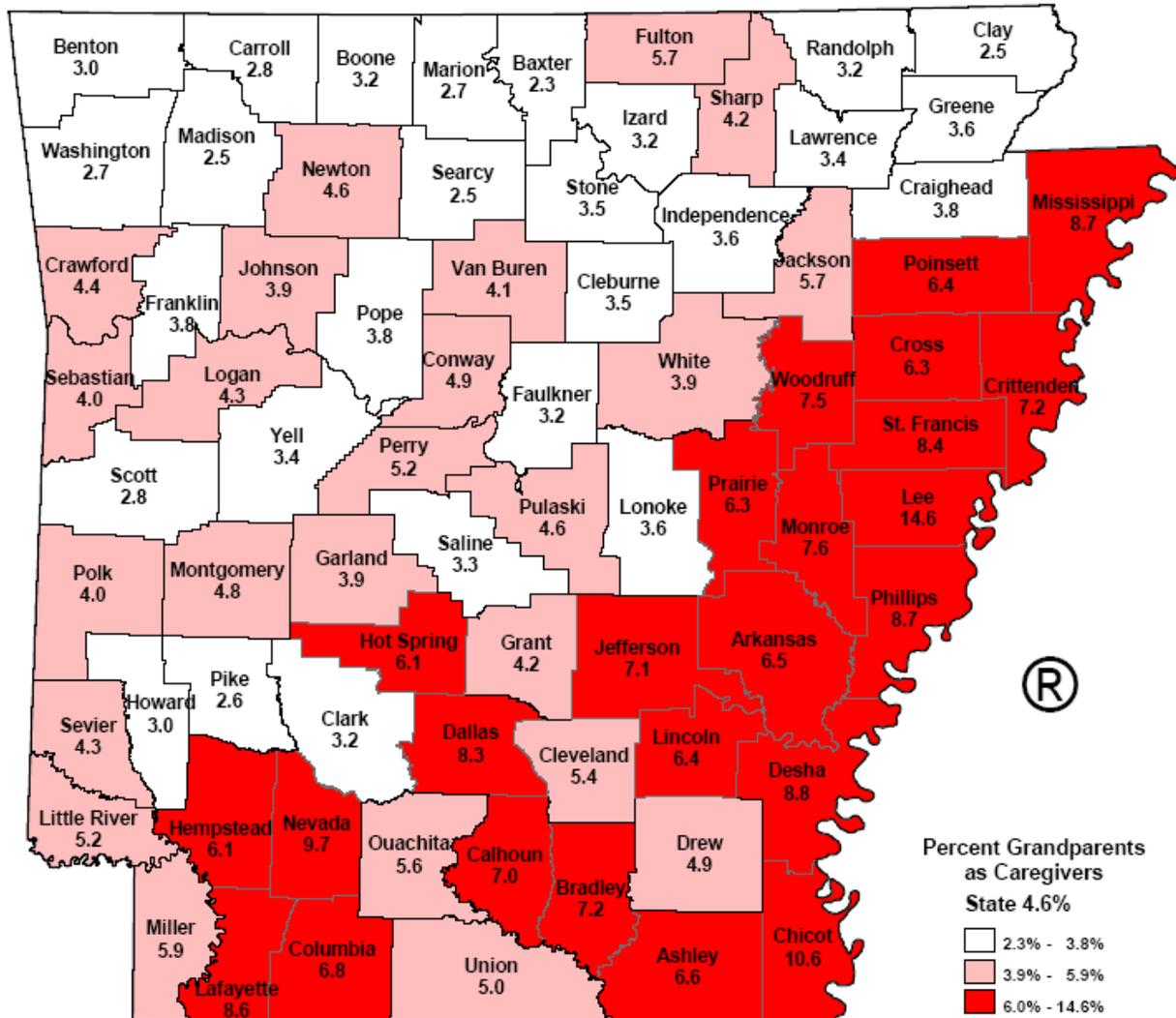
The DCFS establishes a permanency goal for each child in foster care. For children in care during the year, a higher percentage had the goal of return home (50 percent), followed by adoption (15 percent). According to national data the goal of reunification is slightly less prevalent nationwide than is the case in Arkansas; meanwhile, the goal of adoption is about 50 percent more common nationally than is the case at the state level. The permanency goal of relative care was set for 3 percent of foster children in Arkansas compared to 4 percent nationally.

U.S. Census Bureau data indicate that approximately 33,600 grandparents in Arkansas are caring for 17,896 grandchildren under 18 years with no parents present and another 24,006 grandchildren whose parents are also living with the grandparents. The grandparents caring for grandchildren with no parents present have a median family income of \$27,959. Also, 37 percent of these households were in poverty status in the past 12 months.

According to DCFS, of the children placed in relative care, 251 reside in 136 licensed foster family homes with relatives which means they receive a monthly board payment while 253 reside in 161 Provisional foster homes with relatives which means they do not receive a monthly board payment.

The map on the following page demonstrates that grandparent caregivers occur most frequently in the most impoverished areas of the state.

Grandparents Responsible for Grandchildren as a Percent of all Families; Arkansas by County: 2000



Source: Census 2000 Summary File 3, prepared by the U.S. Bureau of the Census, U.S. Department of Commerce, Washington D.C., 2001

University of Arkansas at Little Rock
 GIS Applications Laboratory
 Institute for Economic Advancement
<http://argis.ualr.edu>
 (501) 569-8534

C. AGENCY TESTIMONY SUMMARY

On June 15, 2010, the House Children and Youth subcommittee heard testimony presented by the Department of Human Services, Division of Children and Family Services (DCFS). DCFS testified that the division is currently undergoing a major reorganization which aims to promote better communication with families and better outcomes for children. As a component of the reorganization, DCFS is evaluating positions, qualifications, and needs of all employees. DCFS has also adopted the Arkansas Practice Model with the goals of safely keeping children with their families and if reunification is not possible, to place children permanently with relatives or other adults that have a close relationship with the child. To ensure the DCFS goals are accomplished, DCFS is developing and implementing best practices and training for field staff, who have hands on contact with children and families.

The primary motivation for change within DCFS has been the federal Fostering Connections law that was passed in October of 2008. Fostering Connections places a significant emphasis on locating grandparents and other key adults with connections to children placed in the foster system. Personnel at DCFS have received training on “mining”, which teaches methods for locating possible relatives and other adult individuals central to the child’s life which could aid in achieving permanency for the child. Current DCFS policy, as well as federal law, requires giving relatives of a child preference in placement determinations if the relatives are appropriate. DCFS is also required by both federal and state law to notify relatives when a child is taken into DCFS custody.

DCFS spoke about services available to children who age out of the child welfare system without permanency (they have not been adopted). Children who age out of the child welfare system must develop a transition plan with the assistance of DCFS. DCFS begins the transition plan process for youth at age 14 or within 6 months of the youth entering the system if they are over age 14. Initially the transitions team works with the youth to develop a life plan, which is then discussed and updated as needed during each staffing. Strategic changes to the service delivery transition plan system have recently been made and have been improved by federal regulations included in the National Youth in Transition Database. Transition services provided for youth, include supports and strategies that enable youth exiting the foster care system to make the transition to adulthood as self-sufficient, productive, and healthy individuals. Life Connections is a program that pulls together adults who care about the child and will commit to providing real attentions and experience to the child as they transition.

Funding for kinship families who opt to be guardians is not available at this time. DCFS testified that Arkansas law allows subsidized guardianships if funding is available - however none has been made available yet. In addition, Fostering Connections allows specified Title IV-E funding to be used for subsidized guardianships if the state chooses to utilize it for that purpose. As present, the state has not decided whether or not to use their Title IV-E funding for subsidized guardianships.

DCFS testified that from October 1, 2008 thru September 30, 2009, 2019 children placed in the foster system where moved at least 3 times to different homes. The goals for children in the system during the same period of time range from adoption (30%), Other planned living arrangements (19%), Emancipation (.02%), Guardianship (1.2%), Maintaining child in own home (27.4%), Relative placement (6%), and Non-specified goals (16.2%).

The complete DCFS response to questions can be found in Appendix D, along with the responses from the Administrative Office of the Courts (Appendix E) and the Dept. of Workforce Services (Appendix F).

D. GRANDPARENT AND OTHER RELATIVE CAREGIVER TESTIMONY AND STATEMENTS

On September 2, 2010, the Subcommittee on Children and Youth of the House Committee on Aging, Children and Youth, Legislative and Military Affairs heard testimony from grandparents and other relative caregivers on Interim Study No. 2009-186 and SR 26 from the 2009 Regular Session. Most of these relative caregivers and a few others also provided written testimony which can be found in Appendix G.

D.1. THE TWO STRONGEST THEMES

Two themes emerged from the testimony and statements as the strongest themes. The first is somewhat obvious but seemingly overlooked when children removed from the home are placed immediately into foster care: Relatives with whom the child has a relationship are able to continue a relationship of love for the children that strangers to the child simply cannot.

To quote Annie Abrams, a well-known community, state, and national activist, regarding her experience as a relative caregiver, "My grandchildren and my great-grandchild knew they were loved every minute. Children know love and they never forget it." (Annie Abram statement, ¶ 14; Annie Abrams Testimony.)

Kathy and Philip Kumpe, who are licensed foster parents who had their own granddaughters placed in their home, stated:

When a child's life is in turmoil, through no fault of their own, to place them with complete strangers can add to the emotional trauma they are experiencing. We personally believe that it is best for the child to be with an appropriate family member; someone with whom they have a bond, someone who and someplace that is familiar to the children. A grandparent will have a natural affection and love for the children. They have a vested interest in the long-term outcome of the case for the benefit of the children. (Kumpe statement, ¶ 18).

Representative Rick Green, himself a grandparent raising a grandchild, and his wife, former Representative Mary Beth Green, testified before the subcommittee with their grandson, Maddox. He stated:

The sooner the child can be placed with a grandparent who is willing and able to take the child, the better off the child will be. The alternative is taking a child in a bad situation and placing him or her with strangers, which is a very difficult situation for the child. (Rick Green testimony).

Ellen Patrom, another grandmother raising her grandchild, testified:

I don't doubt that there are wonderful foster families out there. I believe that with my heart and soul. But my granddaughter has family who loves her very much. (Ellen Patrom testimony).

Louise Monday, whose two nephew are in the child welfare system, despite her persistent efforts to obtain custody, testified:

My family was ready, willing, and actually quite eager to take our nephews into our home to provide them what they didn't have — blood relative family to provide them a stable, secure loving home. (Louise Monday testimony).

Louise Monday also expressed a desire to keep her nephews connected to their family heritage and history.

Generally, it is thought that supporting relative caregivers helps keep families together. As rather aptly stated by Brenda Olive, an informal caregiver to her teenage grandson, "Children remaining with relatives who deeply care for them are keeping families intact rather than destroying them." (Brenda Olive statement, ¶ 12).

One relative reported seeing her relative children get physically sick and nauseated with each pending court date. The children feared losing the stability they had with the relative placement and with returning to foster care. This prompted Kristin Thomas to want to adopt her four nieces and nephews to give them the emotional stability that they so needed in their lives. (Kristin Thomas statement, ¶2, 5).

The second strongest theme was the relative caregivers' unfamiliarity with the child welfare and court systems. Their unfamiliarity often caused problems for them and the relative child or children for which they were trying to obtain physical custody or visitation. The relatives seemed uncertain at best as to what rights they have to the child and very few of the relatives had much of an idea of how to proceed at the beginning of the process. The relatives did not seem to have an idea as to what assistance is available to help them with the child. For example, Kristin Thomas stated:

When I took the kids, I had no idea I could get any financial help for them. About three months after I had the children, the caseworker mentioned that I could get a kinship care payment for the children. (Kristin Thomas statement, ¶ 14).

Many of the relatives expressed frustration about how the rules seemed to change as they went through the process, which caused confusion and uncertainty in a time when emotions were at an all-time peak (because of concerns about the child or children removed from the parents' home, and likely concerns over the parent who is not taking care of the child because of whatever issue the parent is facing). One grandmother described feeling "helpless" and not knowing what to do next to help with the issues surrounding the removal of her 17- year-old granddaughter from her parents. (Judy Blake statement, ¶ 2, 13).

Specific issues of confusion and other problems, will be discussed in a separate section.

D.2. OVERVIEW

As self-reported, some relatives were able to achieve what they found to be good results for the relative children who were in the child welfare system. (See generally Kumpe testimony; Kumpe statement; Ellen Patrom testimony; Ellen Patrom statement; Georgia Rucker-Key statement; Kristin Thomas statement). At least one relative felt slighted by the court system but was satisfied overall by the results because her grandson was placed with other relatives instead of her. (See generally Lois Arras statement).

Some relatives who dealt with the child welfare and court systems never achieved what they wanted as far as physical custody or visitation with their relative children. (See generally Judy Robinson testimony; Judy Robinson statement; Louise Monday testimony; Louise Monday statement; Jean Worrell testimony; Jean Worrell statement; Judy Blake statement). At least one relative hired an

attorney to assist her with her efforts to obtain custody of her nephew, but even that did not help her obtain the results that she wanted. (See generally Louise Monday testimony; Louise Monday statement).

Other relatives avoided the child welfare system entirely by being informal caregivers to their relative children with or without the parents present in the home. (See generally Annie Abrams testimony; Annie Abrams statement; Brenda Olive testimony; Brenda Olive statement). Another relative, Representative Rick Green, who is a current member of the General Assembly, and his wife, former-Representative Mary Beth Green, were able to step in and obtain a guardianship over their grandson through the court before the child welfare system was involved. (See generally Green testimony).

Another current member of the General Assembly, Representative David Cook, who has been a foster parent and adopted a child he and his wife fostered, testified about situations where continuing contact with the biological family after adoption might be a deterrent to adopting children under certain circumstances. (See generally David Cook testimony).

D.3. ISSUES WITH THE DIVISION OF CHILDREN AND FAMILY SERVICES

D.3.1. DELAYS IN PLACEMENT WITH RELATIVES

The relatives reported confusion as to why children removed from their parents' custody cannot be immediately placed with a grandparent or other relative instead of being placed in foster care. (Kumpe testimony; Kumpe statement ¶ 5-7; Ellen Patrom testimony; Ellen Patrom statement, ¶ 4-6).

There is similar confusion about why it takes so long to place a child with a grandparent or relative.

As Ellen Patrom testified at the hearing:

For four weeks and two days, that's how long it took me to get that child back....That is entirely too long for a two-year-old to be taken away from everything she knows, everybody she knows and put in a foster home when I could have taken her then [at the time she was removed by DCFS]. I understand it's all for the protection of the child, but I could have given her [the caseworker] character witness after character witness to speak to my ability, stability to take care of her [my granddaughter]. (See also Ellen Patrom statement ¶ 4-7).¹

D.3.2. LACK OF NOTICE TO RELATIVES

As reported by numerous relatives, compliance with the federal and state law requirements that the DCFS Services provide notice to relatives does not appear to be occurring. None of the relatives mentioned that they received notice from the DCFS. A few witnesses stated that even when their names and contact information were specifically provided by the parent as a potential relative placement for the child, they were not contacted by the DCFS. (See Heather Worrell statement, ¶ 16; Jean Worrell statement, ¶ 9; Judy Blake statement, ¶ 8, 9; Kathy and Philip Kumpe testimony; Kathy and Philip Kumpe statement, ¶ 2, 17). (See generally Louise Monday statement, ¶ 3, 4; Generally, Ellen Patrom testimony).

¹ Ellen Patrom was recommended by the Division of Children and Family Services as a potential witness for this ISP.

Kathy Kumpe pointed out that it would have been helpful if the DCFS would have notified her and her husband earlier when they were investigating her son and her granddaughters' mother because the Kumpes could have been preparing by having background checks, DNA testing, or even obtaining guardianship of the girls like the Greens did with their grandson. (Kathy Kumpe testimony).

The notice should be meaningful and explain the rights of the relative, how the relative can obtain custody and visitation, and other important aspects of the child welfare process that is relevant to the relatives. As Kathy Kumpe explained, a friend of hers is a grandmother who lost all contact with her grandchildren because she never got notice and relied on information from her daughter until after parental rights were terminated.

Had this grandmother been aware of and involved in the case plan from the beginning, she might not permanently be separated from her grandchildren today. (Kumpe statement, ¶ 17).

D.3.3. BIASES AND UNPROFESSIONAL CONDUCT

As far as issues that the relatives had specifically with the DCFS, the testimony indicated that some biases do exist toward relatives. Kathy Kumpe described having to overcome the "apple doesn't fall far from the tree" mentality from caseworkers when trying to persuade the caseworkers that she and her husband would be a suitable placement for her granddaughters. The caseworkers had a mentality that because her son is an alcoholic, she too must have a drinking problem or some other problem that caused her son to be that way. In describing that treatment to the subcommittee, Kathy explained:

I was treated like I had the problem. They asked questions like, "Is your current husband the father of your son?" And I said, "Yes, he's my current and only husband." They assumed that our son had these issues because he came from a broken home. One even said that to me. They wanted to know how much I drink every day. I told them that I do not drink. Even if I were a social drinker, I felt like it would have been an inappropriate time to mention this. (Kathy Kumpe testimony).²

One aunt was shocked when the Director of the DCFS told her that someone at a case staff meeting that she attended thought she was racist, that she "wanted the white baby, but not the black baby." (Louise Monday testimony; Louise Monday statement, ¶ 39). This greatly offended the aunt because her father's best friends were an African-American couple. They helped to raise her after her mother left when she was a young girl, and she considered them family. (Louise Monday testimony; Louise Monday statement, ¶ 39). Furthermore, she found such conduct to be an intimidation tactic that was inappropriate in a professional setting. (Louise Monday testimony).

One relative caregiver with experience with the child welfare system had an experience that left her feeling threatened and in need of independent legal advice. Georgia Rucker-Key, a retired licensed practical nurse who also retired from DHS as a health care analyst, described her interaction with a particularly difficult attorney from DHS who was assigned to her grandchildren's case:

² The Kumpes currently are licensed foster parents for children to whom they are not related. They have fostered fourteen (14) children in their home as of August 20, 2010. (Kumpe statement, ¶ 16). The Kumpes were recommended by the Division of Children and Family Services as potential witnesses for this ISP.

By March 1998, all of my 4 grandchildren were living with me, and I was approved as a foster home and receiving board payments for them. Sometime in 1998, one of the DHS attorneys asked me if I wanted to "take custody of the children". I said "No." He asked me, "Why?" I said, "If I take custody, and my daughter takes the children, you won't do anything, you won't go get them. But, if the state retains custody, then you will go get them." I explained to him that I could take the children physically, but not financially, especially with their special needs. He said, "You know, the judge doesn't have to give you the children." I asked if I could ask him a question: "Who was going to take a 14-year-old African-American male with a learning disability?" His response was: "No, you may not." I told him that I needed some legal advice. He did not respond to me after that.

(Georgia Rucker-Key statement, ¶ 8). Fortunately, Mrs. Rucker-Key had very supportive caseworkers. (Georgia Rucker-Key statement, ¶ 11).

D.3.4. HOME STUDY ISSUES

Several witnesses reported problems with getting home studies. Some said they experienced confusion as to who was to pay for the home studies while others complained about the number of home studies that were required. (Ellen Patrom testimony; Louise Monday testimony; Louise Monday statement, ¶ 29).

D.3.5. INCONSISTENT CASE STAFFING PARTICIPATION

A case staffing is a meeting that is usually held monthly concerning a child or a sibling group of children. It includes all of the professionals involved in the case and sometimes other parties, such as the parent or other relatives of the child and possibly the foster parent. The purpose of a case staffing is to see what is going on with the child, the progress the child's parents are making to get back custody of the child, and other issues related to the child.

At least one witness reported being allowed to attend case staffings for their relative children, but not being allowed any substantive input or consideration. (Judy Robinson testimony; Judy Robinson statement ¶ 11).

It took quite a bit of time for another witness, Louise Monday, to be able to attend a case staffing for her nephew, and the first one she attended was after the termination of parental rights hearing. (Louise Monday testimony; Louise Monday statement ¶ 22-28). Shortly before this case staffing, she and her husband hired an attorney. (Louise Monday statement ¶ 5, 6, 21).

At the next case staffing involving the Mondays' nephews, the Mondays were excluded from participation. It was at this case staffing, the Mondays later learned, that the decision was made to discontinue the Mondays' visitation "because the foster parents did not want us to see the children anymore." (Louise Monday statement ¶ 34). Oddly enough, the case staffing decision about visitation was made only two days after the court entered an order stating that the Mondays did not have to be granted intervenor status to be considered as a placement option for their nephew. (Louise Monday statement ¶ 31-34).

D.3.6. INCONSISTENCIES WITH VISITATION BEFORE PLACEMENT WITH A RELATIVE

Kathy and Philip Kumpe reported that they were allowed visitation with their granddaughters after they were removed from their home, when the girls were in foster care, and before the girls were placed in the Kumpes' home. This was allowed after they completed the background checks. (Kumpe testimony, Kumpe statement, ¶ 5-6).

However, Ellen Patrom completed her background checks very quickly and did not get visitation with her granddaughter. (Ellen Patrom statement, ¶ 5-6). She had a very difficult time waiting for her granddaughter to be placed in her home:

I cried and worried a lot about her. Was she safe? Was she being cared for? I made a lot of phone calls, trying to speed up the process. I just knew she'd be better off with her family who loved her. (Ellen Patrom statement, ¶ 6).

There are reasons why a relative may not initially be able to seek custody of a child, but still wants contact with the child. For example, Georgia Rucker-Key could not seek physical custody of her grandchildren when they were first removed from her daughter's custody because the hostility between her and her daughter made it unsafe for the children, but she "stayed in touch with the children through weekly visitation." The children were placed in three different foster homes, so she would "pick all of the children up so that we could all visit with them together." (Georgia Rucker-Key statement, ¶ 5).

D.3.7. VISITATION DENIED WHEN FAMILY REUNIFICATION IS THE GOAL

One witness reported being entirely cut off from her 17-year-old granddaughter with whom she had had a life-long relationship, and reported that the other grandmother also was isolated from the granddaughter. In this case, the DCFS was not seeking termination of parental rights, and family reunification was the case goal. (Jean Worrell testimony; Jean Worrell statement ¶ 2, 3, 11; See also Judy Blake statement, ¶ 2-4, 12; Heather Worrell statement, 19).

D.3.8. VISITATION DENIED AFTER TERMINATION OF PARENTAL RIGHTS

Judy Robinson, and her family wanted to continue their weekly visitation with her twin four-year-old grandsons after termination of parental rights. Before termination of parental rights, she had visited with them for nearly a year and a half. She was very involved with the children during this time, attending all of the case staffings and court hearings. (Judy Robinson statement, ¶ 6, 8, 9, 11, 13, 23).

After the termination of parental rights hearing, Mrs. Robinson called DHS about visitation, but the caseworker told her that it "was not in the best interest of the children to be allowed further visitation" with her. (Judy Robinson statement, ¶ 15). Mrs. Robinson tried repeatedly to get visitation, both before and after Rep. Mike Burris's Act 1311 passed in the 2009 Regular Session. [An Act To Provide a Mechanism for Grandparents and Other Adult Relatives to Receive Notice and be Included in Reports Related To a Child in the Custody of the Department of Human Services.] (Judy Robinson statement, ¶ 16-20, 22-24).

Louise Monday, who only found out about her nephew after his parents' rights had been terminated, was never allowed visitation with her older nephew, even though she was told at a case staffing that she would be allowed to visit with him. (Louise Monday testimony; Louise Monday statement, ¶ 5, 22). However, she was allowed visitation with the newborn nephew for several months before his parental rights were terminated, but her family was allowed only one visit after termination of parental rights.

Kathy Kumpe has a friend who has permanently lost all contact with her grandchildren because they are in the child welfare system. The grandmother was told by the caseworker it was too late for her to get custody or visitation because parental rights had been terminated. (Kumpe statement, ¶ 17) Even though her friend never did anything wrong to her grandchildren, the grandmother is "being punished by not being able to see her grandchildren". Ms. Kumpe continued:

And the grandchildren are being deprived of someone who loves them and who can provide "biological" family roots. When the biological parents were deemed "not fit" and their rights were terminated, not only was a branch severed from the child's family tree, the entire biological family tree was chopped down. (Kumpe statement, ¶ 17).

D.3.9. PUTATIVE FATHERS AND THE RELATIVES OF THE PUTATIVE FATHERS

There is much confusion over the term "**putative**," as expressed by the relative caregivers and the members of the General Assembly who attended the meetings on the ISP. Black's Law Dictionary defines "putative" to mean "reputed; believed; supposed." Black's Law Dictionary 1250 (7th ed. 1999). "**Putative father**" is defined as the "alleged biological father of a child born out of wedlock." Black's Law Dictionary 623 (7th ed. 1999).

The grandparents learned about this issue at a difficult time:

Because our son and his girlfriend were not married, the court did not recognize us as grandparents even though our son was on both birth certificates as the father of both girls....This doesn't seem fair at all....we had known the girls all of their lives. (Kumpe statement, ¶ 4).

The Kumpe's son had to undergo DNA testing to establish his paternity. After that was established and other issues were resolved, their granddaughters were eventually placed in their home. (Kumpe testimony; Kumpe statement, ¶ 5-7).

Kathy Kumpe testified that it was her understanding that if her granddaughters' maternal grandmother would have been at the hearing, she may have been awarded custody of the girls. (Kathy Kumpe testimony; Kumpe statement, ¶ 4). However, this was not the experience of Ellen Patrom, a maternal grandmother whose granddaughter had to stay in foster care for over four weeks before being placed in her home. (Ellen Patrom testimony; Ellen Patrom statement ¶ 4-6).

There is an indication that perhaps the DCFS treats all fathers as putative fathers. Brian Worrell was listed as a putative father in the paperwork from DCFS even though he and his wife have been continuously married for twenty-four years, and his seventeen-year-old daughter was the subject of a DCFS investigation and removal. (See generally Brian Worrell statement).

D.3.10. FINANCIAL ASSISTANCE AND HARDSHIP

Many relatives are informal relative caregivers and do not receive any monthly payments from the DCFS. Some children are placed with relative caregivers, and the placement is made as a "provisional foster home," meaning that the relative has a certain amount of time to meet the standards to be a licensed foster home. If the child has not returned back to the custody of the parent and is still in the home of the relative after the relative is a licensed foster parent, the relative caregiver can receive monthly payments from DCFS for each child just like a non-relative foster parent. These monthly payments are known as "board payments," and this is the main method by which relative caregivers

can obtain financial assistance from DCFS. (Kathy Kumpe testimony; See generally Kumpe statement; Kristin Thomas statement; Georgia Rucker-Key statement).

Of the relative caregivers who testified or provided statements, only three were approved as foster homes and received board payments. (Kumpe testimony; Kumpe statement, ¶ 7, 16; Kristin Thomas testimony; Kristin Thomas statement ¶ 3-4, 14; Georgia Rucker-Key statement, ¶ 8-11). Of these three, only two went on to adopt the relative children and receive a monthly adoption subsidy: Kristin Thomas and Georgia Rucker-Key.

Kristin Thomas receives an adoption subsidy of \$425/month until each child is 18 years old. (Kristin Thomas statement, ¶ 14; Kristin Thomas testimony). Georgia Rucker-Key, a retired licensed practical nurse, who received an adoption subsidy for the four grandchildren she raised, stated:

All of my grandchildren have special needs and require therapy for mental health issues and emotional issues, as well as learning disabilities that require special education-related services. I could not have taken care of the children properly without board payments. The expenses related to raising children in this day and age, especially on a fixed income as I am now, are very high. (Georgia Rucker-Key statement, ¶ 9).

D.3.11. POSITIVE FEEDBACK

While the Kumpes experience with the child welfare system was far from easy they were thankful for the help they received from the DCFS caseworkers., "Kathy had worked really hard to develop a relationship with the girls' caseworker, and she [the caseworker] recommended that the girls be placed with us." (Kumpe statement, ¶ 5) The Kumpes described their interaction with DHS staff:

We have had some wonderful caseworkers who show by their actions that for them, it is not just a job, it is about helping children. (Kumpe statement, ¶ 20).

Georgia Rucker-Key described her caseworkers as "really great" and said they "really worked with" her. (Georgia Rucker-Key, ¶ 11) Lois Arras described her caseworkers as supportive of her and her family, and her general experience with DHS as positive. (Lois Arras, ¶ 9).

Representative Rick Green had no problem with DHS, and described the officials as very helpful to him in trying to resolve the issues with his grandson, although DHS never had custody of his grandson. (Rick Green testimony).

D.4. ISSUES WITH THE COURTS

Many of the issues that the relative caregivers had with the DCFS could also be seen as issues with the court system. That's because many of these decisions require court approval, which give the courts an opportunity to ensure compliance with state and federal rules, regulations, and laws, as well as administer justice for the best interest of the child. Also, the courts have the power to review cases and require case updates when changes in the child's case occur. For these reasons, some of the issues mentioned previously will be briefly re-addressed under this section.

D.4.1. DELAYS IN PLACEMENT WITH RELATIVES

This issue seemed to be one on which several witnesses had strong feelings. The relative caregivers want the child placed immediately or as soon as possible with an appropriate relative caregiver, instead of a foster parent, if one is available. (Kumpe testimony; Kumpe statement ¶ 5-7; Ellen Patrom testimony; Ellen Patrom statement, ¶ 4-6; Green testimony).

D.4.2. LACK OF NOTICE TO RELATIVES

As reported numerous times, relatives are not getting the notices required by federal and state law, and there is no indication from the witness testimony that the courts are ensuring the DCFS' compliance with these laws. (See generally Heather Worrell statement, ¶ 16; Jean Worrell statement, ¶ 9; Judy Blake statement, ¶ 8, 9; Kathy and Philip Kumpe testimony; Kathy and Philip Kumpe statement, ¶ 2, 17; Louise Monday statement, ¶ 3, 4; Ellen Patrom testimony).

D.4.3. VISITATION ISSUES

If the courts are involved in denying supervised visitation to relatives who are seeking placement of a child with them and who have passed background checks, the testimony and statements indicate that the courts should carefully consider this because of the possible harm it causes to the child and the family. (See generally Ellen Patrom testimony; Ellen Patrom statement, ¶ 5-6). Based on the testimony, the failure to award visitation to Mrs. Patrom for over four weeks caused her and her granddaughter emotional harm. (Ellen Patrom testimony; Ellen Patrom statement, ¶ 7).

The testimony and statements also indicate that the courts should exercise caution when they deny visitation to all family members when family reunification is the stated goal of the case because of the harm it causes the family. (Jean Worrell testimony; Jean Worrell statement ¶ 2, 3, 11; See also Judy Blake statement, ¶ 2-4, 12; Heather Worrell statement, ¶ 19).

The courts should be aware that, based on the testimony and statements provided for this ISP, visitation with nonparental relatives is regularly stopped shortly after termination of parental rights, regardless of what the stated practice is. (Judy Robinson statement, ¶ 6, 8, 9, 11, 13, 15-20, 22-24; Louise Monday testimony; Louise Monday statement, ¶ 5, 22; Kumpe statement, ¶ 17).

Representative David Cook, who has been a foster parent and adopted a child with whom he and his wife fostered, unequivocally stated he would not have adopted his son if he would have been required to continue contact with his son's biological family, but that was because his son's biological family were very bad people. He said the decision should be made on a case-by-case basis, based on the best interest of the child. (See generally David Cook testimony). He specifically testified that the decision should not be left solely to the adoptive parents, but that someone should be making this decision in the best interest of the child. (See generally David Cook testimony).

D.4.4. PUTATIVE FATHERS AND THE RELATIVES OF PUTATIVE FATHERS

The courts should be aware that there is confusion on the putative father issue, and this confusion carries over to the relatives of the putative fathers. (See generally Kumpe testimony; Kumpe statement, ¶ 5-7; Ellen Patrom testimony; Brenda Olive testimony; Brenda Olive statement). The testimony indicated that perhaps the focus was more on DNA proof of paternity rather than the relationship the child has with the relative of the putative father and the relative's ability to care for the child. (See generally Kumpe testimony; Kumpe statement, ¶ 5-7).

D.4.5. ALLOWING POTENTIAL RELATIVE CAREGIVERS TO TESTIFY

Several of the witnesses attended court hearings regarding their relative children but did not testify. (Judy Robinson statement, ¶ 8, 13-14, 23-24, 27; Kumpe statement, ¶ 4; Louise Monday testimony; Louise Monday statement, ¶ 15-16). The issue was raised by one witness as to whether the judge even knew what was going on with her visitation issue in her twin grandsons' case:

They have lost relationships with stable, loving family members with whom they have had a lifetime bond at the whim of DHS and an ad litem attorney and likely unbeknownst to the judge since I was never allowed to testify. (Judy Robinson statement, ¶ 24).

D.4.6. INDEPENDENCE OF THE COURTS QUESTIONED

Some of the witnesses questioned whether the court was making independent judgments in the cases or relying strictly on the recommendations of the attorneys for the Department of Human Services, the caseworkers, or the attorneys ad litem. (Jean Worrell statement, ¶ 10; Louise Monday statement, ¶ 44, 55; See generally Judy Robinson statement).

D.5. ISSUES WITH ATTORNEY AD LITEM PROGRAM

Many of the issues that the relative caregivers had with the DCFS could also be seen as an issue with the attorney ad litem program (or attorneys ad litem) because the role of each attorney ad litem is to represent the best interest of the child in the child maltreatment case that caused the DCFS to remove the child from his or her parent. For these reasons, some of the issues previously mentioned will be briefly re-addressed under this section.

D.5.1. DELAYS IN PLACEMENT WITH RELATIVES

Again, this issue was discussed with much emotion by witnesses. There was strong testimony by Representative Rick Green and former Representative Mary Beth Green about the importance of placing a child with a suitable relative as soon as possible because of the difficulty children face when placed with strangers. (Kumpe testimony; Kumpe statement ¶ 5-7; Ellen Patrom testimony; Ellen Patrom statement, ¶ 4-6; Green testimony).

D.5.2. LACK OF NOTICE TO RELATIVES

As reported numerous times, relatives are not getting the notices required by federal and state law, and there is no indication from the witness testimony that the attorneys ad litem are making independent efforts to assist with this process or to ensure that the DCFS is complying with these laws. (See generally Heather Worrell statement, ¶ 16; Jean Worrell statement, ¶ 9; Judy Blake statement, ¶ 8, 9; Kathy and Philip Kumpe testimony; Kathy and Philip Kumpe statement, ¶ 2, 17; Louise Monday statement, ¶ 3, 4; Ellen Patrom testimony).

D.5.3. BIASES AND UNPROFESSIONAL CONDUCT

As far as issues that the relatives had specifically with the attorneys ad litem, the testimony indicated that some biases do exist toward the older relatives. Ellen Patrom testified that she experienced what she considered age-related discrimination, with questions implying that she was not fit to care for her granddaughter because of her age.

Mrs. Patrom testified that the attorney ad litem asked her “What are you going to do if [your granddaughter] wants to get in the floor?” Mrs. Patrom responded, “We get in the floor and play.” The attorney ad litem asked her if she could get up, and Mrs. Patrom told her she could. The attorney ad litem also told Mrs. Patrom she could only keep her granddaughter for one year because of her age. (Ellen Patrom testimony; Ellen Patrom statement, ¶ 9). Mrs. Patrom stated:

While I think the health and age of a person being considered as a caregiver for a child is relevant, it seems there is oftentimes too much focus placed just on a person's age. For example, in my case, I think I am healthier and more able-bodied than most people my age. I can work circles around people half my age, and I've proved it. I can still get in the floor and play with my granddaughter (and get back up!), so I don't think that my age alone should disqualify me from a permanent placement option for my granddaughter. (Ellen Patrom statement, ¶ 11.).

This attorney ad litem also contributed to the over four-week delay before Mrs. Patroms' granddaughter was placed in her home.

I went through everything they insisted I go through to get Sophie back before the first hearing, the emergency hearing, seven days after she was removed. Judge Edwards in Searcy, the caseworker, and the [DHS] attorney were willing for me to take Sophie right then. Well, the ad litem said "No." She didn't know me from Adam and she wouldn't allow me to take the child until she had a chance to interview me. But she couldn't interview me for four weeks. (Ellen Patrom testimony).

Louise Monday tried to have her nephews placed in her and her husband's home with the hopes of adopting the boys. The family had been allowed visitation with the youngest, newborn nephew for several months because his parental rights had not yet been terminated. (Louise Monday statement, ¶ 4-13). The family never got to visit with the older nephew. (Louise Monday statement, ¶ 22).

Mrs. Monday's first meeting with the newborn nephew's attorney ad litem was after the termination of parental rights hearing, in the hallway of the courthouse. The attorney ad litem told her that she was in favor of the foster parents, not Mrs. Monday and her husband, adopting the boys. The attorney ad litem also stated:

You showing up has complicated this issue, and we're going to have to decide how we're going to handle that. (Louise Monday statement, ¶ 19).

Mrs. Monday was later told that the attorneys ad litem for her nephews wanted the boys to stay with the foster parents and were not supportive of her and her husband obtaining custody. (Louise Monday statement, ¶ 41). Mrs. Monday was told that the attorneys ad litem would make sure that the nephews stayed with the foster parents no matter what. (Louise Monday statement, ¶ 44).

D.5.4. VISITATION ISSUES

There was ample testimony that visitation with relatives can be helpful to the emotional well-being of a child removed from his or her home and everything he or she knows. Continued contact with a relative with whom the child is likely to be placed would seem to be part of the plan for which an attorney ad litem would advocate. However, this is not happening in all instances. (Ellen Patrom testimony; Ellen Patrom statement, ¶ 5-7).

Likewise, it seems the attorneys ad litem should also carefully evaluate all visitation issues with family, including the denial of visitation to all family members, when family reunification is the stated goal of the case; visitation before and after termination of parental rights; and even the more controversial issue of nonparental relative visitation after adoption. (See generally Jean Worrell testimony; Jean Worrell statement ¶ 2, 3, 11; See also Judy Blake statement, ¶ 2-4, 12; Heather Worrell statement, ¶ 19; Judy Robinson statement, ¶ 6, 8, 9, 11, 13, 15-20, 22-24; Louise Monday testimony; Louise Monday statement, ¶ 5, 22; Kumpe statement, ¶ 17; David Cook testimony).

It is important to note that one grandparent who attended all of the meetings on the ISP noted the inconsistency in the agency testimony and what her grandsons' attorney ad litem told her regarding the termination of all visitation with relatives after termination of parental rights. (Judy Robinson statement, ¶ 21, 26). In an email regarding continued visitation with her grandsons after termination of parental rights, her grandsons' attorney ad litem stated:

[B]ecause parental rights are now terminated, all visitation with relatives has ceased, and the children's case plan goals are now adoption. (Judy Robinson statement, ¶ 21).

What was most questionable about the role of the attorney ad litem making the decision to stop visitation after termination of parental rights in her grandsons' case is that Mrs. Robinson only recalled the attorney ad litem attending the family weekly visitation one time over the course of nearly a year and a half. (Judy Robinson statement, ¶ 21).

D.6. CONTACT WITH BIOLOGICAL PARENTS AFTER ADOPTION

The DCFS, the courts, and the attorneys ad litem strictly admonish relative caregivers from allowing the children removed from the home to have contact with the biological parents. However, the testimony indicated that this taboo is unrealistic when the child is placed with a relative. Several relative caregivers testified that the children had contact with their biological parents after a relative adoption.

Georgia Rucker-Key's youngest grandson was removed from his mother when he was three and a half years old. He's now the age of 15. When Mrs. Rucker-Key was the foster parent to two of her grandchildren, she allowed the mother and father to visit with all of the children. (Georgia Rucker-Key statement, ¶ 6).

Later, Mrs. Rucker-Key adopted all of her grandchildren after their parental rights were terminated. However, according to Mrs. Rucker-Key, a retired mental health professional, the children's biological mother has "turned her life around. The children's biological mother has gotten help for her mental health issues, has gotten remarried, is going to college, and hopes to one day re-adopt the children...." (Georgia Rucker-Key statement, ¶ 13).

Kathy and Phillip Kumpe were the foster parents to their two granddaughters. Their son and the mother of the grandchildren had their rights terminated, but the Kumpe's daughter who lived out-of-state and had other children the same age wanted to adopt the girls to keep them in their family. Afterwards, the issue of contact with the girls' biological parents, who are now legally their uncle and aunt, has arisen.

The good news is that their son and his wife have been sober for over twelve (12) months now and agreed to abide by their daughter's "ground rules" for being around the granddaughters. They had a family reunion in June 2010, and it went well. (Kumpe statement, ¶ 13-14).

We know their mother and father have made mistakes, but the girls still love their parents, and we are respectful of that. We are also respectful that our daughter and son-in-law are their parents now, and we are grateful that they are providing them a safe, stable home. (Kumpe statement, ¶ 15).

Kristin Thomas stated that the four nieces and nephews that she adopted still love their parents.

They love their parents, and the separation from them has been hard on them. We see their mother when we are out, and they run to hug her. I tell them to pray for her. She had a hard life; she had children when she was a child. She was a child of the system, and she had a hard time. They communicate with their father too, but neither of them parent or provide financial support. (Kristin Thomas statement, ¶ 9).

D.7. FINANCIAL AND OTHER HARDSHIPS

As Rep. Rick Green stated, "There are psychological, emotional, financial, physical issues and stressors that the grandparents face" when raising their grandchildren. This section will look at some of these issues.

D.7.1. FINANCIAL ISSUES FACING INFORMAL RELATIVE CAREGIVERS

Many relatives face a difficult decision when they learn that a relative child is in need of a place to live because the relatives themselves are living on a fixed income or working for a lower-wage income. According to Annie Abrams, the choices that these relatives have to make are "cruel":

(1) Live in poverty by dividing up a limited fixed income among more people in a household than it was ever intended to support; or (2) Choose to lose the grandchildren they love to a system who will pay strangers to raise them. (Annie Abrams statement, ¶ 21).

Brenda Olive is one of the informal relative caregivers who chose option one and is raising her teenage grandson on her meager disability income. She stated, "Probably the hardest thing about raising my grandson [are] the financial issues, the expenses of raising a child." (Brenda Olive statement, ¶ 12).

There are many informal relative caregivers in the state, like Brenda Olive, who are struggling to make ends meet.

[I]nformal caregivers are serving not only our families' children, but the state by keeping the children out of the child welfare system and the juvenile justice system and, instead, providing them loving, stable, safe homes where they can get an education to better themselves. Society has failed to recognize the value of what we are doing. Our grandchildren are as deserving of state support as the children who are in the foster care system. (Brenda Olive statement, ¶ 12).

Annie Abrams, who was an informal caregiver to her grandchildren and great-grandchild, as well as many other children, suggested that the policymakers:

[F]ind a strategy to make sure those grandparents, great-grandparents, and other relatives who are doing some serious parenting are given the capital (money and other resources) they need to get the job done, to produce quality citizens that we need for our society. (Annie Abrams statement, ¶ 18).

Mrs. Abrams was clear that there needed to be "meaningful financial assistance" for the relative caregivers, but that the money and other resources should not be wasted. (Annie Abrams statement, ¶ 18-20). As to how to determine this amount, Mrs. Abrams suggested that policymakers:

[L]ook at the costs of supporting a child other ways, such as in different types of foster care, in an institutional setting, or in youth services. (Annie Abrams statement, ¶ 20).

D.7.2. COSTS THAT WORKING RELATIVES WILL INCUR

Relative caregivers with moderate incomes will not qualify for most government assistance. Representative Rick Green and former Representative Mary Beth Green testified about the costs that they face as two working professional grandparents raising their two-year-old grandson. They paid between \$1,500 and \$1,700 initially to obtain a guardianship for their grandson, and expect that there may be lawyer's fees related to the annual status report.

The Greens spend approximately \$400/month for daycare and \$200/month for play therapy (because it is not covered by health insurance), in addition to the regular expenses, such as diapers, food, toys, and other activities, all of which they describe as expensive. They have placed their grandson on their health insurance. In addition to the expenses related to their grandson, their youngest child is still in college. Rep. Green stated that even if he wouldn't have been financially able to take on his grandson, he still would have. He also stated:

We are here to make grandparents aware of the costs of this. I don't know how they [other grandparents] are going to be able to do this.... They will do without, downsize, be delinquent on bills, do whatever it takes to take care of the grandchild. (Rick Green testimony).

The Kumpes, who are licensed foster parents and had their granddaughters placed in their custody, also noted that, "without financial assistance with daycare (especially where 2 or more children are involved) some grandparents may not be able to take on the financial responsibility of caring for their grandchildren." (Kumpe statement, ¶ 19).

D.7.3. OTHER HARDSHIP ISSUES

Several witnesses testified that being a parent when you are older is harder than it was the first time. (See generally Annie Abrams testimony; Annie Abrams statement; Green testimony). Annie Abrams testified that her caregiver duties eventually took its toll on her health. Rep. Rick Green testified that it has required a major lifestyle change that affects every aspect of his life.

D.8. WHAT WORKS

As to what worked best for the relative caregivers who testified, Georgia Rucker-Key had much input to provide on this issue:

I had a really strong support network, including friends and family in the mental health arena, including Dee Ann Newell and Arkansas Voices, Anthony Forte with the Grandparent Program, and some really great caseworkers who really worked with me.... Overall, I think my experience was positive because I prayed a lot. Also, working in the mental health field taught me how to work with all kinds of people without getting emotionally upset.... If I didn't have my grandchildren today, I'd still be fighting to get them." (Georgia Rucker-Key statement, ¶ 11, 14).

Brenda Olive, an informal caregiver, gives credit to her family, her friends, and community organizations, as well as the food pantry. (Brenda Olive statement, ¶7). Kristin Thomas cited her kinship caregiver services support group, her church, her family, Habitat for Humanity, and some public assistance. (Kristin Thomas statement, ¶ 7,12, 13).

D.9. RECOMMENDATIONS

Some witnesses had specific recommendations related to Interim Study No. 2009-186 and SR26 from the 2009 Regular Session. Below is a summary of the recommendations.

D.9.1. FINANCIAL SUPPORT FOR RELATIVE CAREGIVERS

Financial hardship issues were discussed under section VII above, and there was a substantial amount of witness testimony on the cost of raising children, the hardships relatives on fixed incomes face, the unavailability of resources for informal caregivers, the limited availability of resources for more formal caregivers, and the hardships that moderate income relative caregivers experience when raising a relative's child. (See generally Green testimony; Brenda Olive testimony; Brenda Olive statement; Kristin Thomas testimony; Kristin Thomas statement; Annie Abrams testimony; Annie Abrams statement; Lois Arras statement).

In his testimony, Rep. Rick Green expressed frustration that there are funds to pay foster parents but none to assist real grandparents who could do so much for a child. Annie Abrams provided much input and insight on this issue. Mrs. Abrams asserted her belief that "hope can be created and improved with economic support for households." (Annie Abrams statement, ¶ 23).

One suggestion for helping informal relative caregivers is to provide a monthly subsidy that takes into consideration the cost of raising a child today.

Perhaps the most significant way you could give us the support we need is to provide informal kinship caregivers with a monthly payment that recognizes the value of what we are doing for children and their futures. (Brenda Olive statement, ¶ 12).

Kristin Thomas testified that her nieces and nephews have learning disabilities, and because of that had difficulties performing at grade level. She said it would be helpful if the adoption subsidies continued until the child completed school, instead of stopping when the child turns 18 to take into account this issue. (Kristin Thomas testimony). Lois Arras also saw a need for financial support so that families can keep relative children. (Lois Arras statement, ¶ 10).

D.9.2. LEGAL ASSISTANCE FOR RELATIVE CAREGIVERS

In her testimony, Annie Abrams recommended a *pro bono* system for legal services to help the grandparents who cannot afford it. Rep. Rick Green also saw a need for help with the costs of obtaining guardianships.

D.9.3. OTHER SUPPORT FOR RELATIVE CAREGIVERS

In her testimony, Annie Abrams recommended a parenting program specifically geared to grandparents and older relatives to help prepare them for becoming a caregiver to a child at a different life stage. She thought it should be free and should include a health education component.

D.9.4. REPRESENTATION IN GOVERNMENT

In her testimony, Annie Abrams recommended a commission or some other type of governmental representation for relative caregivers. The employees should be prepared and trained to deal with the issues facing relative caregivers on a day-to-day basis and to advise agencies and the General Assembly.

D.9.5. CHANGES WITH THE PROGRAMS

At least three witnesses want children placed with relatives more quickly, instead of being temporarily placed in foster homes. (Ellen Patrom testimony; Kumpe testimony; Green testimony).

Rep. Rick Green testified that it would be helpful if the DCFS would make efforts to streamline the process with the goal of placing the child with the relative as soon as possible. Ellen Patrom recommended that less focus should be placed on a relative's age. (Ellen Patrom statement, ¶ 11).

Judy Robinson would like an administrative procedure that relatives can use to obtain visitation after termination of parental rights if adoption is not likely in the child's future. (Judy Robinson statement, ¶ 27B). Mrs. Robinson thought DHS penalized grandparents who only wanted visitation rights, not custody of their grandchildren, and she would like DHS to be prohibited from penalizing these grandparents in making visitation decisions. (Judy Robinson statement, ¶ 27C). Also, Mrs. Robinson thinks that DHS should be required to explain the process and procedure more to families so that they:

[C]an make the best decisions possible. Maybe even advise us to get an attorney to protect our interests. I can't help but think that maybe things would have worked out differently if I would have gotten an attorney.(Judy Robinson statement, ¶ 27D).

D.9.6. CHANGES TO THE LAW

Judy Robinson recommended that, during the termination of parental rights hearings, judges be required to hear testimony from relatives who have relationships with the children. She noted that she attended all of the hearings related to her grandsons but was not called to testify. (Judy Robinson statement, ¶ 27A).

Louise Monday would like to see the termination of parental rights law changed:

[S]o that honest, caring, and decent relatives' rights would not be terminated just because the parents' rights are terminated. Furthermore, the attorneys ad litem should not be allowed to make the total final decision as to the children's future, as far as who gets custody and raises the children. (Louise Monday statement, ¶ 55).

E. EXPERT TESTIMONY SUMMARY

On September 14, 2010 the House Children and Youth subcommittee heard testimony presented by a number of experts from around the county, including:

Tiffany Conway Perrin - CLASP Senior Policy Analyst - Child Welfare. Ms. Perrin spoke about supporting children who are being raised by grandparents and other relatives. Nationally, about 6 millions children live in households headed by grandparents. Research has shown that kinship care placements offer children greater stability and the children are more likely to have positive feelings about their placements and better behavior outcomes. Ms. Perrin distinguished kinship caregivers into

categories – informal, diverted and foster. Informal caregivers are those that took charge of the child before the child welfare system became involved. Diverted caregivers are those who are raising the child after having been placed by a child welfare agency, but are not foster families. There are challenges facing all kinship families, both emotional and financial.

Nina Williams- Mbengue - NCSL Children and Families Program. Ms. Williams-Mbengue gave an overview of legislative initiatives in other states related to kinship caregivers. The number of children raised by kinship caregivers, mostly grandparents, is on the rise – Arkansas is no exception. Foster children placed with relatives, rather than non-relatives, have better outcomes: more stability, fewer school changes, positive perceptions of their placements, likely to stay with their siblings, fewer behavioral problems. The Fostering Connections law, passed in 2008, strengthened supports for formal and informal caregivers. The law authorized states to utilize federal funds for subsidized guardianship programs and offered family connections grants. It also requires relative notification within 30 days of taking a child into custody.

Ms. Williams-Mbengue cited initiatives in several states that impact kinship care. Colorado, Ohio, and Texas provide one time payments to assist kinship families. New Jersey, Ohio, and Washington have established kinship navigator programs, which help link kinship families to support services. Many states passed laws to allow relatives with informal custody medical custody, power of attorney, and school enrollment powers for the children. California implemented a KinGAP program to provide support for informal caregivers and alleviate the burden placed on the formal foster system. Louisiana enacted the Kinship Care Subsidy Program using TANF dollars to provide payment to families raising relatives under certain conditions. New Jersey provides Kinship Wraparound funds which are used for support services and legal expenses.

Karen Kopera-Frye, Ph.D. - Joseph A. Beidenharn Endowed Chair in Gerontology/Professor - University of Louisiana at Monroe. Ms. Kopera-Frye discussed current research findings on custodial grandparents, including the impact they have their grandchildren. There are numerous benefits to the child and relatives involved in kinship care, but the benefits extend to state budgets as well. It can be financially beneficial to provide assistance to grandfamilies, who are shown to provide health and permanent options for children, rather than allowing the children to linger in the foster care system. A recent evaluation of the KARE program in Tucson, AZ models the potential savings. In addition, Louisiana's Kinship Care Subsidy Program is more cost efficient than the foster care payment system. The financial, emotional, and physical strain incurred by grandparents are the biggest challenges to kinship care placements.

Ana Beltran - Generations United, Special Advisor. Ms. Beltran discussed promising practices and programs from around the country to support grandfamilies. Citing a number of factors which cause grandparents to take custody of their grandchildren, including substance abuse issues, military deployment, incarceration, mental and physical health problems, and poverty, Ms. Beltran stated that the number of children living with grandparents has been steadily rising. Ms. Beltran emphasized the importance of the Fostering Connections act, noting that Arkansas was in compliance with the notice requirements.

The importance of having a financial support system for grandfamilies was highlighted by Ms. Beltran. The allowable use of Title IV-E funds for subsidized guardianship services available through the Fostering Connections act makes it a top priority to implement. Having a subsidy in place for grandparents increases the chances of finding permanency for the child. It reduces the number of children languishing in long term foster care situations and saves taxpayers money through reduced case and court expenses. Louisiana's Kinship Care Subsidy Program was highlighted by Ms. Beltran for its ability to subsidize grandfamilies outside of the foster care system. Illinois has created a network

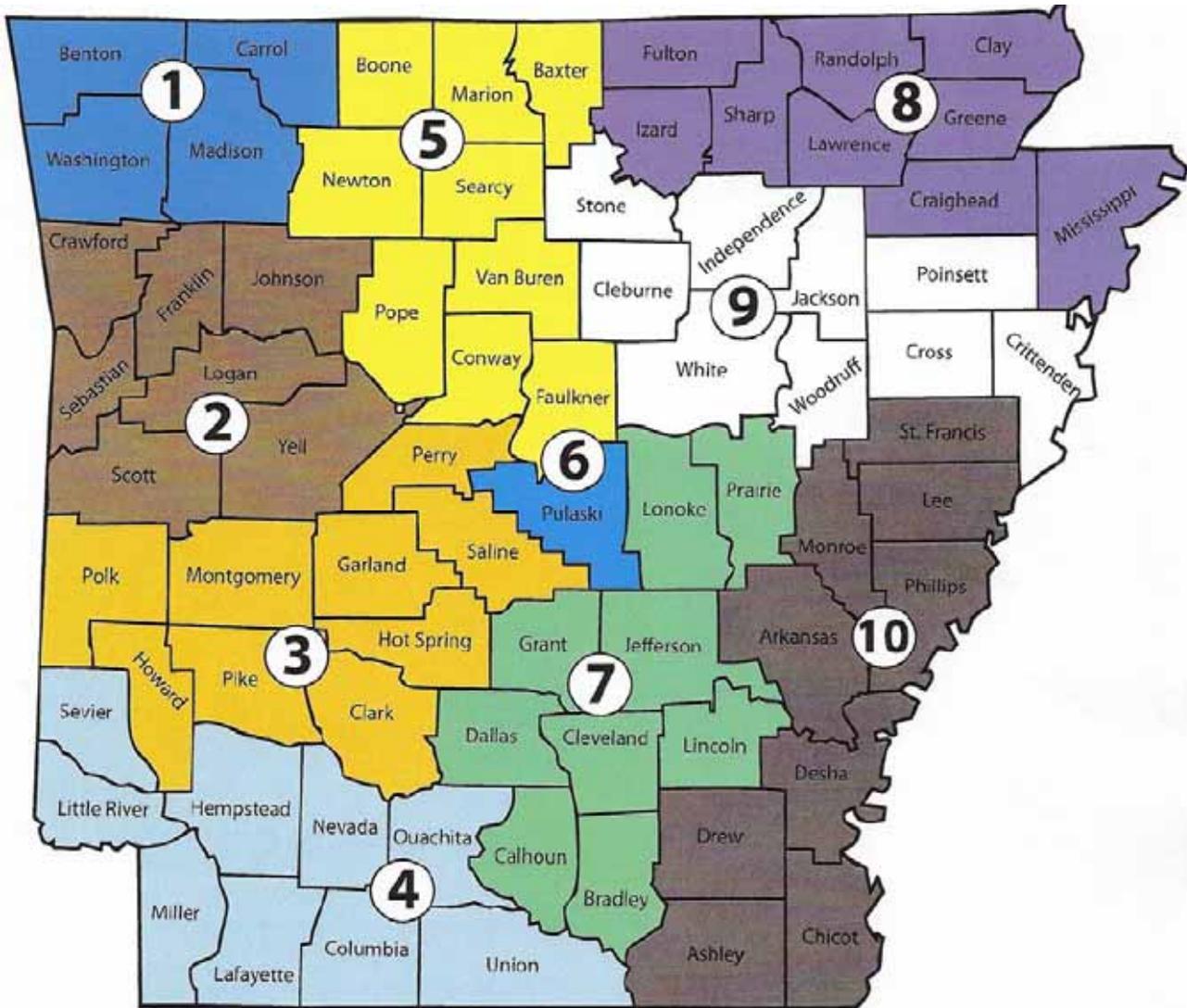
for grandfamilies the pools the resources available from a number of sources, including the National Family Caregiver Support Program. Oklahoma's Department of Human Services, Again Services Division, developed the Oklahoma Respite Resource Network which provides respite care services for grandparents raising grandchildren. Programs that assist with affordable for housing options for grandfamilies are also needed, modeled after those in Louisiana and New York using funds from Housing and Urban Development (HUD).

Dee Ann Newell - Arkansas Voices. Ms. Newell's focused primarily on informal relative caregivers. Most kinship care families live below the federal poverty level, with only 30% receiving any type of public assistance. A study conducted by Dr. Nancy Harm of the UALR Graduate School of Social Work found that 1 in 7 children living in relative placement has a disability, they are often uninsured, and nearly one-third of the grandparent caregivers never completed high school. Currently, the only resources available for kinship families are the TEA child-only cash assistance program, ARkids or Medicaid A for the child, and food stamps. Ms. Newell has worked with families in numerous capacities for many year and recommends an increase in TEA payment amounts, guardianship subsidy programs, seed money for support services statewide to provide networking and outreach for kinship care families, and respite care services for families.

Each expert gave helpful information about similar circumstances in other states and positive movements taking place around the country that are leading to improved outcomes for children both in and out of the foster care system.

F. CASEWORKER SURVEY SUMMARY

The Department of Children and Family Services (DCFS) caseworkers were surveyed about their opinions regarding grandparent and relative placement for children in DCFS custody. The response rate was 82 percent or 249 out of 305 caseworkers. Caseworkers were guaranteed confidentiality for their individual responses. No area had fewer than 15 responses. The tabulation for each group of questions statewide and from each of the 10 areas is included following the narrative summaries. The map below shows each of the areas with the corresponding numbers used to report the survey results.



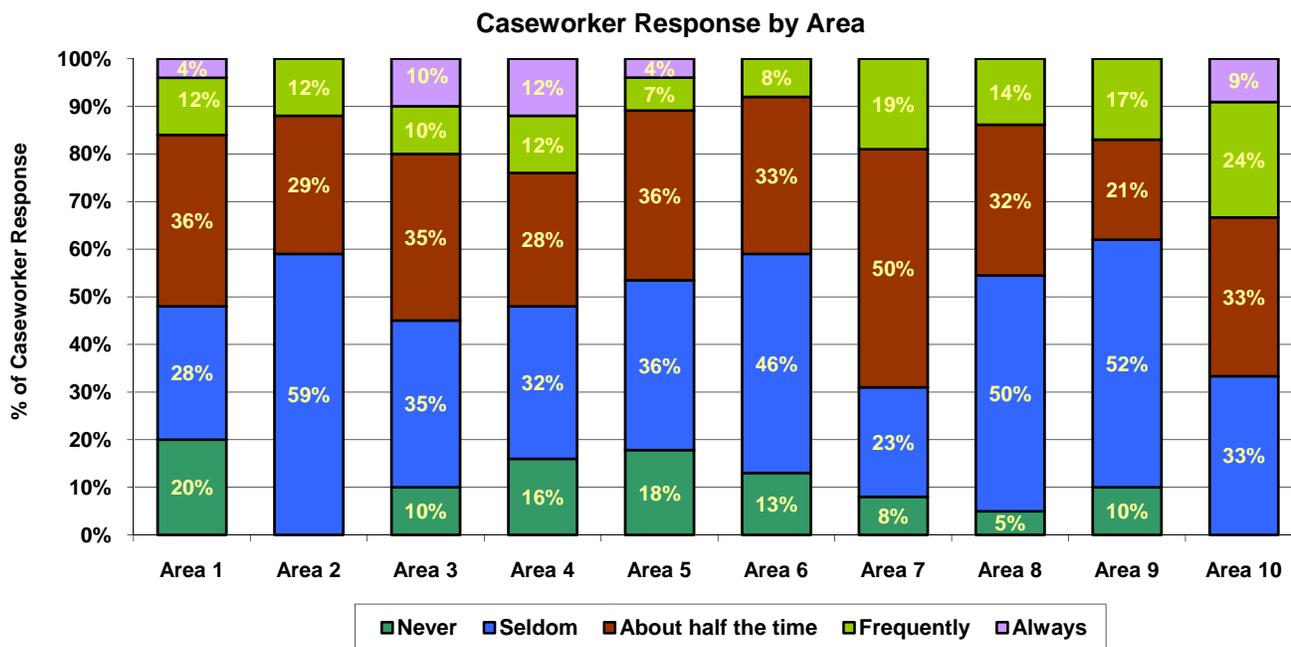
F.1. CASEWORKERS' VIEWS OF NEEDS

Caseworkers were asked a series of questions related to their needs to ensure they are properly able to make recommendations that fully consider the best interests of the child. Their responses are the opinions and perceptions of the caseworkers only. The areas of need addressed in the questions included the adequacy of the time the caseworker has to complete their recommendation; the amount of training they have had on kinship care; the documentation process for relative placement, and the number of hours it takes to locate relatives.

F.1.1. TIME TO ASSESS OPTIONS

Nearly half of the workers said they seldom or never have an adequate amount of time to assess the options for placement, another 34 percent said about half the time, and 17 percent said frequently or always. More than 50 percent of the workers in areas 2, 5, 6, 8, and 9 said they seldom or never had time to assess all the options for placements that are in the best interests of the child.

Q1. As a caseworker, I have an adequate amount of time to assess all options for placement to determine the placement that is in the best interests of the child.



Caseworker Response Statewide

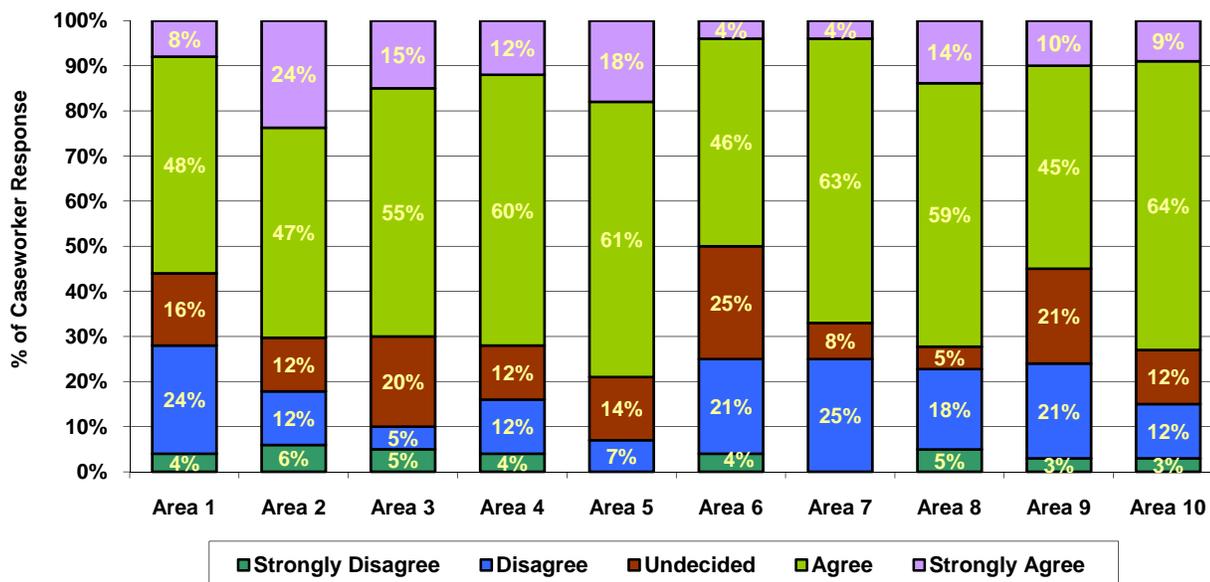
Answers	Count	Percent	20%	40%	60%	80%	100%
Never	<u>25</u>	9.92%	<div style="width: 9.92%; height: 10px; background-color: #e0b0b0;"></div>				
Seldom	<u>96</u>	38.10%	<div style="width: 38.10%; height: 10px; background-color: #e0b0b0;"></div>				
About Half the Time	<u>86</u>	34.13%	<div style="width: 34.13%; height: 10px; background-color: #e0b0b0;"></div>				
Frequently	<u>35</u>	13.89%	<div style="width: 13.89%; height: 10px; background-color: #e0b0b0;"></div>				
Always	<u>10</u>	3.97%	<div style="width: 3.97%; height: 10px; background-color: #e0b0b0;"></div>				
Total	252	100%					

F.1.2. TRAINING

Approximately 20 percent of the workers said they disagreed or strongly disagreed with a statement concerning the sufficiency of their training on procedures for placement of children with kinship caregivers. Another 14 percent said they were undecided. The majority of caseworkers, 67 percent said they agreed or strongly agreed that their training was sufficient. Over 20 percent of the workers in areas 3, 6, and 9 said they were undecided. One-fourth or more of caseworkers in areas 1, 6, and 7 reported that they disagreed or strongly disagreed.

Q6. As a caseworker I have received sufficient training on the procedures related to the placement of children with kinship caregivers.

Caseworker Response by Area



Caseworker Response Statewide

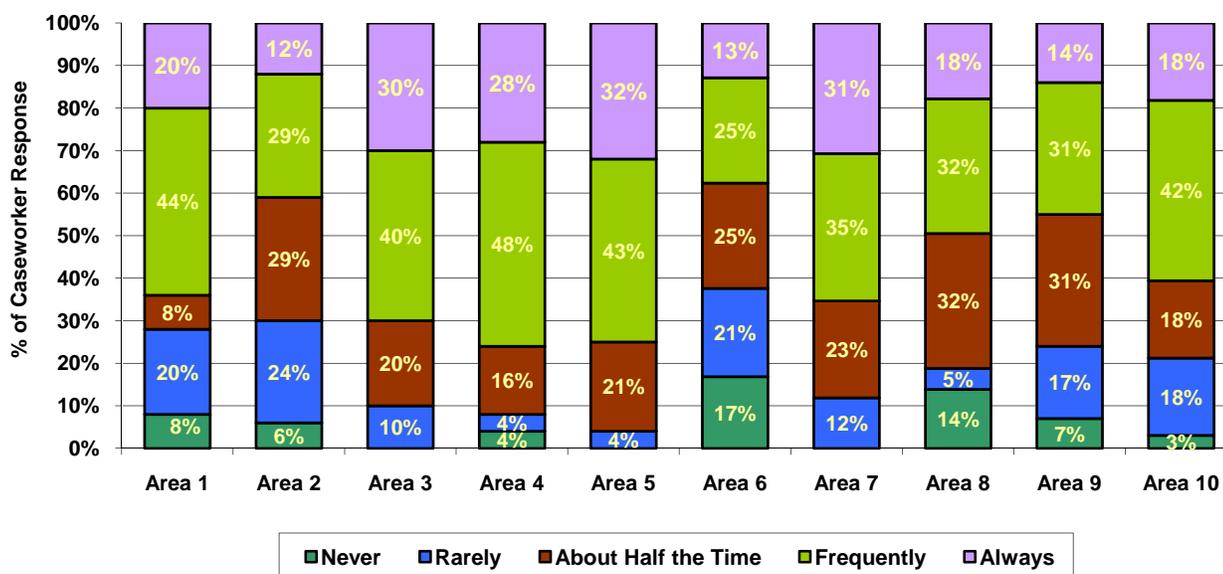
Answer	Count	Percent	20%	40%	60%	80%	100%
Strongly Disagree	<u>8</u>	<u>3.20%</u>	[Progress bar]				
Disagree	<u>39</u>	<u>15.60%</u>	[Progress bar]				
Undecided	<u>36</u>	<u>14.40%</u>	[Progress bar]				
Agree	<u>137</u>	<u>54.80%</u>	[Progress bar]				
Strongly Agree	<u>30</u>	<u>12.00%</u>	[Progress bar]				
Total	250	100%					

F.1.3. DOCUMENTATION OF RELATIVE PLACEMENT PROCESS

Nearly 60 percent of caseworkers said they frequently or always complete records documenting the consideration and outcome of relative placement and include the issues considered and justification of why the child was or was not placed with the grandparent or relative. Only 19 percent of the workers said rarely or never and an additional 22 percent said they complete the documentation about half the time. Twenty percent or more of the workers in areas 2, 3, 5, 6, 7, 8, and 9 said they complete the documentation about half the time. One-fourth or more of caseworkers in areas 1, 2, and 6 reported that they never or rarely completed the documentation.

Q7. As a caseworker, I complete records documenting the consideration and outcome of relative placement and include the issues considered and justification of why the child was or was not placed with the grandparent or other relative.

Caseworker Response by Area



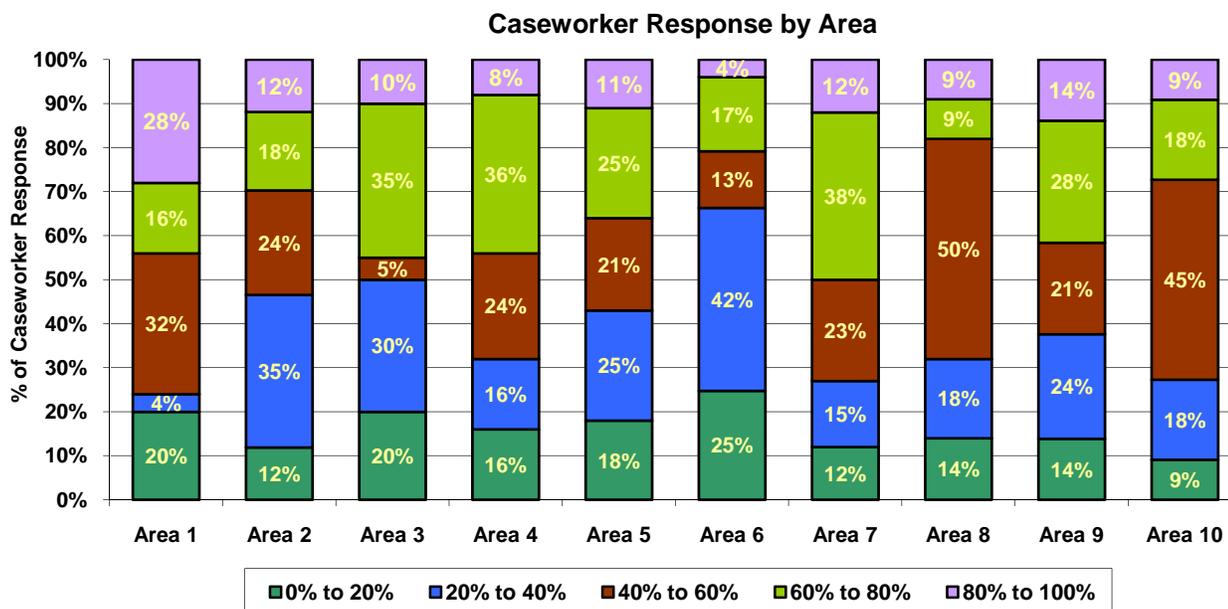
Caseworker Response Statewide

Answer	Count	Percent	20%	40%	60%	80%	100%
Never	<u>14</u>	<u>5.60%</u>	[Progress bar]				
Rarely	<u>33</u>	<u>13.20%</u>	[Progress bar]				
About Half the Time	<u>55</u>	<u>22.00%</u>	[Progress bar]				
Frequently	<u>93</u>	<u>37.20%</u>	[Progress bar]				
Always	<u>55</u>	<u>22.00%</u>	[Progress bar]				
Total	250	100%					

F.1.4. SUFFICIENT INFORMATION PRIOR TO RELATIVE PLACEMENT

Over a quarter of the caseworkers said they had sufficient information about grandparents and other relatives prior to completing their recommendation for placement for 40 to 60 percent of the children in DCFS custody. More than one-third said they had enough information for 60 to 100 percent of the children. A minority of the workers said they had sufficient information for 40 percent or less of the children in DCFS custody. In all areas except area 6, at least one-half of the caseworkers reported that they had sufficient information about grandparents and other relatives when making their recommendation for placement for 40 percent or more of the children in DCFS custody. In only one area (area 7) at least one-half of the caseworkers reported that they had sufficient information about grandparents and other relatives when making their recommendation for placement for 60 percent or more of the children in DCFS custody.

Q8. Estimate the percentage of children in the custody of DCFS for whom you have sufficient information about grandparents and other relatives prior to completing your recommendation for placement.



Caseworker Response Statewide

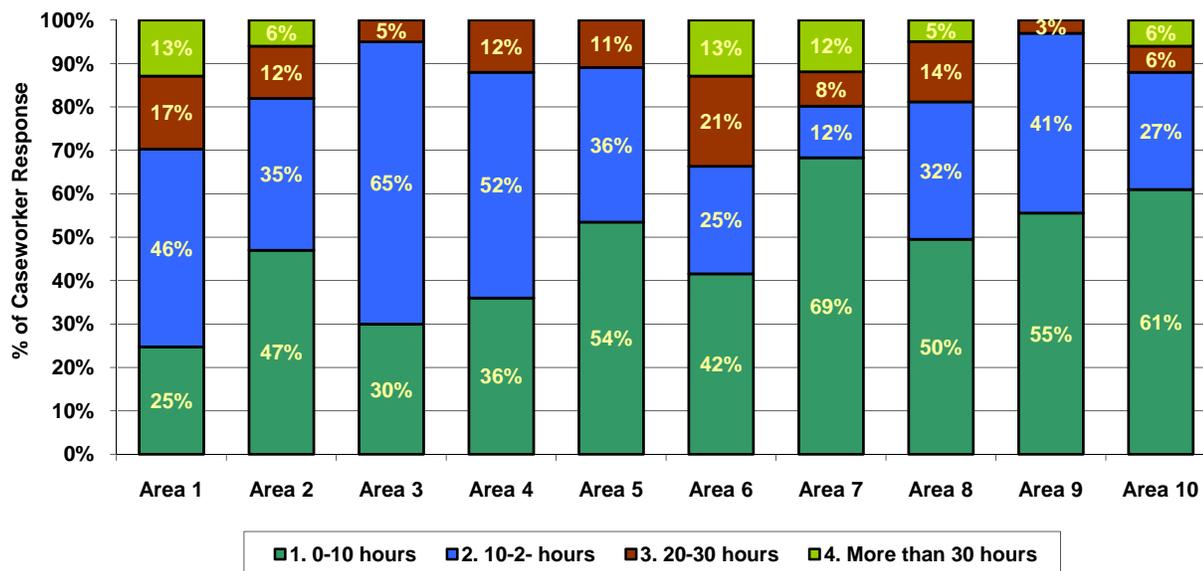
Answer	Count	Percent	20%	40%	60%	80%	100%
0% to 20%	<u>39</u>	15.60%	[Progress bar]				
20% to 40%	<u>55</u>	22.00%	[Progress bar]				
40% to 60%	<u>66</u>	26.40%	[Progress bar]				
60% to 80%	<u>61</u>	24.40%	[Progress bar]				
80% to 100%	<u>29</u>	11.60%	[Progress bar]				
Total	250	100%					

F.1.5. HOURS REQUIRED TO LOCATE RELATIVES

Nearly half of the caseworkers reported that it takes less than 10 hours of worker time to identify, locate, or contact the relatives of a child taken into DCFS custody. Approximately one-quarter of the caseworkers reported that effort taking more than 20 hours. Thirty percent of the caseworkers in area 1 and 34 percent of the caseworkers in area 6 reported that more than 20 hours were required.

Q10. How many work hours per case on average does it take you to identify, locate, or contact the grandparents and other relatives of a child taken into DCFS custody? (Do not include wait time that passes while waiting for returned calls, etc.)

Caseworker Response by Area



Caseworker Response Statewide

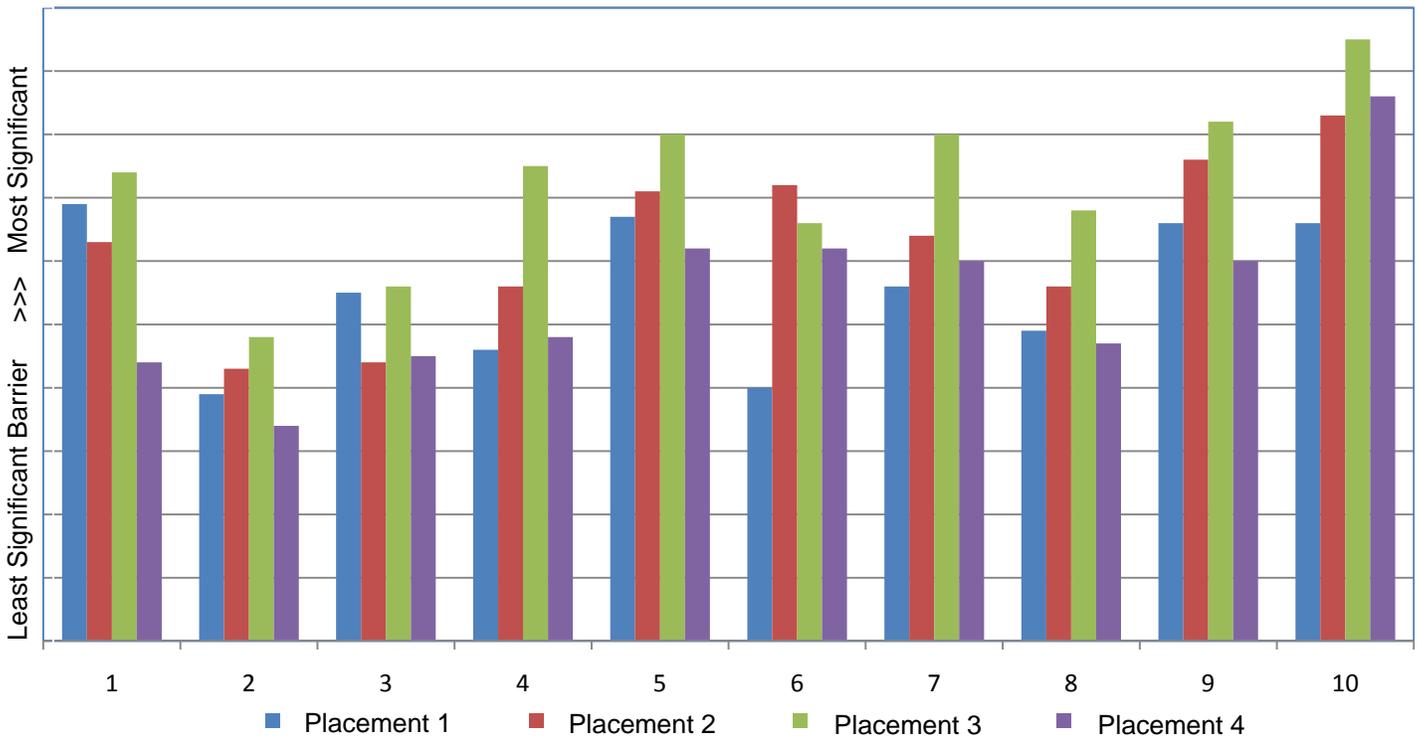
Answer	Count	Percent	20%	40%	60%	80%	100%
0 - 10 hours	<u>120</u>	<u>47.43%</u>	[Progress bar to 47.43%]				
10 - 20 hours	<u>94</u>	<u>37.15%</u>	[Progress bar to 37.15%]				
20 - 30 hours	<u>26</u>	<u>10.28%</u>	[Progress bar to 10.28%]				
More than 30 hours	<u>13</u>	<u>5.14%</u>	[Progress bar to 5.14%]				
Total	253	100%					

F.1.6. PLACEMENT TYPE REQUIRING LEAST WORKER TIME

Caseworkers indicated that placements such as relative care and residential facilities require the least amount of caseworker time. Therapeutic foster homes and DCFS foster homes were viewed as requiring the most caseworker time. Relative care received more responses as the placement type requiring the least amount of caseworker time in every area except area 6 which ranked residential facilities first. Residential facilities ranked as requiring the second least amount of time in areas 2, 4, 5, 7, 8, and 9. DCFS foster homes ranked second in areas 1 and 3. Therapeutic foster homes ranked second in least amount of time for area 10.

Q20. Which placement type listed below requires less of your time as a caseworker, ranking them from 1 to 4 with 1 being the least amount of time and 4 being the most amount of time.

- 1. DCFS foster home
- 2. Residential facility
- 3. Relative care
- 4. Therapeutic foster home



F.2. CASEWORKERS' VIEWS ON RELATIVE PLACEMENT

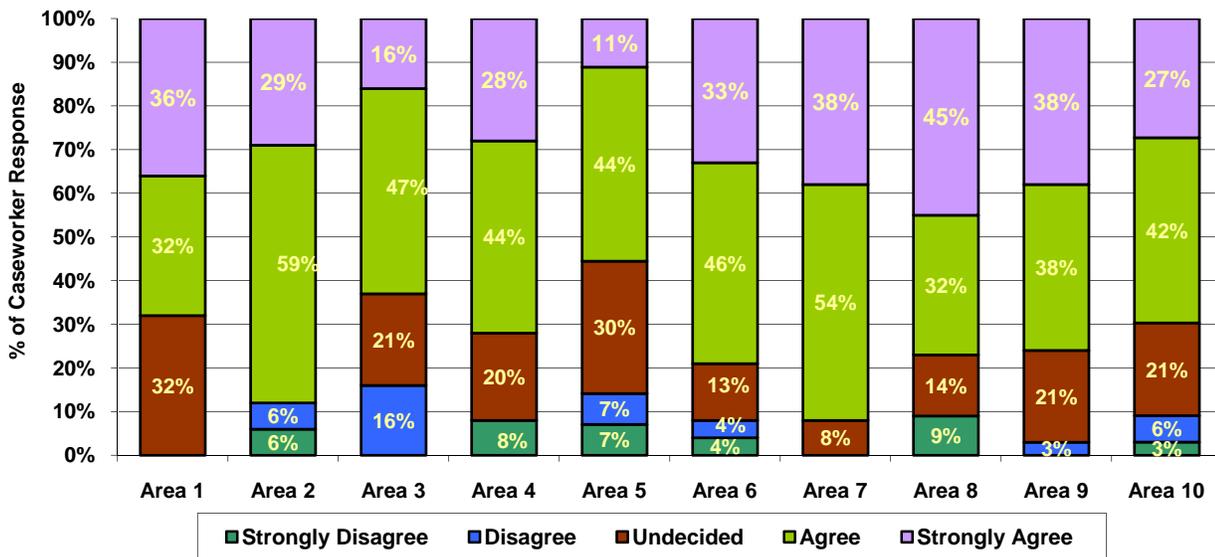
Caseworkers were queried with a number of questions to ascertain their views and efforts concerning relative placement. The areas addressed include the preference for placement with a relative rather than in a DCFS home, the caseworkers' assistance with life transitions, their views on continued visits with relatives after a child is placed in DCFS custody, and their efforts to provide the required notice to relatives within 30 days

F.2.1. RELATIVES VS. DCFS HOMES

A majority of caseworkers in every area agreed or strongly agreed that it is usually better to place children in provisional foster care homes with grandparents and other relatives than in approved DCFS foster homes.

Q3. After removal, it is usually better to place children in provisional foster care homes with grandparents and other relatives than in approved DCFS foster homes.

Caseworker Response by Area



Caseworker Response Statewide

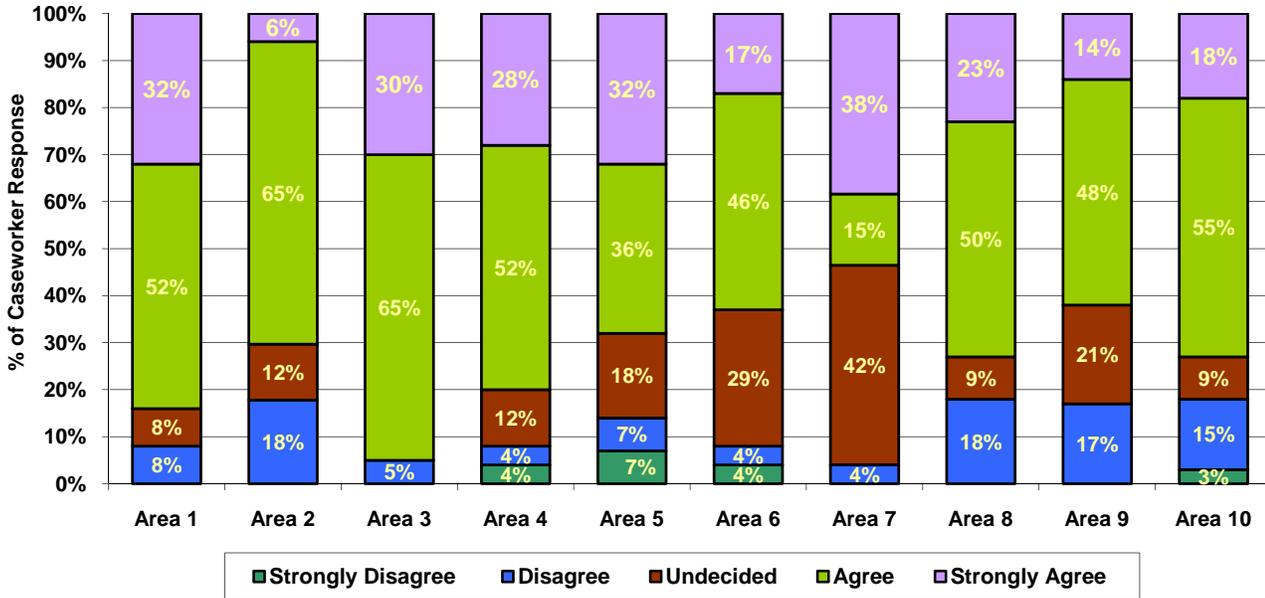
Answer	Count	Percent	20%	40%	60%	80%	100%
Strongly Disagree	<u>9</u>	<u>3.60%</u>	[Progress bar]				
Disagree	<u>10</u>	<u>4.00%</u>	[Progress bar]				
Undecided	<u>46</u>	<u>18.40%</u>	[Progress bar]				
Agree	<u>109</u>	<u>43.60%</u>	[Progress bar]				
Strongly Agree	<u>76</u>	<u>30.40%</u>	[Progress bar]				
Total	250	100%					

F.2.2. LIFE TRANSITIONS

Few in each area said they did not take steps to determine if a grandparent or other relative can assist with life transitions when the child turns 18.

Q4. When a child has had parental rights terminated, and is unlikely to be adopted due to age, you take steps to determine if a grandparent or other relative can assist with life transitions when the child turns eighteen (18) years old and ages out of the system.

Caseworker Response by Area



Caseworker Response Statewide

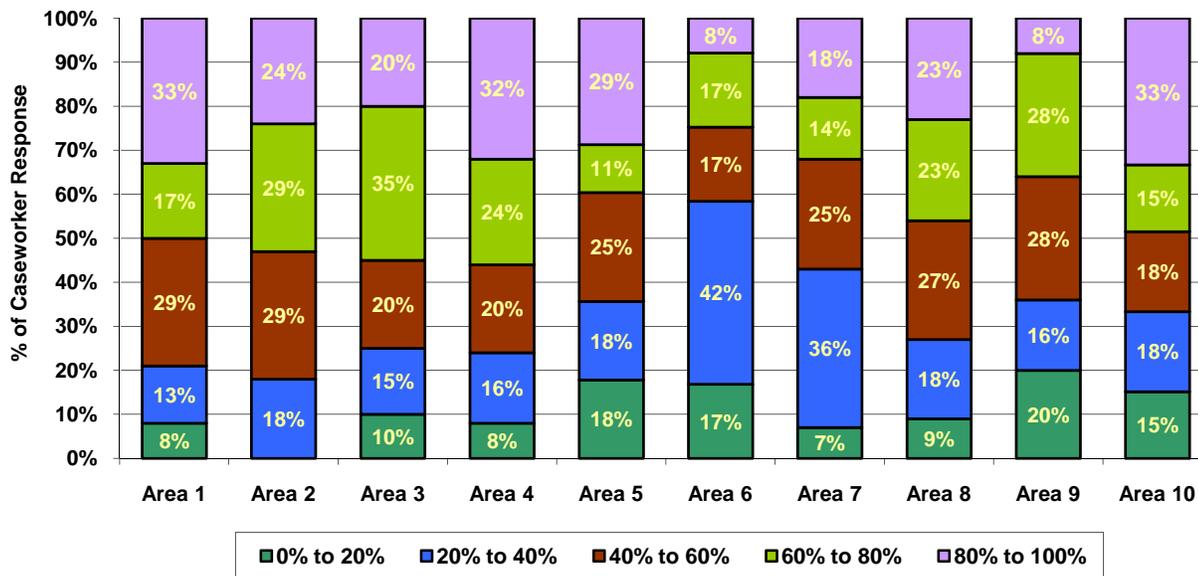
Answer	Count	Percent	20%	40%	60%	80%	100%
Strongly Disagree	<u>5</u>	<u>1.98%</u>					
Disagree	<u>25</u>	<u>9.92%</u>					
Undecided	<u>41</u>	<u>16.27%</u>					
Agree	<u>120</u>	<u>47.62%</u>					
Strongly Agree	<u>61</u>	<u>24.21%</u>					
Total	252	100%					

F.2.3. PERCENT OF CASES IN WHICH CONTINUED VISITS WITH GRANDPARENTS ARE CONSIDERED

In 4 of the 10 areas, a majority of the workers consider continued visits or contact with grandparents and other relatives in less than 60 percent of their cases. The number of workers reporting consideration of continued grandparent visits in almost all cases (80 percent or more) ranged from 33 percent in two areas to only 8 percent in two areas.

Q11. Estimate the percentage of cases in which you consider continued visits or contact with grandparents and other relatives of a child taken into DCFS.

Caseworker Response by Area



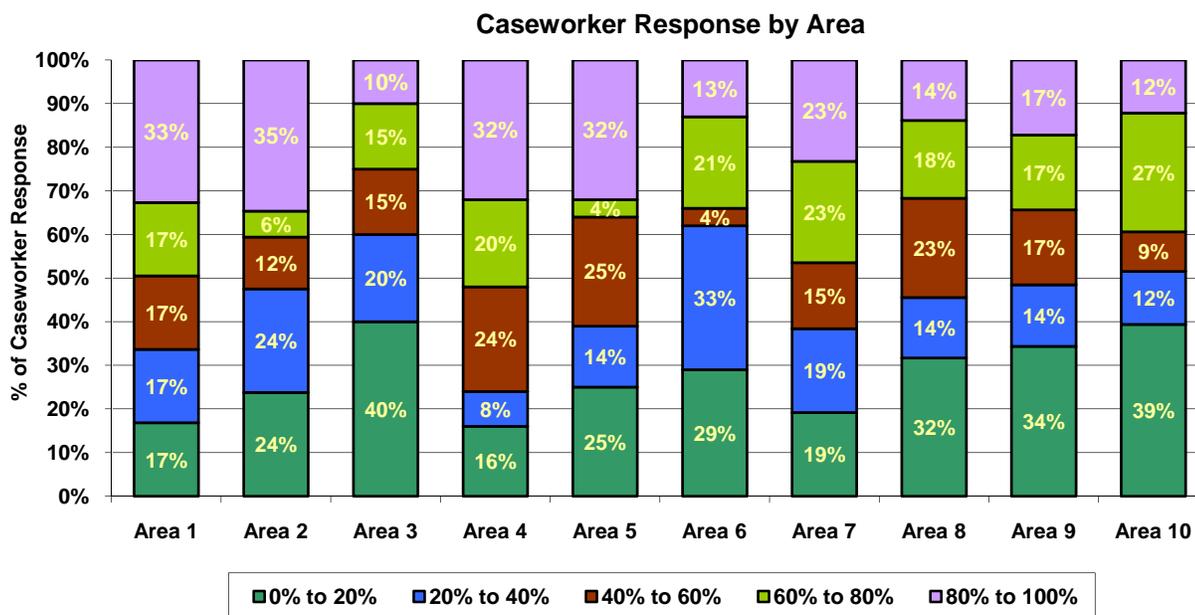
Caseworker Response Statewide

Answer	Count	Percent	20%	40%	60%	80%	100%
0% to 20%	<u>29</u>	<u>11.46%</u>	[Progress bar]				
20% to 40%	<u>48</u>	<u>18.97%</u>	[Progress bar]				
40% to 60%	<u>61</u>	<u>24.11%</u>	[Progress bar]				
60% to 80%	<u>53</u>	<u>20.95%</u>	[Progress bar]				
80% to 100%	<u>62</u>	<u>24.51%</u>	[Progress bar]				
Total	253	100%					

F.2.4. PERCENT OF CASES WHERE NOTICE IS PROVIDED WITHIN 30 DAYS AS REQUIRED

The majority of workers in 8 of the 10 areas said that in 60 percent or less of their cases they provided notice to grandparents and other relatives of a child’s removal from the parents home within 30 days of that custody transfer.

Q12. Estimate the percentage of your cases in which you provide notice to grandparents and other relatives that the child has been removed from the parent’s home within 30 days after the child is transferred to the custody of DCFS.



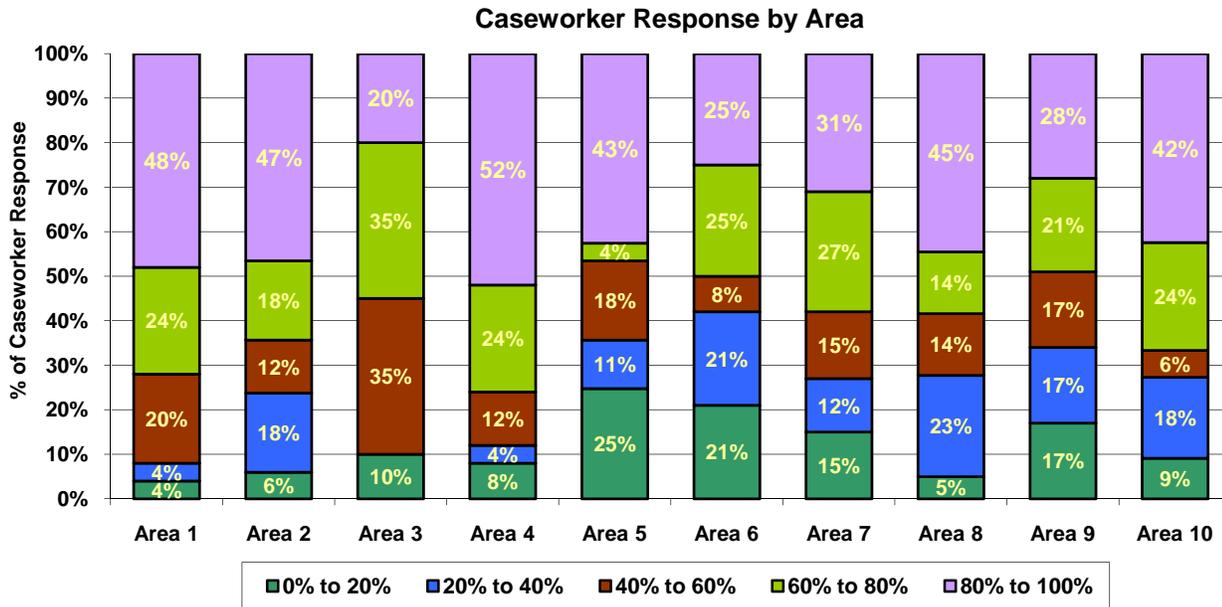
Caseworker Response Statewide

Answer	Count	Percent	20%	40%	60%	80%	100%
0% to 20%	<u>69</u>	<u>27.27%</u>	[Progress bar]				
20% to 40%	<u>42</u>	16.60%	[Progress bar]				
40% to 60%	<u>42</u>	16.60%	[Progress bar]				
60% to 80%	<u>45</u>	17.79%	[Progress bar]				
80% to 100%	<u>55</u>	21.74%	[Progress bar]				
Total	253	100%					

F.2.5. GRANDPARENTS CONSIDERED WHEN CHILD HAS HAD MORE THAN ONE PLACEMENT

In all but 2 areas, the majority of caseworkers estimated that in 60 percent or more of their cases they consider grandparents and other relatives as a placement option for a child who has had more than one foster care placement.

Q13. Estimate the percentage of cases in which you consider grandparents and other relatives as a placement option for a child who has had more than one (1) foster care placement.



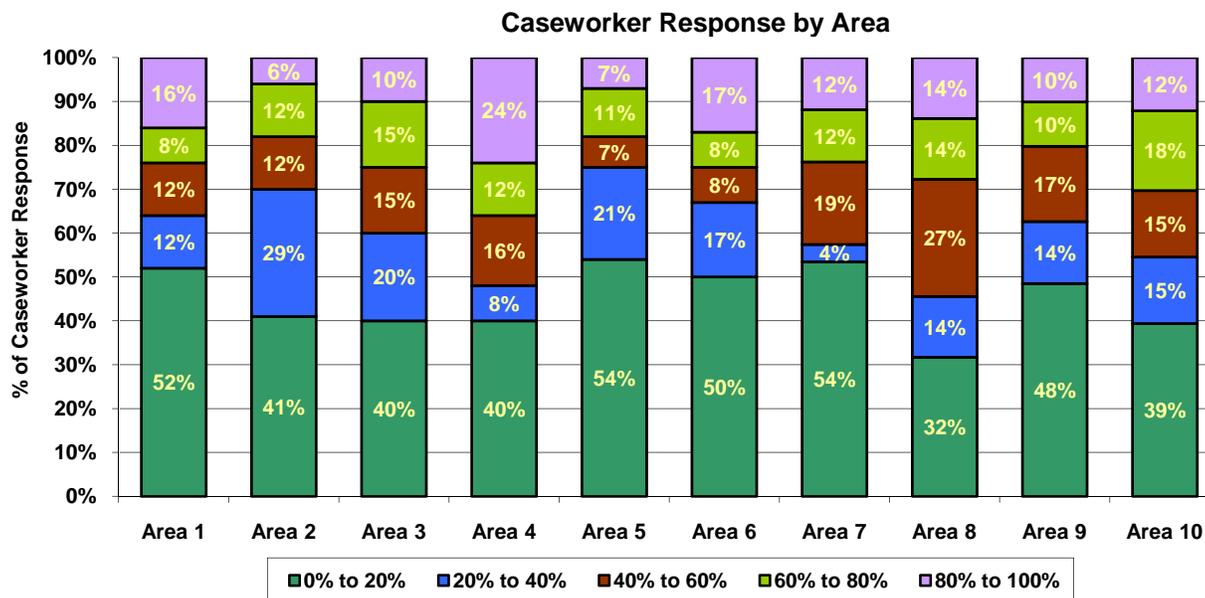
Caseworker Response Statewide

Answer	Count	Percent	20%	40%	60%	80%	100%
0% to 20%	<u>31</u>	<u>12.25%</u>	[Progress bar]				
20% to 40%	<u>33</u>	<u>13.04%</u>	[Progress bar]				
40% to 60%	<u>38</u>	<u>15.02%</u>	[Progress bar]				
60% to 80%	<u>54</u>	<u>21.34%</u>	[Progress bar]				
80% to 100%	<u>97</u>	<u>38.34%</u>	[Progress bar]				
Total	253	100%					

F.2.6. RECOMMEND VISITATION AFTER TERMINATION OF PARENTAL RIGHTS

Caseworkers were asked to estimate the percentage of their cases in which they recommend visitation between grandparents and other relatives and the child after termination of parental rights. The majority reported that this happened less than 40 percent of the time.

Q15. Estimate the percentage of your cases in which you recommend visitation between grandparents and other relatives and the child after termination of parental rights.



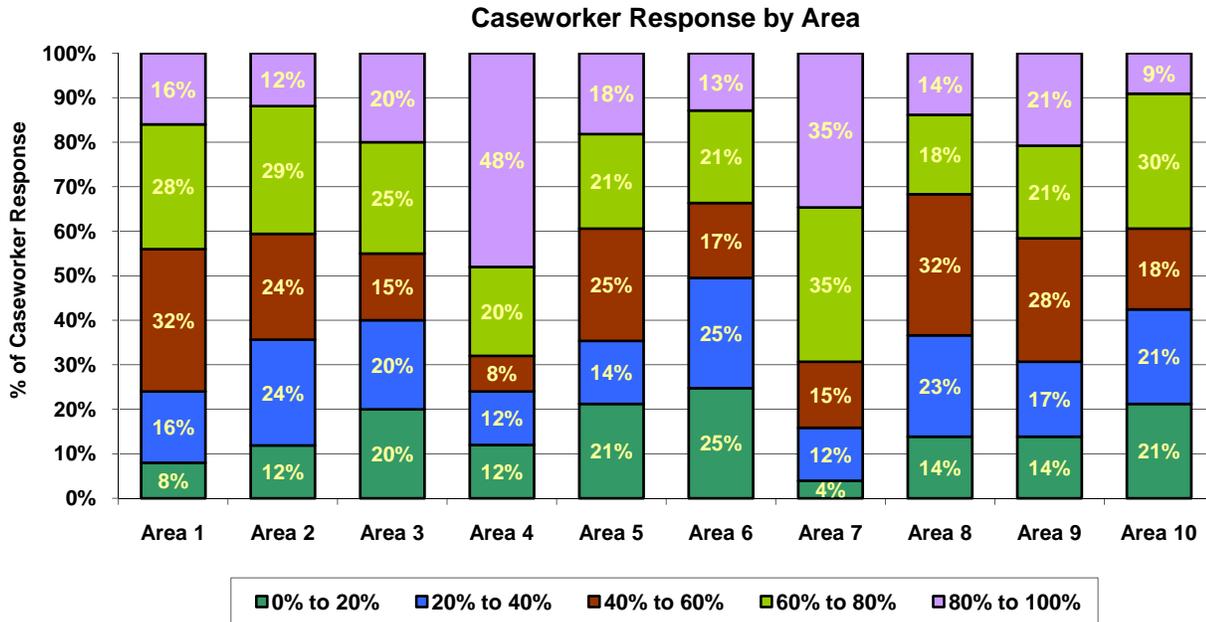
Caseworker Response Statewide

Answer	Count	Percent	20%	40%	60%	80%	100%
0% to 20%	<u>114</u>	<u>45.06%</u>	[Progress bar]				
20% to 40%	<u>38</u>	<u>15.02%</u>	[Progress bar]				
40% to 60%	<u>38</u>	<u>15.02%</u>	[Progress bar]				
60% to 80%	<u>30</u>	<u>11.86%</u>	[Progress bar]				
80% to 100%	<u>33</u>	<u>13.04%</u>	[Progress bar]				
Total	253	100%					

F.2.7. PERCENT OF RELATIVES RECOMMENDED

Three quarters of caseworkers statewide estimated that in 60 percent or more of their cases they recommended placement with their grandparents. However, there were only 2 areas where a majority of the workers said they recommended placement with grandparents in 60 percent or more of their cases.

Q18. Estimate the percentage of children in the custody of DCFS that you have recommended for placement with their grandparents or other relatives.



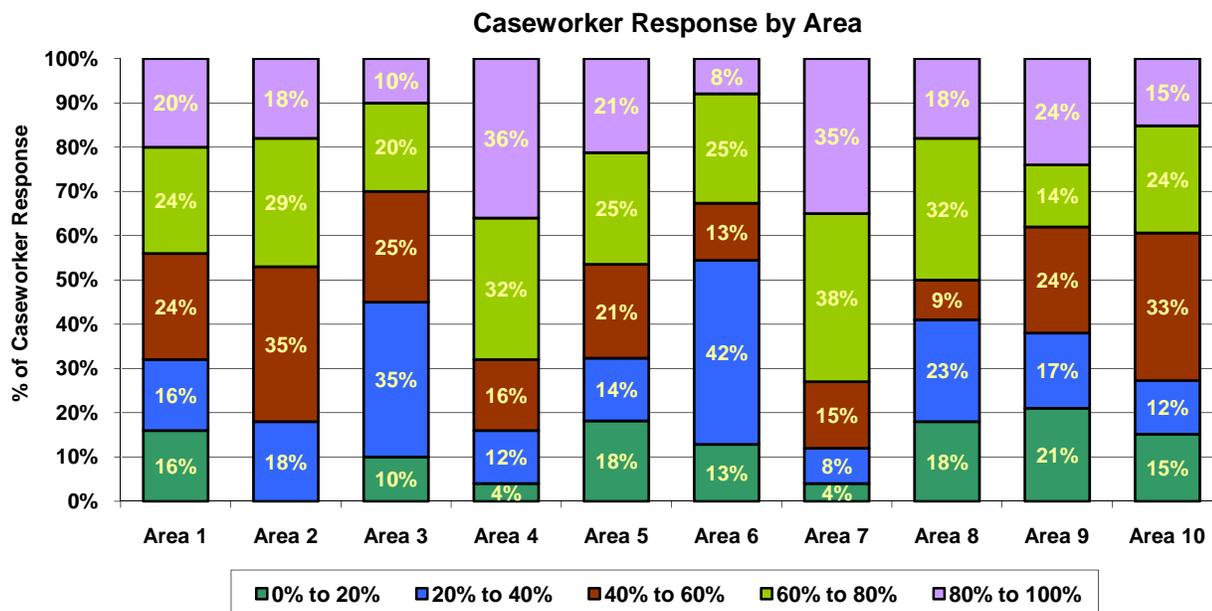
Caseworker Response Statewide

Answer	Count	Percent	20%	40%	60%	80%	100%
0% to 20%	<u>38</u>	<u>15.02%</u>	[Progress bar]				
20% to 40%	<u>46</u>	<u>18.18%</u>	[Progress bar]				
40% to 60%	<u>55</u>	<u>21.74%</u>	[Progress bar]				
60% to 80%	<u>63</u>	<u>24.90%</u>	[Progress bar]				
80% to 100%	<u>51</u>	<u>20.16%</u>	[Progress bar]				
Total	253	100%					

F.2.8.GRANDPARENTS ARE IN BEST INTERESTS

Over half of the caseworkers surveyed indicated that, in their experience, grandparent or relative placement is in the best interest of the child less than 60% of the time. This was true in all but 3 areas of the state.

Q19. In your experience, with your cases only, what percentage of the time are grandparents or other relative placements in the best interest of the child.



Caseworker Response Statewide

Answer	Count	Percent	20%	40%	60%	80%	100%
0% to 20%	<u>31</u>	<u>12.25%</u>	█				
20% to 40%	<u>47</u>	<u>18.58%</u>	█				
40% to 60%	<u>56</u>	<u>22.13%</u>	█				
60% to 80%	<u>66</u>	<u>26.09%</u>	█				
80% to 100%	<u>53</u>	<u>20.95%</u>	█				
Total	253	100%					

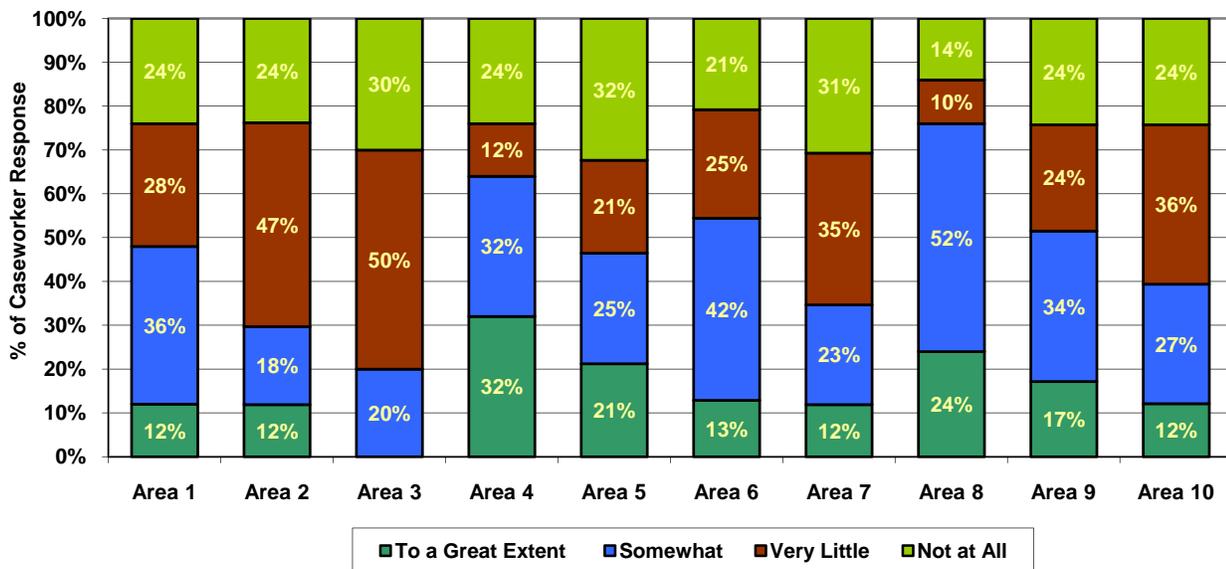
F.3.RESIDENCE BARRIERS TO RELATIVE PLACEMENT

F.3.1. DIFFERENT COUNTY

Caseworkers were asked, if otherwise qualified grandparents or other relatives reside in a different county, to what degree does that impact your efforts concerning placement with these relatives. Slightly less than half, 46 percent, said “somewhat” or “to a great extent.” Areas of the state with more than 50 percent of the caseworkers reporting “somewhat” or “to a great extent” were areas 4, 6, 8, and 9.

Q21. If otherwise qualified grandparents or other relatives reside in a different county, to what degree does that impact your efforts concerning placement of children just received into DCFS custody with these relatives.

Caseworker Response by Area



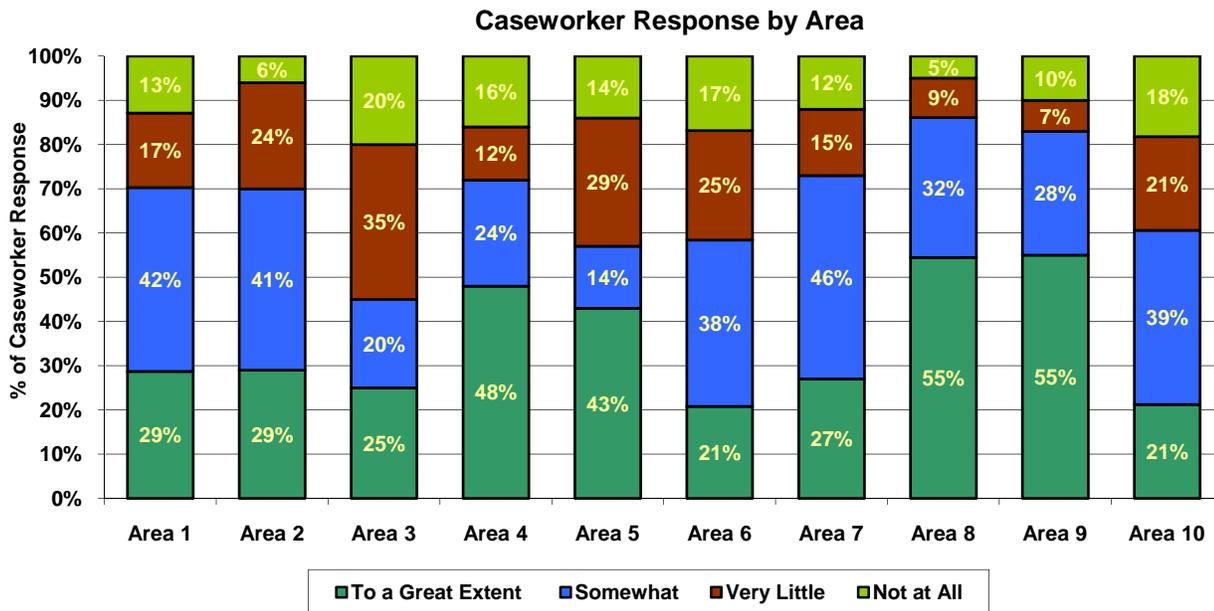
Caseworker Response Statewide

Answer	Count	Percent	20%	40%	60%	80%	100%
To a Great Extent	<u>39</u>	<u>15.48%</u>					
Somewhat	<u>78</u>	<u>30.95%</u>					
Very Little	<u>72</u>	<u>28.57%</u>					
Not at All	<u>63</u>	<u>25.00%</u>					
Total	252	100%					

F.3.2. DIFFERENT STATE

Caseworkers were asked the same question but the residence of the grandparents or other relatives was changed to a different state. In this case, 35 percent of the workers reported the out-of-state residence would impact their efforts to place children with relatives “to a great extent.” An additional 33 percent reported that this would impact their efforts “somewhat.” More than 50 percent of the caseworkers in areas 8 and 9 each reported that it would impact their efforts “to a great extent.”

Q22. If otherwise qualified grandparents or other relatives reside in a different state, to what degree does that impact your efforts concerning placement of children just received into DCFS custody with these relatives.



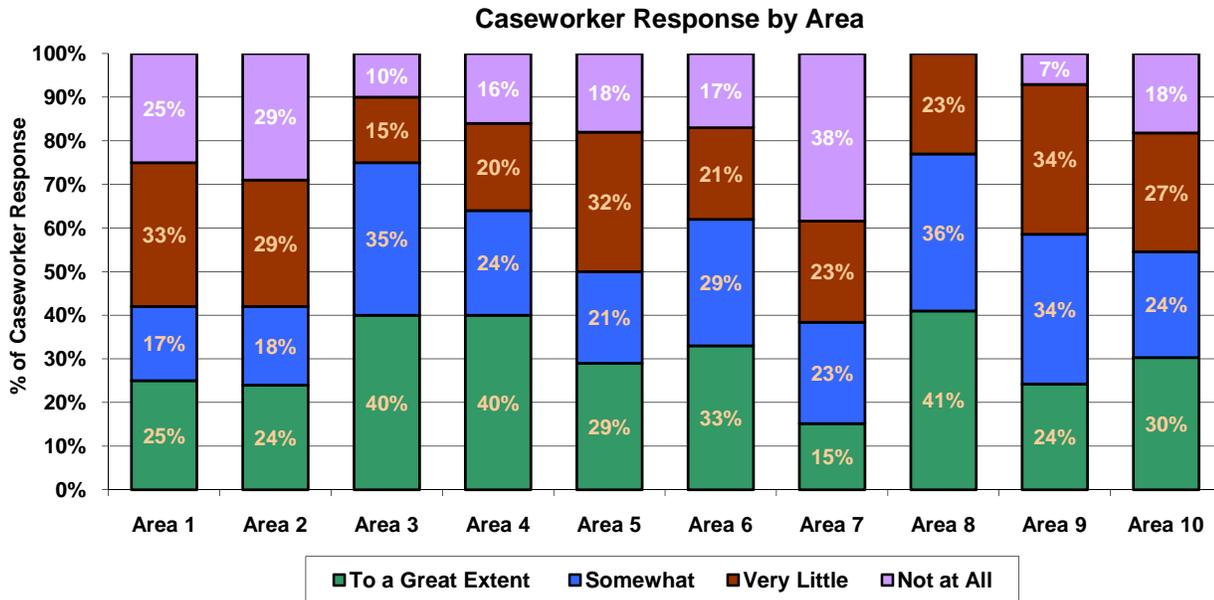
Caseworker Response Statewide

Answer	Count	Percent	20%	40%	60%	80%	100%
To a Great Extent	<u>89</u>	<u>35.32%</u>					
Somewhat	<u>82</u>	<u>32.54%</u>					
Very Little	<u>47</u>	<u>18.65%</u>					
Not at All	<u>34</u>	<u>13.49%</u>					
Total	252	100%					

F.3.3. EMERGENCY SHELTER IMPACT ON RELATIVE PLACEMENT

Caseworkers were asked, if a child is temporarily placed in an emergency shelter, to what degree does that impact your efforts concerning placement of the child with grandparents or other relatives? Approximately 30 percent of the workers said “to a great extent,” and another 26 percent said “somewhat.” Concern was highest in areas 3, 4, and 8.

Q23. If a child is temporarily placed in an emergency shelter, to what degree does that impact your efforts concerning placement of the child with grandparents or other relatives.



Caseworker Response Statewide

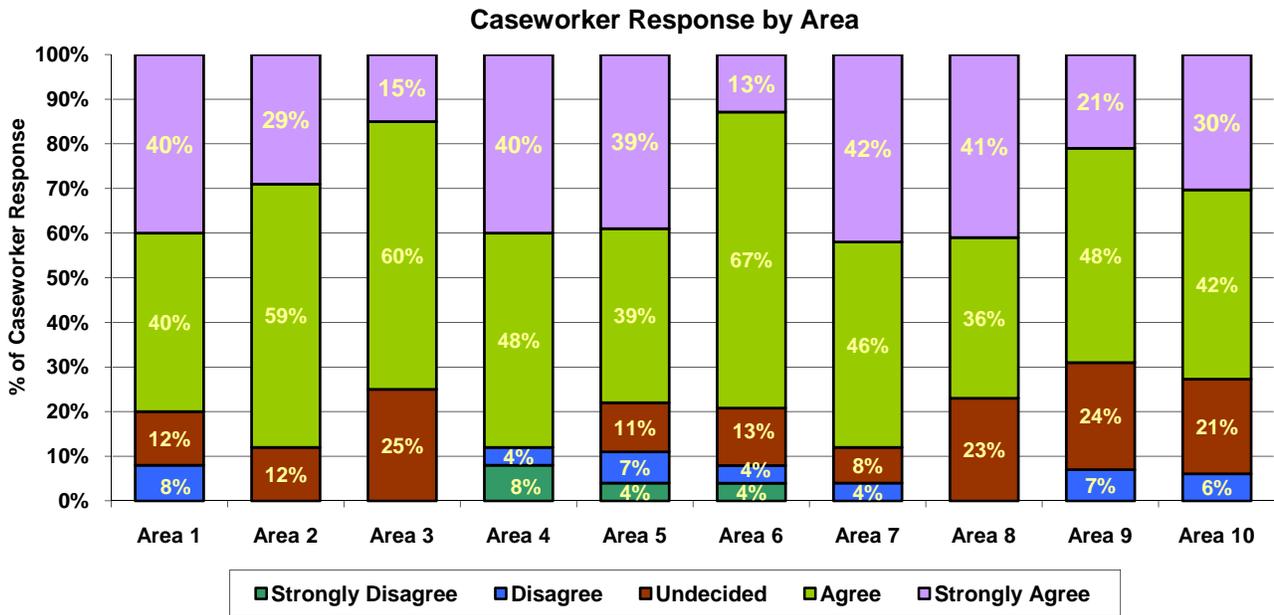
Answer	Count	Percent	20%	40%	60%	80%	100%
To a Great Extent	<u>74</u>	<u>29.37%</u>					
Somewhat	<u>65</u>	<u>25.79%</u>					
Very Little	<u>66</u>	<u>26.19%</u>					
Not at All	<u>47</u>	<u>18.65%</u>					
Total	252	100%					

F.4. CASEWORKERS' VIEWS OF THE PREFERENCES OF STAKEHOLDERS IN CHILD PLACEMENT

Nearly 80 percent of the caseworkers either agreed or strongly agreed that the Office of Chief Counsel attorneys prefer that grandparents and other relatives be considered for placement. An even larger number of caseworkers, 88 percent, indicated that DCFS leadership prefers that grandparents and other relatives be considered for placement. Caseworkers' perceptions of judges' views were similar, 82 percent. Also a majority of caseworkers agreed or strongly agreed that the ad litem attorneys prefer that grandparents and other relatives be considered for placement. However, in Area 6 half the caseworkers were undecided or disagreed.

F.4.1. VIEWS OF THE OFFICE OF CHIEF COUNSEL

Q2. The Office of Chief Counsel attorneys prefer that grandparents and other relatives be considered for placement.

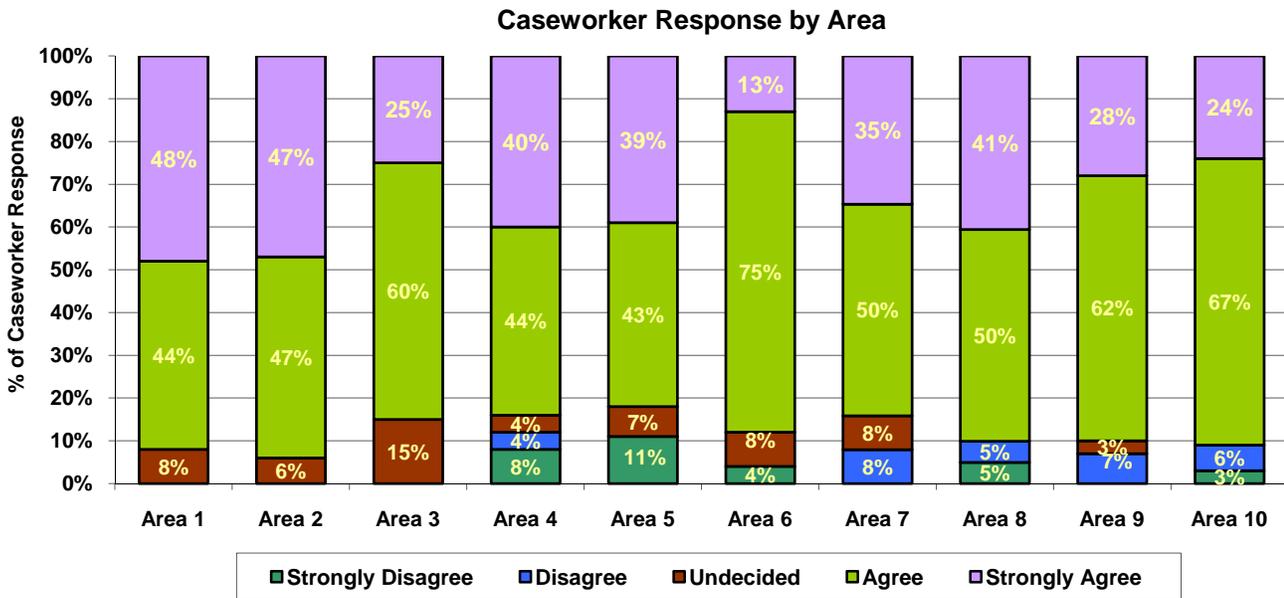


Caseworker Response Statewide

Answer	Count	Percent	20%	40%	60%	80%	100%
Strongly Disagree	<u>4</u>	<u>1.59%</u>					
Disagree	<u>11</u>	<u>4.37%</u>					
Undecided	<u>39</u>	<u>15.48%</u>					
Agree	<u>119</u>	<u>47.22%</u>					
Strongly Agree	<u>79</u>	<u>31.35%</u>					
Total	252	100%					

F.4.2. VIEWS OF DCFS LEADERSHIP

Q5. DCFS leadership prefers that grandparents and other relatives be considered for placement.



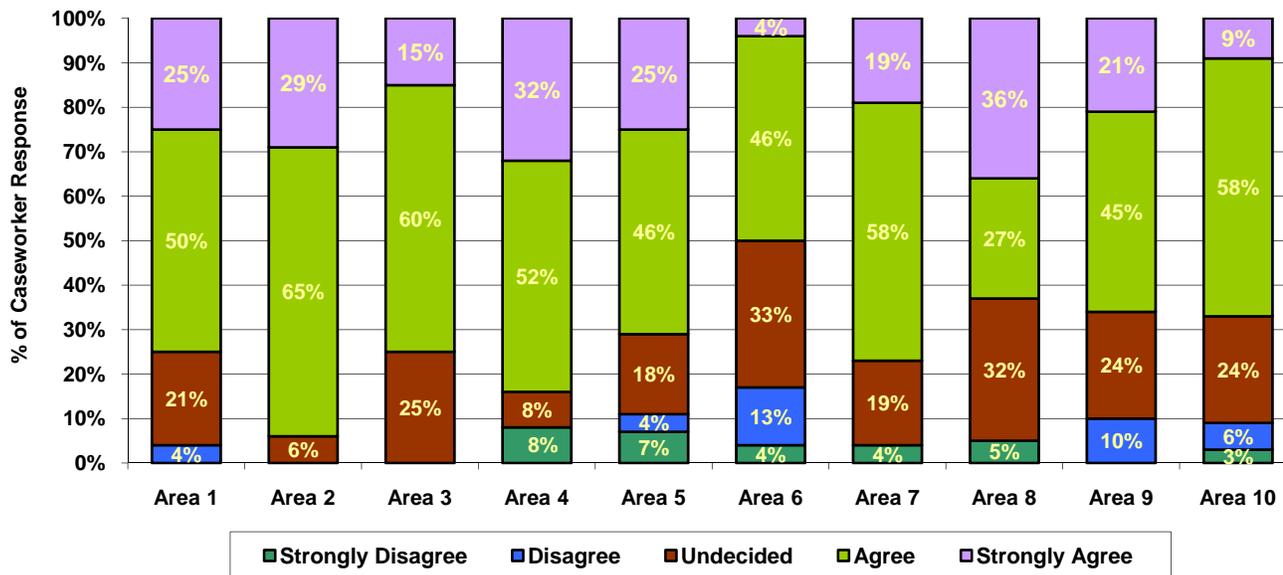
Caseworker Response Statewide

Answer	Count	Percent	20%	40%	60%	80%	100%
Strongly disagree	<u>8</u>	<u>3.20%</u>	█				
Disagree	<u>8</u>	<u>3.20%</u>	█				
Undecided	<u>14</u>	<u>5.60%</u>	█				
Agree	<u>136</u>	<u>54.40%</u>	████████████████████	████████████████			
Strongly Agree	<u>84</u>	<u>33.60%</u>	████████████████████	████████████████			
Total	250	100%					

F.4.3. VIEWS OF AD LITEM ATTORNEYS

Q9. The ad litem attorneys prefer that grandparents and other relatives be considered for placement.

Caseworker Response by Area

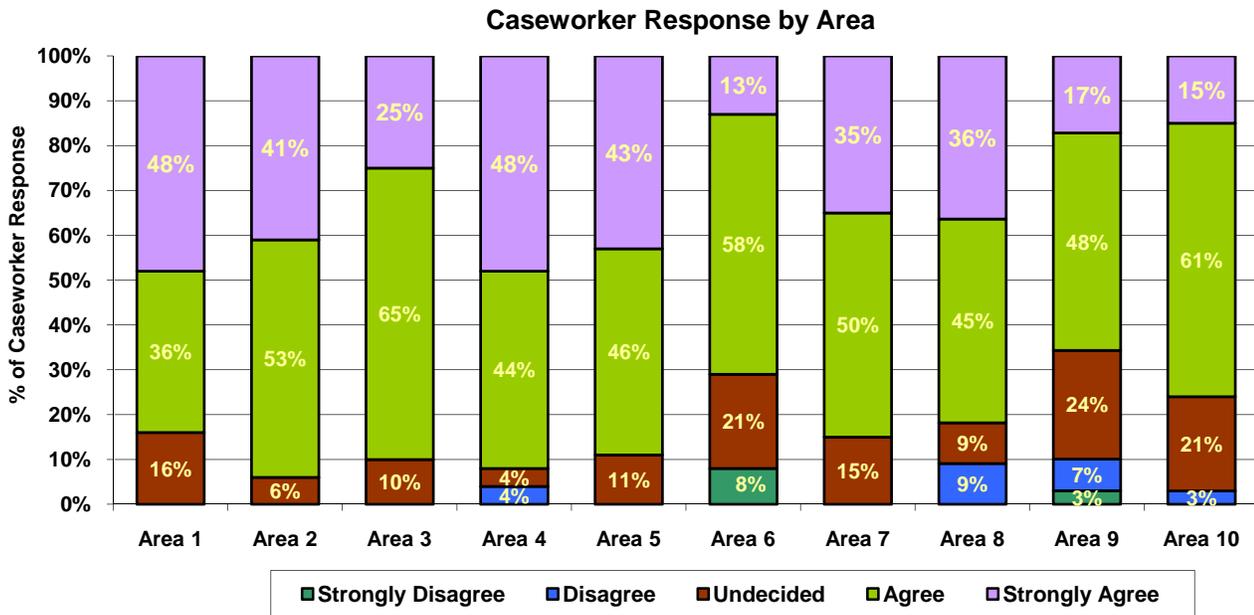


Caseworker Response Statewide

Answer	Count	Percent	20%	40%	60%	80%	100%
Strongly disagree	<u>8</u>	<u>3.16%</u>					
Disagree	<u>10</u>	<u>3.95%</u>					
Undecided	<u>53</u>	<u>20.95%</u>					
Agree	<u>127</u>	<u>50.20%</u>					
Strongly Agree	<u>55</u>	<u>21.74%</u>					
Total	253	100%					

F.4.4. VIEWS OF JUDGES

Q14. Judges prefer that grandparents and other relatives be considered for placement.



Caseworker Response Statewide

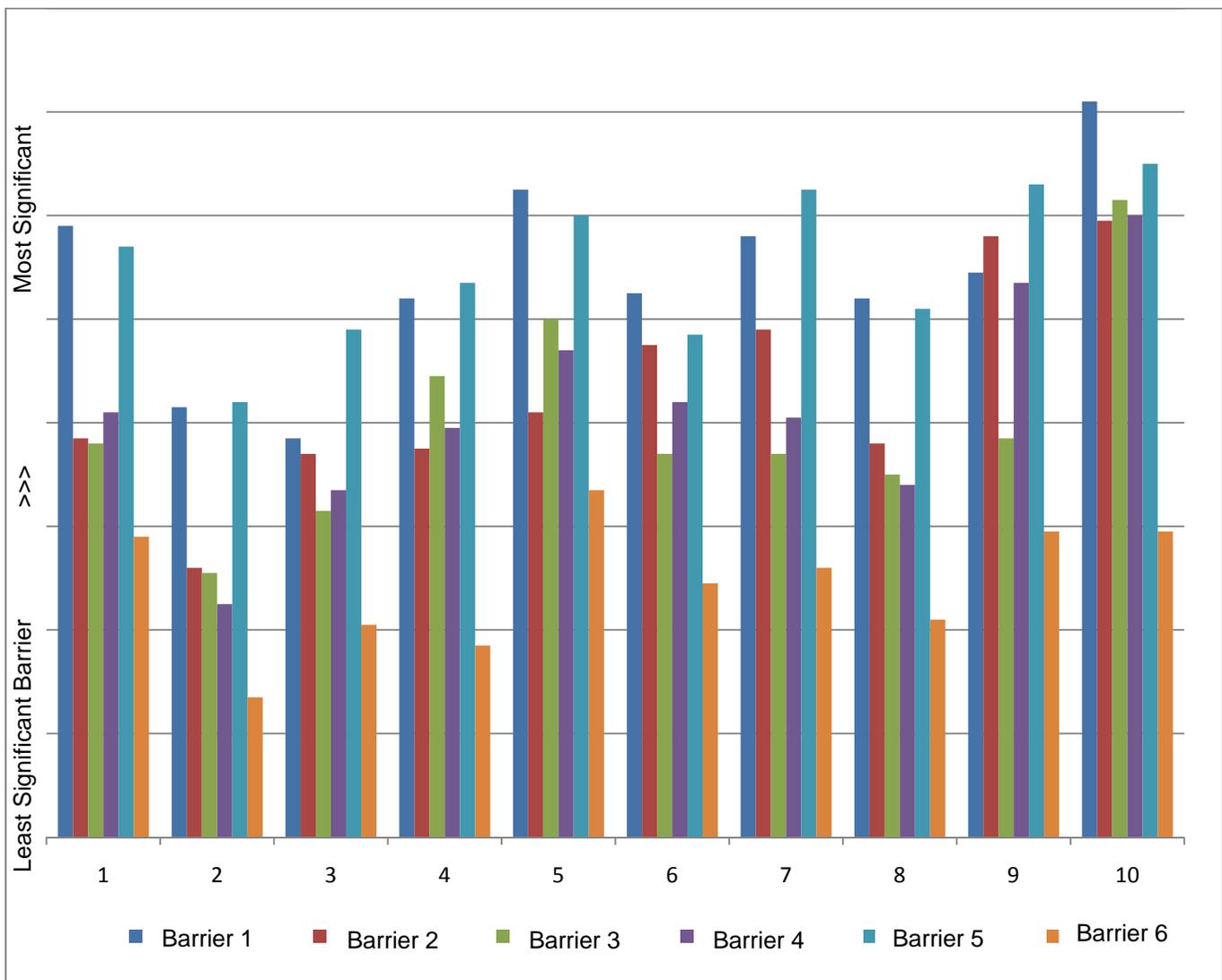
Answer	Count	Percent	20%	40%	60%	80%	100%
Strongly disagree	<u>3</u>	<u>1.19%</u>					
Disagree	<u>6</u>	<u>2.37%</u>					
Undecided	<u>37</u>	<u>14.62%</u>					
Agree	<u>126</u>	<u>49.80%</u>					
Strongly Agree	<u>81</u>	<u>32.02%</u>					
Total	253	100%					

F.5. BARRIERS TO SUCCESSFUL PLACEMENTS WITH GRANDPARENTS

Caseworkers were asked to rank the barriers to successful placements with grandparents and other relatives. All but one area reported that the lack of information needed to identify the relatives or the law enforcement history of relatives was the first or second most significant barrier to a successful placement with grandparents or other relatives. After those two, the age of the relatives ranked as the most significant barrier. Area 9 cited the age of the relatives as the second most significant barrier. These concerns were followed by the amount of the child's previous contact with relatives and the income of the relatives. Logistics with school location, transportation, etc. ranked as the least significant in every area.

Q16. Rank the barriers to successful placements with grandparents and other relatives from 1 to 6 with 1 being the most significant barrier and 6 being the least significant barrier.

1. Lack of information to identify the relatives
2. Age of relatives
3. Amount of the child's previous contact with relatives
4. Income of relatives
5. Law enforcement history of relatives
6. Logistics with school location, transportation, etc



F.5.1. OTHER BARRIERS

In the only open-ended question of the survey, caseworkers were asked to list any additional barriers not included in the ranking list.

The following items related to barriers within the families and potential caregivers:

- lack of adequate housing or space
- insufficient support system for the relative(s)
- medical history of the relatives (physical and mental health)
- the inability or unwillingness of the relative to limit contact with the child's parents if so instructed
- willingness of the relative to work with the court or DCFS
- willingness of the parents for a relative placement
- the presence of siblings

The child placement system barriers include an inadequate number of resource workers to complete provisional placements and the length of time required to get background checks and paperwork completed. Caseworkers also noted their own heavy caseloads, policy concerns, and the opinions of supervisors.

F.5.2. COMMENTS FROM THE CASEWORKERS CONCERNING BARRIERS

There were multiple comments on most of these topics. A few comments have been chosen as illustrative of the barriers cited. The comments have not been edited for grammar. In a very few cases brackets [] were inserted to indicate material had been reworked so that it conveyed the same information without permitting an individual worker to be identified.

1. Kinship benefits, most grandparents are on limited incomes. They need assistance to care for the children, especially when permanent custody is the goal.
2. We have resource workers that are to complete the provisional placements and open for approval. We do not have enough resource workers to do this. We as Family Services Workers are not trained to complete the paperwork and are not knowledgeable in the necessary steps and paperwork to complete the process for these provisional placements. It would be nice for a child to go straight to a relative's home once taken into DCFS custody and not have to be placed in a foster home if possible. The child's life would be less disrupted.
3. There are many times a child enters care that case workers are unaware of other relatives, due to investigators not providing the needed information.
4. Excessive time needed for Interstate Compact on Placement of Children. (It has been more than 5 months for an expedited REG. 7 with no word yet.)
5. It takes about two months to get background and central checks to complete home study's. I had a Court Ordered home study and it took over a month to get them back.
6. Our Judge does not allow provisional foster homes.
7. The decision does not need to be the attorney's, they do not see the families, or go to the homes.
8. Issues such as substance abuse, mental health issues, poor or even dangerous parenting styles, lack of education or job skills, or tendency to criminal behavior can be common to multiple members of the extended family system and limit the workers choices for identifying an appropriate family placement.

9. History of abuse or neglect that is more than 15 years old, things that sometimes occurred when the relative or grandparent was a minor. When considering a relative the age of the offense, the treatment or services received, and the fact that no other offense occurred should be considered.
10. Relatives awareness of maltreatment and lack of action to prevent or stop it; relatives' unwillingness to protect the child- makes excuses or lies for the parent, blames the child instead of the parent; relatives unwillingness to follow court orders regarding contact with the parents.
11. Special needs of the child that cannot be met by relatives identified.
12. Another issues is the relatives' willingness or ability to work on case goals. This issue can range from grandparents who avoid DHS post-placement because they don't feel the government should be involved in their family's life.
13. Parents unwilling to give any possible relatives available for placement for fear of not being reunited with their children.
14. Relatives willingness to foster children. Most would rather have custody. Home studies take 30 days to complete most of the time.
15. A third and common issue is the issue of siblings. Relatives may be related to one child but not the other siblings, or may even want one child and not the others.
16. Caseworkers do not have the time needed to be able to identify relatives and get home studies requested or to complete the home study for placement of children. This Family Services Worker currently has [approx. 40 cases] foster children. There is only time to put out fires and deal with immediate issues and not enough time to provide quality service to any of the families and/or foster children on my workload.
17. Having the time to locate and spend the time needed on each case to find appropriate placements. We are overloaded with only [-] case workers and nearly [50] cases therefore being so short staffed it is nearly impossible to do good case work instead we have to spend time putting out fires.
18. Conflict between workers and supervisor when a child is removed and worker immediately starts exploring grandparents/other relatives for possible placements and supervisor disagrees with the decision to do so.
19. Guidelines for provisional foster parents are too strict for grandparent or relative to meet.
20. I feel that after all back ground checks and home studies are completed and return favorable the children/child should be placed. The time that it takes for the relatives to complete foster pride training or be signed up for the training can be time consuming. I think it would benefit the children if the they can be placed and when the training is completed the relative receive a subsidy. If the state is willing to pay a foster home for a undetermined amount of time why not do the same for a relative. I always encourage relative placement but also inform them that they are taking on a new person with needs and ensure that they can accommodate that child(ren) based on their income. I provide them with TEA and ARKids information as well but let them know that the bulk of the care will be their responsibility.
21. Judge's refusal to place out of state when reunification is the goal, length of time to complete an ICPC home study, having to go through a formal home study process on a non-offending parent who does not have custody at the time of removal even though an informal CHRIS search, criminal background check, and walk through could all be completed the same day, this is a barrier with other relatives too.
22. The lack of consideration some counties give paternal grandparents in cases. The rules concerning placing children in the homes of putative fathers is sometimes unfair to putative grandparents.

23. The requirements/ process for the relatives to be considered a placement provider are so stringent that most of our clients do not meet the criteria. DCFS needs to be more flexible when considering the relatives. We need to look at the whether a driving record or foster care is more detrimental to the child.
24. Having the knowledge of what the law is compared to policy of DCFS. Sometimes it seems that they contradict each other and then we are left to make a decision that could be misconstrued as the wrong placement.
25. It seems that the Attorneys Ad Litem in past cases do not agree with allowing children that the parents have had Termination of Parental Rights to continue to have contact with the children as they view it a hindrance for the children to move forward and attach to a possible potential future family.
26. No legal requirement for visitation other than the legal parents of the child.
27. When the Agency finds relatives who are willing to take the children and/or adopt the children; the Court system sometimes frown on the placement with the relative .
28. In my county, we have a high percentage of Hispanic population. A lot of these people have left their parents in Mexico. It is impossible to try to locate these people...not only is there a language barrier, a lot of these people are illegal and they do NOT like to give out information thinking that we, DCFS, will turn them in to immigration.
29. Holding families homes up to foster parent standards, i.e. square footage per child, windows in rooms, etc.
30. Supervisor's prejudicial attitude towards grandparents.
31. Are parental rights terminated because if so by policy we do not recommend relatives any further.

G. BEST PRACTICES SUMMARY

The Pew Foundation has recently released a report of kinship care practices throughout the nation. That report can be found in its entirety in Appendix H.

G.1. ILLINOIS

An example of state collaboration. In Illinois, numerous state agencies have partnered to publish in collaboration a list of services available for kinship families, making it easier for grandparents and other relatives to find support and assistance. Illinois also utilizes federal funds from the National Family Caregiver Support Program (NFCSP), a part of the 2000 Older Americans Act, to provide 5 types of supportive services to relatives age 55 and older raising children:

1. Assistance to caregivers about available resources;
2. Assistance to caregivers in gaining access to support services;
3. Individual counseling, organization of support groups, and training caregivers;
4. Respite care services; and
5. Supplemental services on a limited basis.

There is a 10% limit on the amount of NFCSP funds that can be used to aid grandfamilies. Illinois has utilized NFCSP funds, as well as state funds, to provide legal assistance to relatives over the age of 55 who are raising children. The Extended Family Support Program in the Illinois Department of Children and Family Services refers relatives to appropriate agencies where they are assigned a case manager who will assist them in getting a private guardianship. The department pays for filing fees, notification fees, and goes to court with the relatives. The department also assists with the purchase of clothing, beds and other supplemental services that the family may require.

G.2. LOUISIANA

Subsidized guardianship for kinship families outside of the foster care system. Louisiana established the Kinship Care Subsidy Program in 1999 to provide a subsidy for kinship caregivers who possess or obtain legal custody or guardianship of a child living in the home within one year. Louisiana uses TANF funds to finance its subsidy program.

Louisiana has also participated in the Family Unification Program operated by the federal Housing and Urban Development (HUD). The program provides funds to provide Section 8 housing vouchers for families who have been identified as at-risk of entering foster care due to lack of housing. In October 2004, the Grandparent's House was opened in Baton Rouge. The complex includes 3 two-story buildings with 10 two-bedroom units in each one. In addition, support services are located on site, such as the Grandparents Raising Grandchildren information center. See Appendix I for additional Louisiana information and for other guardianship subsidy information.

G.3. NEW YORK

The State of New York operates a Kinship Navigator system providing families with access to kinship specialists, including attorneys, and a website. The program also works with kinship service providers to get better outcomes for children. Types of assistance provided include:

- identifying local resources
- providing information on state and federal laws

- identifying eligibility for benefits
- accessing resources and assistance

The website provides links to county and local resources through an interactive state map, information on kinship events across the state, fact sheets, an interactive caregiver forum, and news and articles affecting kinship care. The link for the website is www.nysnavigator.org. The New York State Kinship Navigator is funded by the New York State Office of Children and Family Services.

H. RECOMMENDATIONS

At the conclusion of the hearing held on September 14, 2010, Representative Jonnie Roebuck asked all stakeholders in the room, including state agencies, to work together to come up with a list of recommendations and solutions to the issues discussed during the course of the study. The group presented their list of recommendations to Representative Roebuck on October 28, 2010.

H.1. RECOMMENDATIONS FOR ASSISTING RELATIVES WHO HAVE KIN IN THE CHILD WELFARE SYSTEM

1. To provide more information to relatives about the process when a child enters the foster care system and ways the relative can be involved in the process.
 - A handbook for relatives will be written that describes the foster care system process and how relatives can be involved. Juvenile Judge Joyce Warren wrote a similar handbook for parents in dependency and neglect cases. DCFS also has a publication (PUB-11) *What Happens When Your Child and Family Are Involved with DCFS*, which is designed to explain the system to caregivers with a focus on parents. Both of these can be used as a template. It is important that it is written in an easy to understand format. DCFS, the Administrative Office of the Courts (AOC), and Arkansas Voices will work to develop the handbook and look for ways to publish and publicize it. Arkansas Voices has volunteered to lead the development of the handbook with input and final approval from AOC and DCFS. Funding is needed to publish the handbook. DCFS will revise their publication to also focus on relatives. *(Timeframe: Publication will be completed by the first quarter of 2011.)*
 - A training will be provided by DCFS to relatives about the foster care system process and how relatives can be involved. It should also include a component to assist relatives with issues they may be dealing with as their relationship with the child changes. For example, they may be assuming the role of a foster parent or the child may be adopted by another family. It is suggested that kinship relatives should also be trained as trainers so that they may provide training to other relatives and serve as resources to relatives. DCFS will conduct several sessions around the state and also at their state-wide foster parent conference and local conferences. *(Timeframe: Training will be completed by June 30, 2011 and incorporated into ongoing trainings.)*
 - A training will be provided to child welfare professionals (i.e., DCFS workers, Attorneys Ad Litem, DCFS attorneys, parent counsel, CASA volunteers, and service providers) by DCFS and AOC on the importance of reaching out to relatives, relatives rights under state and federal law, and how to engage relatives in the process to provide better outcomes for children and families. *(Timeframe: AOC will conduct the training "Engaging Relatives" for juvenile judges, Attorneys Ad Litem (AAL), parent counsel, and CASA at their annual Children in the Courts Conference in May 2011 for judges and attorneys. This training may also be attended by the DCFS field*

attorneys. AOC will conduct the training for CASA volunteers at the CASA Conference in September 2011. DCFS will have their training completed by June 30, 2011.)

- DCFS will review a sample relative notification letter from a national resource to see if the DCFS notification letter can be made friendlier and easier to understand. It is suggested that longtime caregivers review the letter for feedback. *(Timeframe: Letter will be included in the next promulgation packet.)* As part of the legislative report, it is suggested that the steps DCFS is already doing to help locate relatives be included.
- DCFS and Arkansas Voices will work together to find ways to make sure relatives feel welcomed in DCFS local offices (e.g., signage in a DCFS office that lets them know they are important). *(Timeframe: First meeting will take place in November 2010.)*

2. To ensure DCFS adoption specialists let adoptive parents know if there are biological relatives who have close relationships with the child.

- In some cases the adoptive parents are not aware that there are relatives who have a close relationship with the child. Many times these are very important relationships for the child to continue for their well-being. The decision is up to the adoptive parent whether the relationship should be continued. *(Timeframe: Training will take place at monthly DCFS adoption specialist meeting in November 2010 and incorporated into ongoing trainings.)*

H.2. RECOMMENDATIONS FOR ASSISTING RELATIVES WHO ARE RAISING KIN OUTSIDE OF THE CHILD WELFARE SYSTEM

1. Help relatives obtain legal guardianships through the court system by creating a pro se guardianship form for uncontested guardianships.
 - The Arkansas Access to Justice Commission will lead a work group that includes the Administrative Office of the Courts, the Division of Aging, Arkansas Voices, AARP, and a Legal Service Attorney to: (1) create a form pro se guardianship petition and instructions for uncontested guardianships of minors; and (2) develop ways to publicize the form through programs that serve relative caregivers. *(Timeframe: Form and instructions will be completed by the end of the first quarter of 2011.)*
2. The Department of Workforce Services will evaluate the current programs funded through the TANF block grant to determine if the programs should be continued and if programs that assist relative caregivers would be a more effective use of the TANF money.
 - A request for proposals has been developed by DWS and will soon be sent to organizations to submit a proposal to conduct the evaluation. *(Timeframe: Evaluation will be completed by September 30, 2011.)*
3. The Division of County Operations and the Department of Workforce Services will include as part of their training for staff members of local offices the importance of assisting relatives and to make sure relatives know about the programs that can assist them in raising their kin. *(Timeframe: Training will be completed by the first quarter of 2011 and incorporated into ongoing trainings.)*
4. The Division of County Operations, the Division of Workforce Services, and Arkansas Voices will work together to find ways to make relatives feel welcomed in local offices (e.g., signage) and to update the handbook for relatives that describes the services available to relatives caring for kin. Funding is needed to publish the handbook. *(Timeframe: First quarter of 2011.)*

H.3. GENERAL RECOMMENDATION

1. DCFS, Division of County Operations, Division of Aging, Arkansas Voices, and AARP will work together to find opportunities to educate the public and other service professionals about the important role of relatives in raising children and the resources available.
 - Look for opportunities and grants to hold public forums and conduct public campaigns.
 - Education other service professionals (e.g., medical professionals) who come into contact with relatives raising children about the resources available to relatives so that they can refer them to services.
2. Dedicate more state funds for substance abuse treatment for parents.
 - There is very little state funding for substance abuse treatment for parents. If more parents could receive quality treatment, the number of children in the foster care system and the number of children being raised by relatives would be less.

APPENDIX A - INTERIM STUDY PROPOSAL 2009-186

1 INTERIM STUDY PROPOSAL 2009-186

2

3 REQUESTING THE HOUSE COMMITTEE ON AGING, CHILDREN AND YOUTH,
4 LEGISLATIVE & MILITARY AFFAIRS AND THE SENATE INTERIM COMMITTEE
5 ON CHILDREN AND YOUTH TO COMPREHENSIVELY STUDY THE GOALS, POLICY
6 INITIATIVES, PROGRAMS, PROCEDURES, AND RULES OF THE DEPARTMENT OF
7 HUMAN SERVICES THAT IMPACT ADULT GRANDPARENTS AND OTHER ADULT
8 NONPARENTAL RELATIVES OF CHILDREN REMOVED FROM THE CUSTODY OF
9 THEIR PARENTS AND PLACED IN THE CUSTODY OF THE DEPARTMENT.

10

11 WHEREAS, in Arkansas, more than thirty-three thousand six hundred
12 (33,600) grandparents are responsible for grandchildren living with them
13 because the parents of the children are unable or unwilling to care for the
14 children; and

15

16 WHEREAS, there are a number of children who are removed from the home
17 of their parents and placed in the custody of the Department of Human
18 Services without providing notice of the removal and an opportunity to
19 request custody of or visitation with the child to adult grandparents and
20 other adult nonparental relatives; and

21

22 WHEREAS, it has been reported by adult grandparents, other adult
23 nonparental relatives, and child advocates that the department exhibits
24 behavior which may demonstrate a bias against adult grandparents and other
25 adult nonparental relatives and that the relatives may be treated unfairly by
26 caseworkers in determining placement and visitation, a bias and unfairness
27 that can negatively impact the child if essential attachments that the child
28 has to the relatives are reduced or eliminated; and

29

30 WHEREAS, Act 1311 of 2009 requires notice to all adult grandparents and
31 other adult nonparental relatives of the child transferred to the custody of
32 the Department of Human Services, and this law was enacted to improve the
33 outcomes of children who are placed in the custody of the department by
34 giving adult grandparents and other adult nonparental relatives the
35 opportunity to obtain custody or be awarded visitation instead of placing the
36 child with strangers or isolating the child from his or her family; and

1
2 WHEREAS, Act 325 of 2009 amended the Arkansas Subsidized Guardianship
3 Act, 9-8-201 et seq., in an effort to ensure that Arkansas is eligible for
4 federal funding for the guardianship subsidy, should such funding become
5 available; and

6
7 WHEREAS, because permanency placement is a goal for children in foster
8 care, the department often seeks termination of parental rights so that the
9 child can be adopted; and

10
11 WHEREAS, when parental rights are terminated, the adult grandparent and
12 other adult nonparental relatives of the child are declared for all legal
13 purposes as not related to the child and all rights to the child are
14 terminated regardless of any attachments the child may have to the relatives,
15 a legality of which most of the adult grandparents and other adult
16 nonparental relatives are unaware; and

17
18 WHEREAS, after parental rights are terminated, some children in the
19 custody of the department are never adopted; the children "age out" of the
20 foster care system upon reaching eighteen (18) years of age and enter
21 adulthood with no remaining ties to their biological family; and

22
23 WHEREAS, Act 391 of 2009, codified at Arkansas Code § 9-27-363, created
24 the Arkansas Foster Youth Transitional Plan that was enacted to address this
25 issue by requiring the department to develop a transitional plan for every
26 child in foster care not later than the child's seventeenth birthday or
27 within ninety (90) days of entering a foster care program; and

28
29 WHEREAS, the procedures of termination of parental rights are
30 statutorily created procedures, and the General Assembly has the
31 constitutional authority to amend these procedures as times change to ensure
32 the best interests of children are served; and

33
34 WHEREAS, due to dramatic changes in society in the last twenty (20)
35 years and the increase in the number of children whose relationships with
36 their parents are legally terminated, a procedure is necessary to allow the

I.S.P. 2009-186

1 continuation of relationships between the child and his or her adult
2 grandparents and other adult nonparental relatives after termination of
3 parental rights if the continuation of the relationship is in the best
4 interest of the child,

5

6 NOW THEREFORE,

7 BE IT PROPOSED BY THE HOUSE COMMITTEE ON AGING, CHILDREN AND YOUTH,
8 LEGISLATIVE & MILITARY AFFAIRS AND THE SENATE INTERIM COMMITTEE ON CHILDREN
9 AND YOUTH OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

10

11 THAT the House Interim Committee on Aging, Children and Youth,
12 Legislative & Military Affairs and the Senate Interim Committee on Children
13 and Youth comprehensively study the goals, policy initiatives, programs,
14 procedures, and rules of the Department of Human Services that impact adult
15 grandparents and other adult nonparental relatives of children removed from
16 the custody of their parents and placed in the department's custody.

17

18 BE IT FURTHER PROPOSED, that the Department of Human Services provide a
19 response in writing to this proposal to the committee chairs within sixty
20 (60) days of adoption of this proposal, be available to provide additional
21 information as needed, and be available for testimony to explain the written
22 submission at later committee meetings on the following:

23 1. An explanation on the goals, policy initiatives, programs,
24 procedures, and rules for ensuring that the department complies with Act 1311
25 of 2009;

26 2. Data on the number of children Act 1311 of 2009 will affect
27 each year;

28 3. An explanation of and citations to legal authority for
29 penalties available under state and federal law for the failure of the
30 department to notify adult grandparents and other adult nonparental
31 relatives;

32 4. Information on training that caseworkers and staff receive on
33 notifying and working with:

34 a. Adult grandparents and other adult nonparental
35 relatives; and

36 b. Aging adult grandparents and other aging nonparental

1 relatives who are seeking custody or visitation;

2 5. An explanation on the goals, policy initiatives, programs,
3 procedures, and rules that the department is implementing or considering to
4 implement to address the issue of children in the custody of the department
5 with three (3) or more foster care placements in a one-year period within
6 agency foster homes or agency provider locations or both, including a change
7 in placement with a contracted provider that moves a child to a different
8 provider location, to determine if placement or visitation with an adult
9 grandparent or other adult nonparental relative could improve the outcome for
10 the child, regardless of whether parental rights have been terminated;

11 6. Data from the most recent twelve-month period for which
12 complete data are available on the number of children in the custody of the
13 department, regardless of age, that have had three (3) or more foster care
14 placements in a one-year period within agency foster homes or agency provider
15 locations or both, including a change in placement with a contracted provider
16 that moves a child to a different provider location;

17 7. Data from the most recent twelve-month period for which
18 complete data are available on the total number of children in foster care,
19 regardless of age, with goals other than return home to parent, including
20 data on the number of children with each category of different types of goals
21 other than return home to parent;

22 8. Data from the most recent twelve-month period for which
23 complete data are available on sibling groups identified with different goals
24 other than return home to parent, including specific data on the types of
25 different goals that sibling groups are assigned;

26 9. An explanation on the goals, policy initiatives, programs,
27 procedures, and rules that the department is implementing or considering to
28 implement to address the issue of children in the custody of the department
29 whose parents have had parental rights terminated but who have not yet been
30 placed in an adoptive home and who have adult grandparents and other adult
31 nonparental relatives who wish to seek custody or visitation with the child;

32 10. A summary of the goals, policy initiatives, programs,
33 procedures, and rules that the department has for improving the outcomes of
34 children in its custody by pursuing placement or visitation with adult
35 grandparents and other adult nonparental relatives;

36 11. An explanation on the goals, policy initiatives, programs,

I.S.P. 2009-186

1 procedures, and rules that the department is implementing or considering to
2 implement regarding the changes made by Act 325 of 2009, which amended the
3 Arkansas Subsidized Guardianship Act, 9-8-201 et seq., and the availability
4 of federal funding for guardianship subsidies; and

5 12. An explanation on the goals, policy initiatives, programs,
6 procedures, and rules that the department is implementing or considering to
7 implement regarding the changes made by Act 391 of 2009, codified at Arkansas
8 Code § 9-27-363, that created the Arkansas Foster Youth Transitional Plan.

9
10 BE IT FURTHER PROPOSED, that other stakeholders, including without
11 limitation, the Administrative Office of the Courts, attorney ad litem,
12 parent counsel, any member of the court system, or any organization or
13 individual that has relevant information for the committees to consider
14 related to this proposal, are invited to provide a response to this interim
15 study proposal, a response to the Department of Human Services' response, or
16 a response to both.

17
18 BE IT FURTHER PROPOSED, that the House Committee on Aging, Children and
19 Youth, Legislative & Military Affairs and the Senate Committee on Children
20 and Youth seek expert testimony on the practices, policies, programs,
21 procedures, and rules that other states are using to improve outcomes for
22 children removed from the custody of their parents by placing the child with
23 adult grandparents and other adult nonparental relatives.

24
25 BE IT FURTHER PROPOSED, that the House Committee on Aging, Children and
26 Youth, Legislative & Military Affairs and the Senate Committee on Children
27 and Youth seek expert testimony on the psychological effects, including
28 reactive attachment disorder, that reducing or eliminating contact with adult
29 grandparents and other adult nonparental relatives may have on the child.

30
31 Respectfully submitted,

32
33
34
35 Representative Johnnie Roebuck
36 District 20

I.S.P. 2009-186

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

Representative Mike Burris
District 26

Filed Date: 08/26/2009 By: JSE/jse

APPENDIX B - SR 26

1 State of Arkansas
 2 87th General Assembly
 3 Regular Session, 2009

SR 26

4
 5 By: Senator Salmon
 6
 7

8 **SENATE RESOLUTION**

9 REQUESTING THE SENATE COMMITTEE ON CHILDREN AND
 10 YOUTH CONDUCT AN INTERIM STUDY ON THE ISSUE OF
 11 GRANDPARENTS RAISING GRANDCHILDREN AND THE
 12 FEASIBILITY OF PROVIDING A SUBSIDY TO LOW TO
 13 MODERATE INCOME GRANDPARENTS RAISING
 14 GRANDCHILDREN.

15
 16 **Subtitle**

17 REQUESTING AN INTERIM STUDY ON
 18 GRANDPARENTS RAISING GRANDCHILDREN AND
 19 THE FEASIBILITY OF PROVIDING A SUBSIDY
 20 TO GRANDPARENTS RAISING GRANDCHILDREN.
 21
 22

23 WHEREAS, as the number of orphaned and neglected children swells,
 24 states increasingly are turning for help to grandparents and other family
 25 members to care for abandoned children; and
 26

27 WHEREAS, relatives provide homes for the vast majority of children
 28 whose parents can no longer care for them, saving taxpayers billions of
 29 dollars a year in child welfare costs in the United States; and
 30

31 WHEREAS, without other family members to provide care, the soaring
 32 number of children left behind by parents in military service or suffering
 33 from drug addictions, domestic violence, incarcerations, and autoimmune
 34 deficiency syndrome duty would choke already-clogged child welfare systems;
 35 and
 36



03-30-2009 11:35 PBB244

1 WHEREAS, eighteen (18) states have recently expanded their kinship care
2 programs, and other states have pending legislation that would reduce
3 paperwork, provide support services, and increase funding for relative
4 caregivers; and

5
6 WHEREAS, states have called on child welfare agencies to make relatives
7 the first choice when selecting permanent homes for children in state
8 custody; and

9
10 WHEREAS, nationwide, at least 4.5 million (4,500,000) children are
11 living in households headed by grandparents; 1.5 million (1,500,000) more are
12 living with other relatives. and of those, 2.5 million (2,500,000) kids are
13 living without either parent present; and

14
15 WHEREAS, over thirty thousand (30,000) children in Arkansas are living
16 in households headed by grandparents and other relatives without either
17 parent present; and

18
19 WHEREAS, the most successful state kinship care efforts include
20 subsidized guardianship programs in which grandparents, uncles, and aunts
21 receive the same or nearly the same level of financial support as non-related
22 foster parents, but without as much state supervision and paperwork; and

23
24 WHEREAS, thirty-two (32) states offer some type of subsidized
25 guardianship,

26
27 NOW THEREFORE BE IT RESOLVED:

28 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE
29 STATE OF ARKANSAS:

30
31 THAT the Senate Committee on Children and Youth conduct an interim study on
32 the issue of grandparents raising grandchildren and the feasibility of
33 providing a subsidy to low to moderate income grandparents raising
34 grandchildren.

APPENDIX C - ACRONYM GUIDE

1. AAL: Attorney Ad Litem
2. AASIS: Arkansas Administrative Statewide Information System
3. ACH: Arkansas Children's Hospital
4. ACIC: Arkansas Crime Information Center
5. ADA: Americans with Disabilities Act
6. ADC: Arkansas Department of Correction
7. ADE: Arkansas Department of Education
8. AFDC: Aid to Families with Dependent Children (replaced by TANF in 1997)
9. APPLA: Another Planned Permanent Living Arrangement
10. ASP: Arkansas State Police
11. ASVSP: Arkansas State Vehicle Safety Program
12. CACD Crimes Against Children Division
13. CAPTA: Child Abuse Prevention and Treatment Act
14. CASA: Court Appointed Special Advocate
15. CASSP: Child and Adolescent Service System Program
16. CCRC: Child Case Review Committee
17. CFCIP: Chafee Foster Care Independence Program
18. CHA: Comprehensive Health Assessment
19. CHRIS: Children's Reporting Information System
20. CMHC: Community Mental Health Center
21. CMS: Children's Medical Services
22. COBRA: Consolidated Omnibus Budget Reconciliation Act
23. CON: Certificate of Need
24. COR: Compliance Outcome Report
25. CPS: Child Protective Services
26. CWAL: Child Welfare Agency Licensing
27. CWALU: Child Welfare Agency Licensing Unit
28. CWARB: Child Welfare Agency Review Board
29. DCC: Division of Child Care
30. DCCECE: Division of Child Care and Early Childhood Education
31. DCFS: Division of Children and Family Services
32. DCO: Division of County Operations
33. DDS: Division of Developmental Disabilities Services
34. DHS: Department of Human Services
35. DMS: Division of Medical Services
36. DUI: Driving Under the Influence
37. DWI: Driving While Intoxicated
38. DYS: Division of Youth Services
39. EPSDT: Early and Periodic Screening, Diagnosis, and Treatment
40. FAPE: Free Appropriate Public Education
41. FBI: Federal Bureau of Investigation
42. FINS: Family In Need Of Services
43. FSNRA: Family Strengths, Needs, and Risk Assessment
44. FSPP: Family Services Policy and Procedure Manual
45. FSW: Family Service Worker
46. GRE: Graduate Record Exam
47. HSS: Health Services Specialist
48. ICAMA: Interstate Compact on Adoption and Medical Assistance
49. ICJ: Interstate Compact for Juveniles
50. ICPC: Interstate Compact on Placement of Children
51. IDEA: Individuals with Disabilities Education Act
52. IEP: Individual Education Plan
53. IFS: Intensive Family Services

54. IFSP: Individualized Family Service Plan
55. ILP: Independent Living Program
56. IRIS: Incident Report Information System
57. LEA: Local Education Authority
58. MAPS: Multi-Agency Plan of Services
59. MAT: Miller Analogy Test
60. MCVAR: Mutual Consent Voluntary Adoption Registry
61. MEPA: Multiethnic Placement Act
62. MSW: Master of Social Work
63. OCC: Office of Chief Counsel
64. OCSE: Office of Child Support Enforcement
65. OFM: Office of Fiscal Management
66. OHR: Office of Human Resources
67. PCP: Primary Care Physician
68. PPES: Personnel Performance Evaluation System
69. RR: Railroad Benefits
70. SGR: State General Revenue
71. SIJS: Special Immigrant Juvenile Status
72. SPU: Specialized Placement Unit
73. SR: Safety Responsibility
74. SSA: Social Security Administration
75. SSI: Supplemental Security Insurance
76. SSN: Social Security Number
77. TANF: Temporary Assistance for Needy Families
78. TEA: Transitional Employment Assistance
79. TPR: Termination of Parental Rights
80. UAMS PACE: University of Arkansas for Medical Sciences Project for Adolescent and Child Evaluation
81. VA: Veterans Benefits
82. VSP: Vehicle Safety Program

APPENDIX D - DCFS RESPONSES



**Arkansas Department
of Human Services**
Division of Children and Family Services
CECILE BLUCKER
DIRECTOR



P.O. Box 1437, Slot S-560 Little Rock, AR 72203-1437 • 501-682-8008 FAX 501-682-2491 • TDD: 501-682-1442

October 26, 2009

Regina Wilson

Re: DCFS Response to Interim Study Proposal 2009-186

Dear Ms. Wilson,

Enclosed is the information requested from The Division of Children and Family Services in response to the Interim Study Proposal 2009-186.

The first attachment contains our responses to specific program related questions outlined in the proposal, and the second attachment outlines our responses to the questions concerning specific data requested in the proposal.

We feel we are making progress in placing foster children with relatives and are sensitive to the issues of placement, custody, and visitation concerning grandparents.

If you need additional information, please let me know.

Sincerely,

Cecile B. Blucker
Director, DCFS

www.arkansas.gov/dhhs
Serving more than one million Arkansans each year

Note: This document was prepared by merging DCFS's Responses to ISP 2009-186 with the requests from the ISP.

ISP Request #1 & #5:

1. An explanation on the goals, policy initiatives, programs, procedures, and rules for ensuring that the department complies with Act 1311 of 2009;
5. An explanation on the goals, policy initiatives, programs, procedures, and rules that the department is implementing or considering to implement to address the issue of children in the custody of the department with three (3) or more foster care placements in a one-year period within agency foster homes or agency provider locations or both, including a change in placement with a contracted provider that moves a child to a different provider location, to determine if placement or visitation with an adult grandparent or other adult nonparental relative could improve the outcome for the child, regardless of whether parental rights have been terminated;

DCFS Response:

The Arkansas Practice Model includes the following goals related to this proposal:

- Safely keep children with their families
- When reunification is not possible, permanent placement with relatives or other adults who have a close relationship to the child or children is the preferred permanency option

This model will assess policy initiatives, programs, procedures, and rules related to foster care; specifically, assessing at the outset the needs of the child regarding family. Looking at the team that supports the child is paramount. The agency is also developing Best Practices and training to strengthen field staff's knowledge and expertise in this area.

If a child is moved more than 3 times during the course of a year, DCFS policy requires that staffing be held to assess the disruptions and their affect on the child and his or her needs. Relatives are included in this process. At the 10th move and thereafter, the DCFS Mental Health Specialist Anne Wells is notified for further assessment of needs. DCFS policy also allows for visits with relatives even after TPR has occurred, when it is in the best interest of the child. Policy below:

POLICY VI-B MAINTAINING FAMILY TIES IN OUT-OF-HOME PLACEMENT

If it is in the child's best interest, visits between siblings and with relatives may continue after Termination of Parental Rights (TPR), if visitation was established prior to TPR. Visitation after TPR will continue until an adoption placement is made or the Out-of-Home placement case is closed.

ISP Requests #2 & #6:

- 2. Data on the number of children Act 1311 of 2009 will affect each year;
- 6. Data from the most recent twelve-month period for which complete data are available on the number of children in the custody of the department, regardless of age, that have had three (3) or more foster care placements in a one-year period within agency foster homes or agency provider locations or both, including a change in placement with a contracted provider that moves a child to a different provider location;

DCFS Response:

Number of children with 3 or more placements from 10/01/2008 through 09/30/2009.

Child Count
2019

ISP Request #3:

- 3. An explanation of and citations to legal authority for penalties available under state and federal law for the failure of the department to notify adult grandparents and other adult nonparental relatives;

DCFS Response:

Currently there are no penalties under state or federal law. With Fostering Connections Act which is effective 10/1/10 there could be sanctions to states however currently there is no federal guidance to how this could and will be calculated. Even though we have had to put policies in place for compliance with the Fostering Connections Act, we are waiting on federal guidance as to how states will be monitored for compliance with this Act.

ISP Request #4:

4. Information on training that caseworkers and staff receive on notifying and working with:

- a. Adult grandparents and other adult nonparental relatives; and
- b. Aging adult grandparents and other aging nonparental relatives who are seeking custody or visitation;

DCFS Response:

DHS Legal has conducted training across the state on fostering connections. (Training slides and handouts attached) As specific areas request additional training due to new staff coming aboard, legal is conducting specialized trainings in those specific areas. In addition trainings have been provided to DCFS Area Directors and DCFS County Supervisors in the fall of 2009. As the state continues its' implementation of the Model of Practice across the state, the early identification of relatives and the importance of placements with relatives is an integral part of family centered practice which is an important part of our Model of Practice.

ISP Request #7:

7. Data from the most recent twelve-month period for which complete data are available on the total number of children in foster care, regardless of age, with goals other than return home to parent, including data on the number of children with each category of different types of goals other than return home to parent;

DCFS Response:

Count of the case plan goal per child for all children in foster care from 10/01/2008 through 09/30/2009.

Case Plan Goal	Goal Count	% of Total
Adoption	1279	≈ 30%
APPLA	809	≈ 19%
Emancipation	1	≈ 0.02%
Guardianship	52	≈ 1.2%
Maintain Children in Own Home	1165	≈ 27.4%
No selection	691	≈ 16.2%
Relative Placement	257	≈ 6%
TOTAL	4254	

Note: **APPLA** stands for Another Planned Permanent Living Arrangement. APPLA is a case plan designation for children in out-of-home care for whom there is no goal for placement with a legal, permanent family. APPLA is an acceptable designation only if there is sufficient reason to exclude all possible legal, permanent family goals. However, APPLA designations must include plans for permanent placements of children and youth that meet their developmental, educational, and other needs. Long-Term Foster Care was a case plan designation used in out-of-home care programs prior to the passage of the Adoption and Safe Families Act of 1997, which discontinued its formal use. Similar to APPLA, it was used for children for whom there was no goal for placement with a legal, permanent family.
 Source: http://www.childwelfare.gov/outofhome/types/appla_ltfc.cfm

ISP Request #8:

8. Data from the most recent twelve-month period for which complete data are available on sibling groups identified with different goals other than return home to parent, including specific data on the types of different goals that sibling groups are assigned;

DCFS Response:

Count of the case plan goal per child within the sibling group in foster care from 10/01/2008 through 09/30/2009 where the case plan goals are not the same for every child.

Case Plan Goal	Goal Count
Adoption	260
APPLA	80
Guardianship	18
Maintain Children in Own Home	334
Relative Placement	79
TOTAL	771

Note: **APPLA** stands for Another Planned Permanent Living Arrangement. APPLA is a case plan designation for children in out-of-home care for whom there is no goal for placement with a legal, permanent family. APPLA is an acceptable designation only if there is sufficient reason to exclude all possible legal, permanent family goals. However, APPLA designations must include plans for permanent placements of children and youth that meet their developmental, educational, and other needs. Long-Term Foster Care was a case plan designation used in out-of-home care programs prior to the passage of the Adoption and Safe Families Act of 1997, which discontinued its formal use. Similar to APPLA, it was used for children for whom there was no goal for placement with a legal, permanent family.
 Source: http://www.childwelfare.gov/outofhome/types/appla_ltfc.cfm

ISP Requests #5 & #9:

5. An explanation on the goals, policy initiatives, programs, procedures, and rules that the department is implementing or considering to implement to address the issue of children in the custody of the department with three (3) or more foster care placements in a one-year period within agency foster homes or agency provider locations or both, including a change in placement with a contracted provider that moves a child to a different provider location, to determine if placement or visitation with an adult grandparent or other adult nonparental relative could improve the outcome for the child, regardless of whether parental rights have been terminated;

9. An explanation on the goals, policy initiatives, programs, procedures, and rules that the department is implementing or considering to implement to address the issue of children in the custody of the department whose parents have had parental rights terminated but who have not yet been placed in an adoptive home and who have adult grandparents and other adult nonparental relatives who wish to seek custody or visitation with the child;

DCFS Response:

Adoption Staff have recently been trained on federal Fostering Connections law and the significance of seeking grandparents and other adults related to the child within the third degree of consanguinity. They have also received training on the method used by Wendy's Wonderful Kids known as "mining" cases: looking not only for possible relatives, but also any significant individuals in the child's life who may act as a resource in achieving permanency. This information is being incorporated into every adoption training. Adoption staff are committed to placing siblings together with loving, stable, permanent families.

On our Adoption Website (adoptarkansas.org) siblings are currently either photographed together or, if pictured separately, their summaries include that they are part of a sibling group and need to be placed together. Frequently these summaries contain the children's own words describing their desire to be placed together.

Additional policy is being developed to further promote our belief that families matter and stress the importance of sibling connections.

ISP Request #10:

10. A summary of the goals, policy initiatives, programs, procedures, and rules that the department has for improving the outcomes of children in its custody by pursuing placement or visitation with adult grandparents and other adult nonparental relatives;

DCFS Response:

This issue is already included in the Division's Practice Model initiatives. Notification to relatives of a child entering DCFS custody is part of Fostering Connections. Policy and law below:

➤ **POLICY III-B: NOTIFICATION OF RELATIVES WHEN A CHILD IS TAKEN INTO CUSTODY BY THE DIVISION**

According to state and Federal law, (Act 1311 of 2009 and section 471(a)(31) of the Fostering Connections to Success and Increasing Adoptions Act of 2008), the Division shall exercise due diligence to identify and provide notice to all adult grandparents and other adults who are related to the child transferred to the custody of the Division within the third degree of kinship by virtue of blood or adoption. Additionally, the Division will provide notice to any other adult relatives suggested by the parents of the child. The Division will also seek out others who have meaningful relations with the child. The Division will, on a continuing basis, seek out for the purpose of identifying potential opportunities for permanency, persons with whom the child has meaningful relationships.

➤ **Act 1311**

AN ACT TO PROVIDE NOTICE TO GRANDPARENTS AND OTHER ADULT RELATIVES OF A CHILD WHO HAS BEEN TAKEN INTO THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES RELATED TO A CHILD MALTREATMENT MATTER; TO REQUIRE COURT REPORTS TO INCLUDE INFORMATION ABOUT AND RECOMMENDATIONS CONCERNING PLACEMENT AND VISITATION WITH A GRANDPARENT OR OTHER ADULT RELATIVE; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE A MECHANISM FOR GRANDPARENTS AND OTHER ADULT RELATIVES TO RECEIVE NOTICE AND BE INCLUDED IN REPORTS RELATED TO A CHILD IN THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES.

➤ **POLICY VI-A: OUT-OF-HOME PLACEMENT CRITERIA**

Relatives shall be considered for placement first. All potential out-of-state relative placements will be given the same opportunity as in-state relative placements to choose to become foster homes.

In an effort to preserve family connections, a child in foster care may be placed in a Provisional Foster Home if a relative has been identified and is appropriate. A

“Provisional Foster Home” means a foster home opened for no more than six months by DCFS for a relative of a child in the custody of the Division after the Division conducts (a) A health and safety check, including a central registry check, a criminal background check, and (b) A visual inspection of the home of the relative.

“Relative” means a person within the fifth degree of kinship by virtue of blood or adoption (Ark. Code Ann. 9-28-402(18) & the Child Welfare Licensing Act; the fifth degree is calculated according to the child. See Policy VI-J and Procedure VI-J1 to discuss placement options with the relative.

The child is in the custody of the Department, therefore, the child shall remain in a licensed or approved foster home, shelter or facility until the relative’s home is opened as a provisional home, regular foster home or the court grants custody to the relative or person after a written approved home study is presented to the court.

If the relative opts to have his or her home opened as a Provisional Foster Home, the relative shall not be paid a board payment until the relative meets all of the licensing requirements and DCFS standards and is opened as a regular foster home. Until the relative’s home is opened as a regular foster home, the relative may apply for and receive benefits for which the relative may be entitled due to the placement of the child in the home, such as benefits under the Temporary Employment Assistance (TEA) Program or food stamps.

If the relative’s home is not fully licensed as a foster home after six months of the placement of the child in the home (i.e. meet all requirements and is fully approved as a foster family home): (a) The Department shall remove the child from the relative’s home and close the relative’s provisional foster home or (b) The court shall remove custody from the Department and grant custody of the child to the relative.

➤ **POLICY VI-J: CONSIDERATION OF RELATIVES FOR CHILDREN IN FOSTER CARE**

A.C.A. § 9-27-354 of the Juvenile Code states placement or custody of a juvenile in the home of a relative shall not relieve the Department of its responsibility to actively implement the goal of the case. If the relative meets all relevant child protection standards and it is in the juvenile’s best interest to be placed with the relative caregiver, the Department shall discuss with the relative the following two options for placement of the juvenile in the relative’s home:

- (A) The relative becoming a DHS provisional foster home prior to becoming a regular foster home; or
- (B) The relative obtaining legal custody of the juvenile.

The juvenile shall remain in a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency until the relative's home is opened as a regular foster home or the court grants custody of the juvenile to the relative after a written approved home study is presented to the court.

If the relative chooses to obtain legal custody of the juvenile a protective services case must be opened on the child and a case plan developed to establish permanency for the child. The Division must provide services similar to the services that would have been provided if the child was placed in foster care, and the case plan must address these services. For example, if there are health, education, or counseling needs of the child they should be addressed in the case plan.

Relatives have the option of obtaining permanent custody or guardianship if all efforts toward reunification are exhausted and/or to achieve case plan goals for permanency. If the court grants permanent custody, or guardianship is granted, the protective services case will be closed.

If Termination of Parental Rights (TPR) is an option for the case, the relative is eligible to adopt the child and can receive services identified in Procedure (VIII-H2) Subsidy Payments and Support for Non-Custody Adoptions (Out-Of-Home Placement Services, SSI Eligible Private Agency and Independent Adoptions), if the child is eligible.

➤ **POLICY VI-B: MAINTAINING FAMILY TIES IN OUT-OF-HOME PLACEMENT**

Children in DHS custody shall have an opportunity to visit with grandparents, or great grandparents, provided the grandparents, or great grandparents, have been granted visitation rights by the courts.

ISP Request #11:

11. An explanation on the goals, policy initiatives, programs, procedures, and rules that the department is implementing or considering to implement regarding the changes made by Act 325 of 2009, which amended the Arkansas Subsidized Guardianship Act, 9-8-201 et seq., and the availability of federal funding for guardianship subsidies; and

DCFS Response:

Arkansas law allows subsidized guardianship where funding is present. Fostering Connections allows IV-E funding to be available if the state opts to use it. Arkansas has not yet made a decision regarding this issue.

ISP Request #12:

12. An explanation on the goals, policy initiatives, programs, procedures, and rules that the department is implementing or considering to implement regarding the changes made by Act 391 of 2009, codified at Arkansas Code § 9-27-363, that created the Arkansas Foster Youth Transitional Plan.

DCFS Response:

Arkansas Act 391 greatly enhanced the agency's ability to improve youth outcomes, presented us with new strategies, and expanded our capacity to meet new federal initiatives, by authorizing DCFS to allow youth to remain in care past age 18 and continue work on their Life Plan/Transitional Plan with the Division. Strategic changes to our service delivery system have been improved by federal regulations included in the National Youth in Transition Database (NTYD) along with the passage of Fostering Connections to Success and Increasing Adoptions Act PL 110-351 last year.

Nationally, research has shown that youth exiting foster care are more likely to live in poverty, fail to reach educational goals, have early and/or unplanned pregnancies, experience homelessness, be incarcerated or experience other serious negative events which impact their futures.

DCFS is implementing a number of new goals, policy initiatives, programs, procedures, and rules to incorporate the changes made by Act 391 and improve the lives of our youths. They are outlined below:

➤ **Transitional Services**

DCFS seeks to provide Transitional Services for youth in care as they travel from childhood to adulthood and improve opportunities available to them as adults. Chafee Independent Living Services have been folded into a programmatic unit (Transitional Services) that more broadly defines services to this population and includes all youth in care. Transitional Services are defined as services, supports and strategies that enable youth exiting the public foster care system in Arkansas to make the transition to adulthood as self-sufficient, productive and healthy individuals. It is a philosophy that is system-wide and includes all on a Youth's Transition Team. The Team's decisions and planning include not only the Youth, Family Service Worker, Transitional Coordinators, AALs, CASA, Foster Parents, but perhaps a Resource Worker, Adoption Specialist, Volunteers, Mentors and other meaningful people to the youth—all who have a role in the Youth's Life Plan. The Division's approach is to emphasize the providing of life experiences that naturally teach youth skills – hard skills such as cooking and employment information, along with soft skills such as leadership, negotiation, and healthy relationships.

➤ **Life Connections**

Youth rely on relationship with family and other trusted adults for advice, support and encouragement as they make the transition to adulthood. Arkansas intends to improve likely outcomes for youth by pulling together adults who care about our youth and will commit to providing real attention and experiences to our youth that will support a successful transition. These efforts will reflect a renewed commitment to building lifelong connections for these youth that may well require ongoing and deliberate planning. Changes throughout DCFS service system will occur as we work to make the changes necessary to improve the likelihood to transition into self-sufficiency.

The Mentoring Program “Roots and Wings” has been developed in partnership with the C.A.L.L. in central AR and DCFS is working with Division of Volunteerism to expand mentoring services in other areas. Roots and Wings begins mentor/mentee assignments before the middle of November 2009.

DCFS is embarking on an intensive foster and adoptive home recruitment effort with special attention to resource families for teenagers. This would include Sponsors, designated homes for visiting for college breaks/summers – or if the family elects not to foster/adopt – perhaps they would mentor a youth or a family

Two teens (siblings) are the first to be profiled in a collaborative effort with Channel 11 – THV. “A Place Called Home” will begin the series with profiling these teens in the recruitment efforts for Adoptive homes. Adoption efforts thru Wendy’s Wonderful Kids are also prioritizing teens!

The emphasis in Foster Home recruitment for teenagers is included in the renewed DCFS Foster Home recruitment efforts. Further, members of the DCFS Youth Advisory Board have addressed participants at the annual Foster Parent Conference encouraging opening existing homes to teens. Youth Advisory Board members have also included in recruitment videos produced by our Faith-based partner, the C.A.L.L.

➤ **Transition Plan and Agreement**

DCFS Policy and practice model starts the Transitional Life Plan for a youth at age 14 by the Family Service Worker with the active participation of the youth as required by Act 391 and other supporting adults. The purpose of the Life Plan is to describe the youth’s current level of functioning and identify emancipation goals, services, activities, and individuals assisting the youth in the process of obtaining self-sufficiency. This Plan serves as the roadmap for the youth in reaching self sufficiency.

Regarding the participation level of the youth and dedicated adults in the current process and Arkansas’s proposed service delivery framework encourages a streamlined, youth-friendly TLP. Collaboration among the youth, the social worker/probation officer, caregivers, and/or other dedicated adults is the key in

developing a useful Life Plan. This Plan serves as the basis for the Youth Transitional Plan found in the Case Plan.

Arkansas's service delivery system specifies key outcomes as goals on which state, area and county DCFS staff are concentrating their focus and improvement efforts. Along with safety and permanency, the primary goal of child well-being requires continued efforts to ensure that youth exiting from foster care leave with needed knowledge, skills, and supports to transition successfully into adulthood. Strength-based child welfare practices such as collaboration, youth empowerment, family, and community engagement are among the values and strategies that are being embraced by DCFS staff. Reviewing the Life Plan on a regular basis highlights successes, and identifies new and continuing challenges/barriers and provides a focus for further work on overcoming challenges. Data collection of the Life Plan activities via CHRIS (in the future) will inform, in part, how foster care youth fare in Arkansas. Opportunities to identify practices that increase overall improvement of well-being for youth in foster care and the likelihood of promising outcomes will become identifiable.

Each Transition Plan includes 4 major areas of planning for the Youth's future and successful self-sufficiency. These Primary areas of concern for future transitional planning are: **Education, Employment, Housing and Health**

The Youth's educational and employment or work goals are often interrelated – but can also be somewhat separate – depending on the goals. For instance, if the youth plans to attend college, employment goals may be more immediate and less involved in long-term Life Plans, but reflect the immediate need for part-time employment to help cover the costs of expenses or transportation. However, if the youth plans to attend college but is unsure of the area of study, employment goals might be more pre-vocational and exploratory relating to different careers – such as volunteer work or job-shadowing.

For Discussion at each Staffing and Updating Life Plans:

Youth's progress and any obstacles the Youth is facing
 What life skills the Youth needs including: budgeting, banking, and getting a driver's license or other identification
 Most recent Life Skills Assessment – proficiencies and deficiencies identified for action
 Youth's progress toward developing already identified skills
 Permanency arrangements including the Youth's wishes regarding adoption or other life-long arrangements
 Information on youth's benefits from remaining in care. Information on available resources if youth exits care.
 Information concerning tuition fees, ETV and Pell grants and other state scholarship requirements – in and out of care.
 Any other identified obstacles and needs the Youth has with regard to having a sustainable Life Plan

Remaining items identified from information captured in CHRIS that automatically becomes part of the Life Plan / Transitional Plan / Case Plan and Court Report such as information regarding parents, siblings, educational assistance, applications completed and personal documents received. These items as outlined in Act 391 are documented by instance in the DCFS information system and their status of completion is available to all parties concerned at any time.

Arkansas Act 391 requires that a transition plan be developed for each youth in care not later than their 17th birthday or within 90 days of entering care at age 17 or older.

New DCFS policy ensures that each youth aged 14 or who enters care at or after age 14 is provided the opportunity to take an active role in planning their own future. An Assessment, Life Plan development, Youth's team members identified and Transitional Plan should all begin around age 14.

The earlier the Youth's transition team understands a youth's needs, the likelier they are to be fulfilled!

Youth in care need caseworkers, caregivers, teachers and other supportive adults who understand what skills the youth needs to acquire to live in a community.

Handicapped and disabled youth also require sustainable Transitional Plans. DCFS has entered into a Memorandum of Understanding with DDS and Adult Protective Services for individuals who are developmentally disabled and for whom the state has served as custodian during childhood and who are likely to continue to require state custody status as an adult. The process helps smooth transition and provides adequate time to arrange appropriate placement for the individual turning 18.

(Note: APS=Adult Protective Services in Division of Aging and Adult Services, DDS=Division for Developmental Disabilities Services. BHS=Division of Behavioral Health Services)

- Youth's Primary Worker will arrange an interagency (CFS, DDS, APS) case staffing and initiation of transition plan following client's 14th birthday
- Youth's Primary Worker will arrange an interagency (CFS, DDS, APS) case staffing within 30 days to include PACE determination and DD diagnosis identified for individuals taken into state custody **after** age 14
- Youth's Primary Worker will arrange an interagency (CFS/DYS, DDS, [BHS if appropriate]) review every 6 months for youth likely to require state custody status as an adult
- Youth's Primary Worker will send 6 month review to APS Program Administrator
- APS will review plan and identify issues requiring clarification or issues that might have been omitted and request this information from CFS
- APS will participate in case staffing and transition plan review following client's 17th birthday

- APS, CFS/DYS and OCC apprise court of transition plan
- APS and DDS will review transition plan and arrange appropriate placement prior to client's 18th birthday

- **Monitoring and Information System Changes**
Arkansas will begin monitoring youth outcomes with the baseline population of youth turning age 17 in care with follow-up surveys at ages 19 and 21 to determine the levels of successful transition for our youth

- **Positive Outcomes/Indicators for Youth include:**
 - Financial Self-Sufficiency
 - Employment
 - Social Security Card
 - Educational Aid
 - Employment Preparation Completion
 - Driver's License
 - Educational Attainment
 - Current enrollment/attendance
 - Education degree/certification received
 - Connections
 - Positive Connection to an identified adult(s) other than Staff Member(s)
 - Registered to Vote
 - Member of a church, community organization, social group, political or service group/club
 - Health
 - Health Insurance
 - PCP
 - Involvement with Community Mental Health Centers (if indicated to support wellness)
 - Community Drug and/or Alcohol Treatment (if indicated to support wellness)
 - Home
 - Appropriate Home
 - Not Shelter / Transient Lodging
 - Not Incarceration
 - Not Homeless

➤ **Youth Development**

While a youth development activity was not specifically required under Act 391, DCFS's Practice Model includes youth development as a way to empower youth in their life and future and is consistent with the intent of the Act. Over the past year, the DCFS Youth Advisory Board has become re-energized and grown from an average of 6 members attending quarterly meetings to a group of 25 youth in care developing the first Fostering Leadership Conference with assistance for the National Resource Center for Youth Development. The youth have participated in conferences and training around the state and have presented to or worked with CASA, AAL's, Foster Parents Conference, AOC Children in Court Conference, Child Abuse Prevention Conference and others. Further, they have participated in Foster Care Recognition Day and Child Abuse Prevention Day at the Capital.

The National Resource Center is returning this fall to work to help our Youth Advisory Board create a plan to replicate this youth development work in each area of our state.

DCFS recognized all youth in care who graduated, received a GED or completed their educational IEP at an Academic Achievement Luncheon at the Clinton Library with Mrs. Ginger Bebee participating.

DCFS is seeking community partnership and collaborations with others to promote positive recognition of our youth and encourage them in their journey; to enjoy pride in their achievements and establish a community for them.

➤ **Service Array**

These are the services (broadly defined) are identified as services that are appropriate to our youth who have turned 18 years old in DCFS care. DCFS will seek to provide these services or arrange for these services:

- Independent living needs assessment
- Academic support
- Post-secondary educational support
- Career preparation
- Employment programs or vocational training
- Budget and financial management
- Housing education & home management training
- Health education & risk prevention
- Family support & healthy marriage education
- Mentoring
- Supervised or Assisted Transitional living arrangements
- Room and Board Financial Assistance
- Education financial assistance

Act 391, in summary, was empowering legislation for both youth and DCFS as it established a framework for DCFS's practice model for working with this population while giving youth choices. Act 391 was major legislation moving

teens in foster care toward better future outcomes and sustainable plans for self-sufficiency. There has been a 30% increase in the number of 18, 19, and 20 year olds in care in only the past 12 months. The number of 18 year olds has increased from 113 to 140. The number of 19 year olds has increased from 45 to 60, and the number of 20 year olds has increased from 16 to 29.

APPENDIX E - AOC RESPONSES

E1 - AOC QUESTIONS/RESPONSES

Administrative Office of the Courts
Responses Prepared by: Connie Hickman Tanner
AOC Director of Juvenile Division Courts

The subcommittee requests that AOC provide the qualifications of each person testifying in writing so that the information can be included in the report.

The AOC provided the Committee with a Directory of all administrative AOC Juvenile Division Staff and contractors. Connie Hickman Tanner and Renia Robinette testified at the committee.

Connie Hickman Tanner has been at the Administrative Office of the Courts since 1994. She is the Director of Juvenile Division Courts with the Supreme Court Administrative Office of the Courts. She works with the Circuit Court, Juvenile Division Judges across the state providing them research assistance, coordinating training opportunities, and serving as a judicial liaison to executive and legislative branches of government in Arkansas.

Ms Hickman staffs the Supreme Court Committee on Foster Care and Adoption and the Arkansas Judicial Council Juvenile Committee. She has served as the Dependency-Neglect Mediation Project Director and Arkansas Court Improvement Project Director. She currently supervises the AOC Dependency-Neglect Division including the AAL program, Arkansas State CASA, and indigent parent counsel. She serves on the Legislative Task Force for Abused and Neglected Children, DCFS Advisory Committee, DCFS External Death Review Committee and DYS Task Force. She is also a member of the Mountains and Plains Child Welfare Center Advisory Committee and the Arkansas Bar Association.

Ms. Hickman has extensive training experience in child welfare and juvenile justice and has served as a faculty member with the National Council of Juvenile and Family Court Judges, American Bar Association Center for Children and the Law and has been certified as a law enforcement instructor. She researched and wrote the first *Arkansas Juvenile Judges' Benchbook* and in October of 2009, she updated the *Benchbook's Twelfth Edition*.

Prior to working with the Administrative Office of the Courts Ms. Hickman was an Associate Monitor with the Federal District Court, Office of Desegregation. Ms. Hickman is a graduate of University of Arkansas at Little Rock, School of Law and has an undergraduate degree from Hendrix College.

Renia Robinette has worked for the Administrative Office of the Courts since 2006. She started as a field attorney whose primary responsibilities included assistance with appeals for the Attorney Ad Litem Program, covering conflicts and special projects. She then was promoted to co-coordinator of the Attorney Ad Litem Program until October 2009 when she was named the director of the program. She provides oversight and training to

over 75 attorneys ad litem while also working on statewide policy and legislative initiatives to improve outcomes for children involved in the child welfare process.

She serves on the Advisory Board of the Division of Children and Family Services and on the External Death Review Committee for the Department of Human Services. She is also a member of the National Association of Counsel for Children.

Prior to her work with the Administrative Office of the Courts, Ms. Robinette worked for the Office of Chief Counsel-DHS for five years representing the agency in Dependency-Neglect cases and Child Maltreatment Administrative hearings. Ms Robinette also worked for Legal Services of Arkansas for one year during which time she represented parents in Dependency-Neglect cases. In addition to her legal experience in child welfare, Ms. Robinette has a B.A. in Psychology and served as a houseparent at an emergency receiving home for foster children prior to attending law school.

- 1. The courts' role with guardianships when a child is removed from his or her home by DHS.** Explain guardianships generally. Explain how a child removed from his or her home might be placed in a guardianship and DHS's involvement in this process. Does DHS keep any records or information on the number of nonparental relatives it assists to get guardianships for children removed from their home? If so, do the records include age, race, and economic status of the children and families.

Ms. Hickman provided the committee an overview of guardianships generally and provided the committee with the relevant code cites at Ark. Code Ann. § 28-65-10 et seq. See Power Point Slide 20 in Attachment 2. She also testified as to the process in juvenile cases when DHS is involved. See Slides 20-21 in Attachment 2. *See Attachment 1 Flow Chart and Attachment 2 Power Point Presentation distributed at committee meeting on July 15, 2010.*

As to data, see Slide 27 and Slide 22 specific to guardianship in Attachment 2. Slide 22 states, and testimony provided by Ms Hickman indicated, AOC staff is not familiar with DCFS data on guardianships.

Data collected by the AOC is provided on Slide 27 in Attachment 2 and testimony added that the collection of data for courts is governed by Arkansas Supreme Court Administrative Order No. 8. Data collected by courts and reported by the AOC is based on case filings and adjudications by county by judicial district. All AOC data collected pursuant the Supreme Court Administrative Order No. 8 is reported on the judiciary web page at http://courts.state.ar.us/aoc/annual_reports.cfm.

Specially, as to guardianships, the only data that is available is the number of petitions filed, number granted, and number pending by calendar year. This information is available by judicial district by county.

In addition, as Slide 27 in Attachment 2 indicates, the AOC has a federally funded Court Improvement Project (CIP) grant and collects demographic data only on children in dependency-neglect cases. Data collected by the CIP include age, race, permanency outcome, and time to permanency. The CIP also collects data on how many children in dependency-neglect cases have a permanency outcome of guardianship as Slide 22 in Attachment 2 reports. There is no court data on economic status of children and families.

2. The courts' role in relative placement when a child is removed from his or her home by DHS. Explain the courts' role in this. Are courts asking if DHS has attempted to identify and notice the adult nonparental relatives of the child? Are courts asking why the child is not being placed with adult nonparental relatives?

As indicated on Slide 23 in Attachment 2, courts have the ability to place children with a relative once the court has received a written home study, including a background checks, and the court has made a finding that it is in the best interest of the child to be placed in a relative's home. The court has the ability to make that custody determination as early as the first hearing before the court or by a motion before the court, and at anytime throughout the dependency-neglect case.

In fact, a circuit court was upheld by the Court of Appeals for placing the custody of a child with his paternal grandparents at the probable-cause hearing and for closing the case. The appellate court noted that Ark. Code. Ann. § 9-27-315(a)(1)(B) specifically provides that the courts may enter orders as to "issues to custody and delivery of services" at probable-cause hearings. *Arkansas Dep't of Human Servs. v. Jones.*, 97 Ark. App. 267, 248 S.W. 3d. 507 (2007)

Also see attached letter dated December 18, 2003, and sample court orders requesting information on relatives as placement options early in the case. *See Attachment 3.* In addition, attached is a sample background affidavit that was developed and distributed in 2005 to courts and attorneys by CIP as "Best Practices" for courts to use. Note that on page one question eight inquires about relatives and contact information for possible home studies for placement. *See Attachment 4.* This information has been distributed to courts and attorneys and used in trainings on best practices.

See Slide 23 in Attachment 2 concerning courts and relative placements. Testimony indicated that all parties, judges, and CASA, when appointed, routinely ask about relative placements as options when it is not in a child's best interest to return home. It is the responsibility of the parties to present information and evidence to the court and for the court to rule on the issues before the court. Some courts will inquire about information if it is not presented, including information about relative placements.

Act 1311 of 2009 amended Ark. Code Ann. §9-27-325(n) to add a new provision requiring DHS to exercise due diligence to identify and provide notice to all adult grandparents and relatives of children in DHS custody.

Ark. Code Ann. §9-27-361 was also amended to add new provisions in court report submitted to the court to require DHS to list all relatives provided notice and their responses concerning placement, provisional foster care, guardianship, or visitation. It also added that the CASA report shall include any information on adult relatives, including contact information and the CASA volunteer's recommendation about placement or visitation. Attached is a copy of the statutes amended by Act 1311 of 2009 concerning relatives and a summary of pre-adoptive, and custodial parents, and relative rights from Ark. Code Ann. §9-27-325. *See Attachment 5.*

3. The courts' role in foster care placement when a child is removed from his or her home by DHS. Explain the courts' role in this. Are the courts decisions consistent with the recommendations of the DHS caseworker and OCC attorney?

See attached D-N Flow chart in Attachment 1 and Slides 1-19 in Attachment 2 concerning the court's role when children are removed from their home. As indicated on Slide 7, courts look to the facts in each case and make a determination based on the evidence presented as to what is in the best interest of each child.

Committee members inquired about jurisdictional issues and definitions of dependency-neglect. Attached is the relevant law concerning these issues from the *Judges' Benchbook*, as requested by committee members. *See Attachment 6.*

Courts do not rely solely on DHS for this information. As Slide 5 indicates the Attorneys Ad Litem represent the best interest of the child, parent counsel represent parents and guardians in the cases and Court Appointed Special Advocates (CASA) volunteers may also be appointed to the case to advocate for the best interest of the child. Arkansas Supreme Court Administrative Order No. governs the qualifications and duties of Attorneys and Ad Litem and parent counsel in dependency-neglect cases.

The decisions of the court are not always consistent with DHS and OCC. As Slide 8 in Attachment 2 indicates all parties make recommendations to the court. The court may rule in favor of one party, several parties that agree, adopt various portions of all parties' recommendations or the court may craft its own ruling. Each case is different depending on the facts and evidence presented and the best interest of the child.

4. The courts' role in allowing an adult nonparental relative continuing contact through visitation with a child who is removed from his or her home by DHS, both before and after termination of parental rights. Explain the courts' role in this. Are courts including this type of visitation in their orders? If so, under what circumstances?

As slide 24 indicates any person before the court can request visitation at any stage of the case, including post termination of parental rights (TPR). The Court rules on visitation

motions depending on the evidence presented and the best interest of the child. As slide 23 indicates the AOC does not collect data on court ordered visitation and can not report specifically as to what types of visitation occurs and in what circumstances in these cases.

Visitation with relatives, including grandparents may be granted after parental rights have been terminated depending on the best interest of the child and the circumstances of the case. Courts take into consideration the parties' and therapist's recommendations in making these determinations and will ultimately make a ruling on what the court determines is in the child's best interest. Issues courts consider are the child's need for continuing contact compared with the child's need for closure and need to move to an adoptive placement. Courts also consider if a child is in an adoptive placement the adoptive parents ability and need to make decisions about their child.

Children who remain in out-of-home placements who have had parental rights terminated still must have Review and Permanency Planning Hearings until permanency is achieved. Some courts have even changed the Permanency Planning goal post termination and have reunited children with parents and relatives if they have found it to be in the child's best interest.

5. The courts' role in adoption.

Normally adoptions are filed in the Probate Division of Circuit Court and the relevant law on adoptions is Ark. Code Ann. 9-9-201 et seq. However if a child subject to an adoption petition has a pending case in the Juvenile Division of Circuit Court, the adoption petition may be filed in Juvenile Division of Circuit Court. This is the practice where adoption is the goal in a dependency-neglect case. Adoption petitions are filed in the juvenile case. Once the adoption is finalized, the adoption records are transferred from the juvenile file over to the clerk of the adoption records and sealed, subject to Ark. Code Ann. 9-9-217(a)(2).

As Slide 15 and Slide 26 in Attachment 2 indicate, courts may establish adoption as a permanency goal at the Permanency Planning Hearing which must be held within 12 months of the child's removal from the home and every year thereafter until the child has achieved permanency. Courts can also make findings as to whether DHS has made reasonable efforts to finalize the permanency plan, including finalizing adoptions. Courts grant or deny adoption based on the child's best interest.

6. Statistics. Explain what types of statistics the courts keep on cases where a child is removed from his or her home by DHS. Does the AOC have statistics on how many children are placed with relatives or kin by the courts? How many relative or kin requests are denied by the courts? The racial, economic status, and age breakdowns of children placed in relative care, whether permanent or temporary?

Data collected by the AOC is provided on Side 27 in Attachment 2 and testimony added that the collection of data for courts is governed by Arkansas Supreme Court Order No. 8. Data collected by courts and reported by the AOC is based on case filings, adjudications, and pending cases by judicial district by county. As noted in the answer to question one, data is reported on the judiciary web page at http://courts.state.ar.us/aoc/annual_reports.cfm.

As a result of the federal CIP grant, we collect data if children are placed in the custody of relatives as a permanency outcome in a dependency-neglect case. A copy of the 2009 data on permanency outcomes for cases closed was provided to the committee and Slides 28 and 29 in Attachment 2 detail this data.

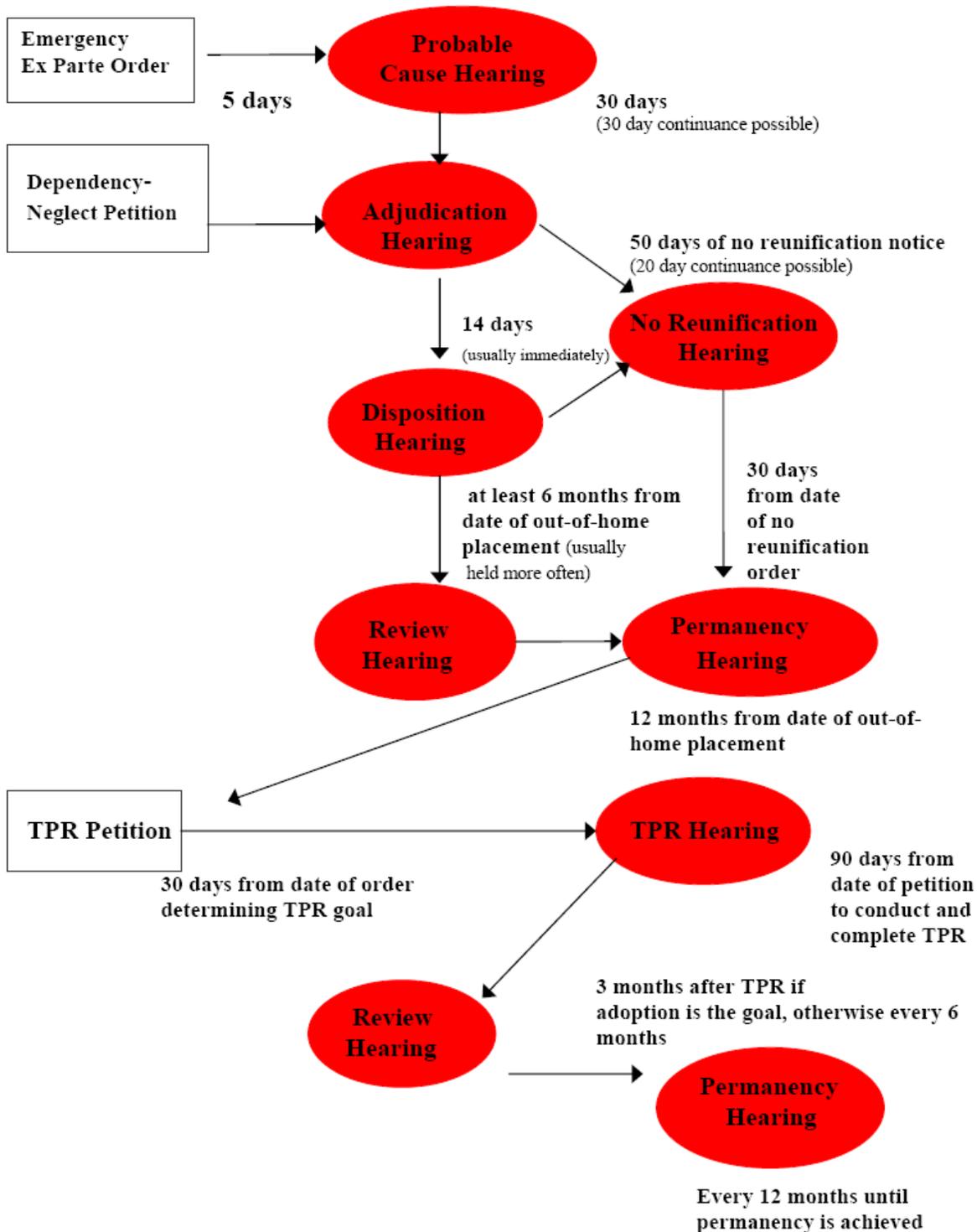
In 2009, 2,637 cases were closed. Forty-six percent of the cases were closed as a result of reunification with a parent or guardian from whom the child was initially removed. Permanent custody constituted 767 cases closed, with 95% of the juveniles placed with relatives. Adoptions increased up three percent with 396 adoptions from the previous year. Guardianships also increased by one percent totaling 51. The number of children who aged out of care without a permanent placement was 168. *See Attachment 7 for 2009 Permanency Outcome Data provided at the committee on July 15, 2010.*

Courts do not report on any motions filed. As a result, the AOC does not have data on relative or kin requests filed, granted, or denied by the court.

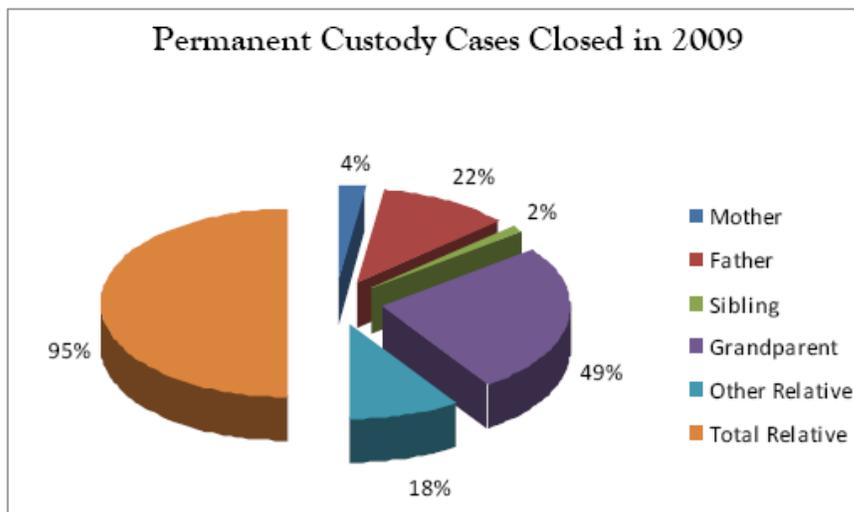
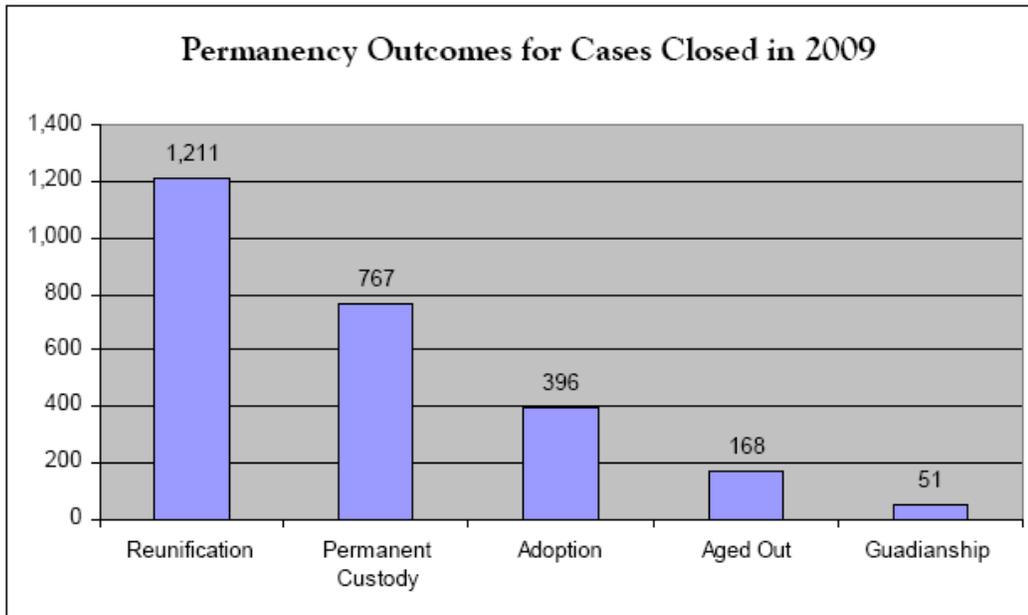
With our CIP federal grant, the AOC does collect data on the race, age, and gender of children in permanency placements and the time it took for the child to achieve permanency. We do not collect economic data or data on temporary custody.

E2 - DEPENDENCY-NEGLECT PROCEEDINGS FLOW CHART

Dependency-Neglect Proceedings



E3 - PERMANENCY DATA



In 2009, 2,637 cases were closed. Forty-six percent of the cases were closed as a result of reunification with a parent or guardian from whom the child was initially removed. Permanent custody constituted 767 cases closed, with 95% of the juveniles placed with relatives. Adoptions increased up three percent with 396 adoptions from the previous year. Guardianships also increased by one percent totaling 51. The number of children who aged out of care without a permanent placement was 168.

ATTACHMENT 7

House Children & Youth Permanent
Subcommittee of Legislative Affairs
Committee

Interim Study Proposal 2009-186

Administrative Office of the Courts
July 15, 2009

Court's Role in D-N Cases

- See D-N Flow Chart
- Vast majority of cases founded True are not filed as D-N cases in Circuit Court
- 95-98% of the cases come to court due to an emergency removal
- Other case are filed filed due to DCFS needing assistance in getting family to comply with open PS case

Jurisdiction

Circuit Court has exclusive original jurisdiction

- Cases in which child is adjudicated dependent-neglected (d-n) from birth to age 18
- Court may retain jurisdiction until age 21 if child requests and if juvenile has a viable plan for treatment or education or is working 80 hours a month
- A child age 18 -21 who has been adjudicated dependent-neglected but has left foster care at age 18 may return to the Court's jurisdiction to receive independent living services

Ark. Code Ann §9-27-306

Dependent-Neglected

Any juvenile who is at substantial risk of harm as a result of the following acts or omissions to the juvenile, a sibling, or another juvenile:

abandonment,
abuse,
sexual abuse,
sexual exploitation,
neglect,
parental unfitness, or
being present in a dwelling or structure during the manufacturing of methamphetamine with the knowledge of the parent, guardian or custodian, and dependent juveniles.

Representation/Advocacy

- Attorneys Ad Litem (AAL) represent the best interest of the child
- Court Appointed Special Advocates (CASA) volunteers who advocate for the best interest of the child
- Parent counsel who represent parents and guardians
ACA § 9-27-316
- Office of Chief Counsel (OCC attorneys/agency attorneys) who represent the DHS and usually petitioners in case

Who Can File A D-N Petition?

- Any member of the immediate family 10 years or older or any adult
 - Only DHS or its designee, law enforcement official or prosecuting attorney can file for ex parte relief.

ACA § 9-27-310

Court – Juvenile’s Best Interest Standard

Courts look at the individual facts in each case to make a determination as to what is in the juvenile’s best interest. Courts make decisions based on the evidence presented in each case.

Court – Juvenile’s Best Interest Standard

All parties make recommendations to the court. The court may rule in favor of one party, several parties that agree, adopt various portions of all parties recommendations, or none and craft their own ruling.

Each case is different!

Probable Cause Hearing

- Must be held within 5 business days from the Ex Parte Order
- Court shall determine:
 - Whether probable cause existed to protect the juvenile,
 - Whether probable cause still exists to protect the juvenile
- Court make decisions as to **custody and visitation**
- Courts order home studies on relatives

ACA § 9-27-315

Adjudication/Disposition Hearing A.C.A. § 9-27-334/-335

Transfer Custody to DHS, licensed agency responsible for the care of juveniles, relative or other individual

Law requires a written home study and best interest finding before a court can transfer custody to individual or relative

Placement with Relatives

- Custody to a relative other third party can only occur AFTER a home study is conducted and presented to the court in writing.
- Be sure home studies are ordered as early as possible for any potential relatives.
- DHS cannot place the juvenile anywhere except in an approved foster home or provisional foster home.
- If the relative needs financial assistance to care for the juvenile, they may qualify for provisional foster care, which requires background checks and that the home meet minimum standards; the family must complete foster parent training within 6 months to get board payments.

WATCH OUT – Warn your Client

It is a criminal offense to return custody to the care or supervision of any person from whom the child was removed or any person the court has specifically ordered not to have care, supervision or custody of the juvenile.

ACA 9-27-353(e)

Review Hearings A.C.A. §9-27-337

- Purpose: to determine future status of the child
- Compliance of case plan and court orders
- Court determination if plan, services, and placement meet the child's special needs and best interest, specifically addressing health, safety, and educational needs.
- Issues – any needing modification? Totally status quo: no changes needed – should almost never be applicable in dependency-neglect cases.
- Must be held at least every 6 months from date of removal; any party can request earlier review

Permanency Planning Hearing A.C.A. §9-27-338

- Purpose: To determine a permanency goal in accordance with the child's best interest
- Must be held no later than 12 months after out-of-home placement or within 30 days after a no-reunification order is filed

Permanency Planning Options

A.C.A. §9-27-338

- 1) Return home if in the best interest of the juvenile and their health and safety can be protected
- 2) Authorize a plan to return home if:
 - a) the Parent/Guardian/Custodian is complying with Case Plan and orders;
 - b) the Parent/Guardian/Custodian is making significant and measureable progress towards remedying the conditions that caused removal; and
 - c) Return can occur no later than 3 months from PPH
- 3) Authorize a plan for Adoption unless:
 - a) child is being cared for by relative (including minor with a child in foster care) and TPR is not in child's best interest
 - b) DHS has documented a compelling reason TPR is not in child's best interest and court approves the compelling reason
 - c) DHS failed to provide services deemed necessary for the safe return home

Permanency Planning Options

A.C.A. §9-27-338

- 4) Authorize a plan to obtain a Guardian
- 5) Authorize a plan to obtain a Permanent Custodian
- 6) Authorize a plan for Another Planned Permanent Living Arrangement (APPLA) only if DHS has documented a compelling reason for determining that it would not be in the best interest of the child to follow one of the other permanency options

Fifteen Month Review Hearing A.C.A. §9-27-359

Shall be held to Authorize a plan to obtain a to determine if DHS shall file TPR if:

Juvenile has been in an out-of-home placement for more than 15 continuous months excluding trial placements and time on runaway status; and the goal at the PPH Hearing was either Reunification (Plan to Return Home) or APPLA

Court shall authorize TPR unless:

- child is being cared for by relative (including minor with a child in foster care and TPR is not in child's best interest;
- DHS has documented a compelling reason TPR is not in child's best interest and court approves the compelling reason; or
- DHS failed to provide services deemed necessary for the safe return home

TPR A.C.A. 9-27-341

To TPR the Court must find:

- TPR is in the best interest of the child, including consideration of these factors:
 - Likelihood that the juvenile will be adopted
 - Potential harm caused by continuing contact with the parent(s) or putative parent
- That one of the statutory grounds for TPR has been met

Guardianship A.C.A. §28-65-101 et seq.

Guardianship appointed by the court to have care and custody of the person or estate or of both of an incapacitated person.

Petitions for guardianship – Probate Division unless otherwise provided

If a juvenile is the subject matter of an open case filed under the Arkansas Juvenile Code, the guardianship shall be filed in that case. A.C.A. §28-65-107

Guardianships & D-N Cases

Any party can petition for a guardianship in juvenile division court at any stage of the case

Guardianship is a Permanency Planning Option a the Permanency Planning Hearing that the Court can order

Guardianship Data

No knowledge of what data is collected by DHS on guardianships

AOC collects data on number of petitions filed and also collects data on number of guardianships resulting as a permanency outcome in closed cases in d-n cases

Court's & Relative Placement

Courts inquire of the parties if they know of relatives who might be appropriate placement options and also order home studies on relatives recommended

Courts can order custody with relatives after written home study and best interest finding at any stage of the case.

Court's & Relative Placement

Courts inquire of the parties if they know of relatives who might be appropriate placement options and also order home studies on relatives recommended.

Courts can order custody with relatives after written home study and best interest finding at any stage of the case.

Relative Caregivers are entitled to notice of hearings and an opportunity to be heard although not a party A.C.A. § 9-27-325

Relative Visitation

Relatives can request visitation at any stage of the case, including post TPR. The court rules on visitation motions depending on the evidence presented.

Visitation Post-TPR Issues

Child's Best Interest – Does child need continuing contact or closure to move to adoptive placement

Adoptive Parents ability to make decisions

Relative Visitation

AOC does not collect any data on visitation and does not collect any data on visitation. We do not even collect it parties in a case.

Courts' Role In Adoption

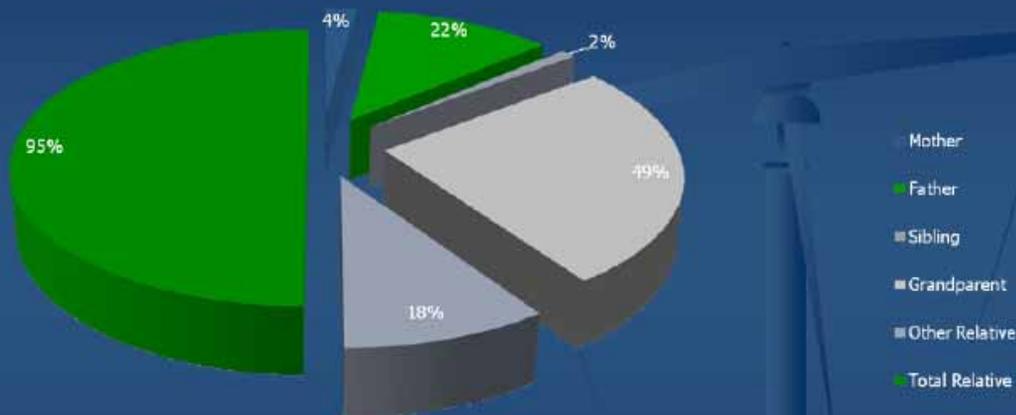
Courts may establish adoption as the permanency goal at the Permanency Planning Hearing
Courts rule on adoption petitions before the court – grants or denies based on child's best interest

2009 D-N Cases Closed

2,637 cases closed

- 1,211 – Reunification
- 767 – Permanent Custody (95% w/ Relatives)
- 396 – Adoption
- 168 – Aged Out/APPLA
- 51 – Guardianship

2009 Permanent Custody



E5 - AOC SAMPLE ORDERS

ADMINISTRATIVE OFFICE OF THE COURTS
SUPREME COURT OF ARKANSAS

MEMORANDUM



625 MARSHALL STREET
SUITE 1100
LITTLE ROCK, AR
72201-1020

TEL: (501) 682-9400
FAX: (501) 682-9410
TDD: (501) 682-9412
EMAIL: aoc@mail.state.ar.us

TO: Circuit Judges, Juvenile Division
FROM: Connie Hickman Tanner
RE: DHS Orders
DATE: December 18, 2003

DHS Orders: As a result of the Child and Family Service Review (CFSR), DCFS has written into its Program Improvement Plan (PIP) that it will ensure that relatives are appropriately explored as placement options. This also requires that putative fathers and Indian Child Welfare Act (ICWA) be explored. Although, putative fathers are required to be named in the petition, they often are not.

I have attached the new petition for emergency custody and order for emergency custody. Please note that OCC has added information requesting detailed information on putative fathers and relatives who may be placement resources for the juvenile. Also there is information regarding possible membership in or decent from an Indian tribe. **Please assist DCFS in stressing to parents and custodians how important it is for the agency and the court to have this information as soon as possible in a d-n case.** I would encourage you to add a time for the parent or custodian to provide this information to DCFS and to have parent counsel report to the court that it has been done within that time frame. They could simply fax that information to the OCC attorney and the court to show compliance.

If you have questions or need further information, please let me know before noon on the 23rd. I am heading to the beach for my winter retreat. I will be out of the office until Monday, January 12, 2004. Have a wonderful holiday and will see you next year!

Attachment 3

IN THE CIRCUIT COURT OF ___ COUNTY, ARKANSAS
JUVENILE DIVISION

ARKANSAS DEPARTMENT OF HUMAN SERVICES PLAINTIFF

VS. NO. JV _____

_____, MOTHER
_____, LEGAL/ PUTATIVE FATHER OF:

_____, DOB: _____, (GENDER), SSN:
JUVENILE DEFENDANTS

PETITION FOR EMERGENCY CUSTODY

Comes the Arkansas Department of Human Services, through its attorney, and for this
Petition, states:

1. The Plaintiff, Arkansas Department of Human Services, brings this action pursuant to the
Arkansas Juvenile Code (codified at Ark. Code Ann. §9-27-301, et seq.) and the doctrine of parens
patriae and public guardianship of infants as a class.

2. The above named juvenile presently resides at _____.

3. _____ is the mother of the above named juvenile and resides
at _____.

4. _____ is the legal/putative father of the above named juvenile and
resides at _____.

5. The following persons, agencies, or institutions have a claim to custody, visitation, or
guardianship —of— the juvenile: _____. Their addresses are
_____.

6. The juvenile is dependent/neglected as defined by Ark. Code Ann. §9-27-303(17),

specifically, the juvenile has been **(pick one)** abused/neglected/sexually abused as defined by Ark. Code Ann. 9-27-303 **(pick one)** (3)(35) or (47), and this Court has jurisdiction over the juvenile under Ark. Code Ann. §9-27-306 and 307 (2003 Supp.).

7. The facts concerning the alleged dependency/neglect are contained in an affidavit attached hereto and incorporated herein.

8. The above-identified juvenile does not have a court appointed attorney ad litem. An attorney ad litem is required to be appointed in all cases under Ark. Code Ann. §9-27-316(f)(1) and this Court should appoint an attorney ad litem.

9. The removal from parental or custodial care is necessary to prevent removal of the juvenile from the jurisdiction of the Court.

10. The person, agency, or institution receiving custody of the juvenile should have authority to consent to medical, dental, or mental health treatment and procedures as required in the opinion of a duly authorized or licensed physician, dentist, surgeon, or psychologist, whether or not such care is rendered on an emergency basis or on an inpatient or outpatient basis.

11. Parents have a continuing duty of support to said juvenile named above. In the event that custody is granted to the Plaintiff, the Plaintiff requests that the Court, pursuant to Ark. Code Ann. §9-27-346, determine the parents' ability to pay support and enter an order requiring the parents to pay a reasonable sum as child support. The Office of Child Support Enforcement should be able to intervene in this matter, as needed to enforce and collect any child support order issued by this Court.

12. Any child support, social security, SSI, or other monies paid for the benefit of the juvenile should be redirected to the Plaintiff for said juvenile by this Court.

13. The Court should determine when the Division of Children and Family Services of

the Arkansas Department of Human Services can obtain and disclose protected health information (PHI) and psychotherapy notes as those terms are defined by the Health Insurance Portability and Accountability Act.

14. Following the conclusion of this litigation, all copies of any PHI and psychotherapy notes disclosed by the Department pursuant to this case to entities other than the Court should be either returned to the Department or destroyed in accordance with the requirements of 45 CFR §164.512(e). The parties receiving such PHI and psychotherapy notes should be ordered not to further use or disclose the information for any purpose other than this litigation as mandated by 45 CFR §164.512(e).

15. The Court should also order that any mental health provider for any of the adult parties or juvenile(s) herein who may be subpoenaed, or who may be requested by the Department to submit a report for the Court, should be authorized and directed to disclose to the Department and/or the Court any and all PHI and psychotherapy notes in their records regarding counseling or other treatment of the parents and/or juvenile(s) herein. Such PHI and psychotherapy notes may only be further disclosed as set forth by the Court or as may be allowed by relevant laws and consents.

16. The Court should order any school district where the juvenile has been enrolled to provide to the Department, upon request, a complete copy of the juvenile's educational records, including records maintained pursuant to I.D.E.A. and Section 504 of the Rehabilitation Act.

17. The parents should be ordered to provide the court with a permanent mailing address and said designated mailing address will be used by the court and the Department for notice purposes unless and until the parents notify the court and the Department in writing of a new

mailing address.

18. The parents should be ordered to provide the court and the Department with the following information:

- A. The names, addresses and phone numbers of any relatives who may be placement resources for the juvenile;
- B. The names, addresses, and phone numbers and other identifying information of any putative father(s) of the juvenile;
- C. Any known information regarding possible membership in or descent from an Indian tribe;
- D. Information necessary to determine financial eligibility for services or foster care; and
- E. Other: _____

WHEREFORE, Plaintiff prays this Court issue an order finding the above named juvenile to be dependent/neglected as defined by Ark. Code Ann. §9-27-303(17); place the custody of said juvenile immediately with the Department of Human Services pending further hearing or order of this Court; and grant such additional relief as hereinabove specified or is lawful and appropriate in the best interests of and welfare of the juvenile.

Respectfully submitted

ARKANSAS DEPARTMENT OF HUMAN SERVICES
OFFICE OF CHIEF COUNSEL

Name, Bar#
Attorney for Plaintiff

Address
Phone

NOTICE

The Arkansas Juvenile Code, Ark. Code Ann. §9-27-341, provides that, if a child or children are removed from the home of the parent, guardian, or custodian, failure to remedy the conditions causing the out-of-home placement may result in termination of parental rights. Failure to maintain contact with the child or children or failure to support the child or children may also result in termination of parental rights. In some cases, the Court will determine that the Arkansas Department of Human Services is not required to provide reunification services and permit Arkansas Department of Human Services to proceed directly to permanency for the juvenile, Ark. Code Ann. §9-27-303(45).

(CW01B/10-03)

IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS
JUVENILE DIVISION

ARKANSAS DEPARTMENT OF HUMAN SERVICES

PLAINTIFF

VS.

_____, MOTHER
_____, LEGAL/PUTATIVE FATHER OF:

_____(DOB: _____) (SEX)
JUVENILE

DEFENDANTS

ORDER FOR EMERGENCY CUSTODY

On this ____ day of _____, ____, the above entitled cause of action comes on to be heard ex parte.

From the testimony, evidence, and all the things and matters presented before it, the Court finds, orders and adjudges:

1. This Court has jurisdiction of the subject matter and of the above named juvenile.
2. There is probable cause to believe that the juvenile is dependent-neglected and it is contrary to the welfare of the juvenile to remain with the present custodian.
3. Immediate removal of the juvenile from the present custodian is necessary to protect the health and safety of said juvenile from immediate danger notwithstanding available services designed to prevent his/her removal.
4. _____ The Court finds that the first contact of the Arkansas Department of Human Services arose during an emergency where immediate action was necessary to protect the health, safety and welfare of the juvenile(s) and where preventive services could not be provided, therefore the Arkansas Department of Human Services is deemed to have made reasonable efforts to prevent or eliminate the need for removing the juvenile(s) from the juvenile's home, OR

_____ The Court finds that the Arkansas Department of Human Services has been involved with the family since (DATE) and that the following services, as outlined in the affidavit, were provided to the family: (LIST SERVICES). These services did not prevent removal because (STATE REASON). The Court finds that reasonable efforts were made to prevent removal of the juvenile; OR,

_____ The Court reserves this issue for ruling within sixty days or the adjudication hearing, whichever comes first.

5. The above named juvenile shall be placed in the custody of the Arkansas Department of Human Services pending further orders of this Court, with appropriate law enforcement or personnel directed to assist, if necessary, in placing said juvenile in the custody of the Arkansas Department of Human Services.

6. The Court authorizes the Arkansas Department of Human Services or its agents when acting as custodian of the juvenile to enter consent to specific medical, dental or mental health treatment and procedures as required in the opinion of a duly authorized or licensed physician, dentist, surgeon, or psychologist, whether or not such care is rendered on an emergency basis or on an inpatient or outpatient basis, and the Court consents to such care.

7. Any school district in which the juvenile was enrolled is ordered to provide to the Department, upon request, a complete copy of the juvenile's educational records, including records maintained pursuant to I.D.E.A. and Section 504 of the Rehabilitation Act.

8. The parents are ordered to provide the court with a permanent mailing address and said designated mailing address will be used by the court and the Department for notice purposes unless and until the parents notify the court and the Department in writing of a new mailing

address.

9. The parents are ordered to provide the court and the Department with the following information:

A. The names, addresses and phone numbers of any relatives who may be placement resources for the juvenile;

B. The names, addresses, and phone numbers and other identifying information of any putative father(s) of the juvenile;

C. Any known information regarding possible membership in or descent from an Indian tribe;

D. Information necessary to determine financial eligibility for services or foster care; and

E. Other: _____.

10. The parent or guardian has a right to an attorney at each stage of the proceedings. Legal assistance may be obtained by retaining private counsel, contacting Legal Services (phone: _____), or if indigent, requesting the Court to appoint legal counsel.

11. There is a right and opportunity for a hearing in this matter within five (5) business days from the date of issuance of the ex parte order. The following issues may be determined at this hearing: custody, placement of the juvenile, visitation and child support.

12. The juvenile is not represented by an attorney ad litem, and the Court appoints _____ to serve as attorney ad litem in this cause of action.

13. Cause shown, a probable cause hearing in this matter will be conducted at _____ on the _____ day of _____, _____ at _____.

_____ a.m./p.m.

14. The Court reserves all others issues set forth in the Plaintiff's Petition for the probable cause and/or adjudication hearing.

15. As required by Ark. Code Ann. § 9-27-314 (2003 Repl.), the location and telephone number of the court and the procedure for obtaining a hearing are as follows:

- A. Location of Court: _____
- B. Telephone Number of Court: _____
- C. Procedure for obtaining a hearing: _____

Name, CIRCUIT JUDGE
JUVENILE DIVISION

DATE: _____

PREPARED BY:

Name, Bar #
Department of Human Services
Office of Chief Counsel
Address
Phone

(CW02A/10-03)

juvenile(s) with the Arkansas Department of Human Services. [USE IF 72 HOUR HOLD EXERCISED] A 72 hour hold was taken on _____. [USE ONLY IF THE COURT REFUSED TO MAKE A REASONABLE EFFORTS FINDING IN THE EMERGENCY ORDER]

The Court finds that the first contact of the Arkansas Department of Human Service arose during an emergency where immediate action was necessary to protect the health, safety and welfare of the juvenile(s) and where preventive services could not be provided, therefore the Arkansas Department of Human Services is deemed to have made reasonable efforts to prevent or eliminate the need for removing the juvenile(s) from the juvenile's home. OR The Court finds that the Arkansas Department of Human Services has been involved with the family since (DATE) and that the following services, as outlined in the affidavit, were provided to the family: (LIST SERVICES). These services did not prevent removal because (STATE REASON). The Court finds that the efforts made to prevent removal of the juvenile were reasonable based on the family and juvenile's needs.

3. The Court finds that there is probable cause that the emergency conditions which necessitated removal of the juvenile(s) from the custody of the _____ continue so that it is necessary that the juvenile(s) continue in the custody of the Arkansas Department of Human Services and it is contrary to the welfare of the child to be returned home.

4. The Court authorizes the Arkansas Department of Human Services to arrange appropriate visitation pending further hearing or order of this Court.

5. The Arkansas Department of Human Services shall develop an appropriate case plan for the juvenile(s) and family.

6. The Court authorizes the Department or its agents when acting as custodian of the minor to enter consent to specific medical, dental or mental health treatment and procedures as required in

the opinion of a duly authorized or licensed physician, dentist, surgeon, or psychologist, whether or not such care is rendered on an emergency basis or on an inpatient or outpatient basis, and the Court consents to such care.

7. The parents have provided a permanent mailing address which is _____ and said designated mailing address will be used by the court and the Department for notice purposes unless and until the parents notify the court and the Department in writing of a new mailing address.

8. The parents have provided the court and the Department with the following information:

A. The names, addresses and phone numbers of any relatives who may be placement resources for the juvenile as follows: _____;

B. The names, addresses, and phone numbers and other identifying information of any putative father(s) of the juvenile as follows: _____;

C. The mother does/does not have membership in or descent from an Indian tribe; the legal/putative father does/does not have membership in or descent from an Indian tribe; the juvenile does/does not have membership in or descent from an Indian tribe;

D. Information necessary to determine financial eligibility for services or foster care, specifically the parent's income and resources as follows: _____; and

E. Other: _____.

9. Prior orders of this Court which do not conflict with this Order shall remain in effect.

10. Jurisdiction of this cause is continued with an adjudication hearing scheduled for _____.

11. The Court reserves all other issues set forth in the Plaintiff's Petition for the adjudication hearing.

IT IS SO ORDERED, Effective this ____ day of _____, ____.

Name, **CIRCUIT JUDGE**
JUVENILE DIVISION

DATE: _____

PREPARED BY:

Name, Bar #
Department of Human Services
Office of Chief Counsel
Address
Phone

(CW10/10-03)

E6 - BACKGROUND AFFIDAVIT

Dependency-Neglect Background Information Affidavit

IN THE CIRCUIT COURT, JUVENILE DIVISION
COUNTY, ARKANSAS

J20

I state under oath that the answers provided to the following questions are true and correct to the best of my knowledge and belief. Either a DCFS employee or my attorney has provided this form to me, and I have had an opportunity to ask questions or seek assistance in completing this Affidavit.

1. Print your full legal name:

2. Print any other names by which you are or may be known, including your maiden name:

3. Check your highest level of education: College High School GED Other

4. Can you read and write English without assistance? Yes No

5. Do you have any special needs or disabilities that require assistance? Yes No If yes, please describe:

6. Have any of your children lived with any other person for a period of six (6) months or more? If yes, provide the names of the persons, their relationship to the children, their addresses and the dates the children resided with them:

Name:
Relationship to children:
Address:
Dates children resided with individual:

7. Have you been involved with the court system before? Yes No If yes, describe what type of case:

Are you currently involved in any court case? Yes No If yes, what type of court Civil Criminal Juvenile Domestic Relations Probate District

What county is your case in and what is the case number? Case No. County

8. Are there any relatives or interested persons that you would like the DCFS to consider for possible placement of your children? If yes, please provide their names and contact information. Please be advised that by providing this information, you are expressly authorizing the DCFS to contact such individuals to initiate a home study and background checks.

ATTACHMENT 4

Dependency-Neglect Background Information Affidavit

Preference#1 - Name: _____
Relationship: _____
Address: _____
Phone numbers: _____

Preference#2 - Name: _____
Relationship: _____
Address: _____
Phone numbers: _____

Preference#3 - Name: _____
Relationship: _____
Address: _____
Phone numbers: _____

Preference#4 - Name: _____
Relationship: _____
Address: _____
Phone numbers: _____

9. Provide the following information for each of your children. If you need additional space, please notify the person who provided you with this form and they will provide you additional sheets for you to identify each of your children.

Name of Child: _____	
Child's Date of Birth: _____	Child's Social Security #: _____

Child's Parents:

Mother's Name: _____
Address: _____
Phone #: _____
Date of Birth: _____ SS#: _____

Dependency-Neglect Background Information Affidavit

Name of father on birth certificate: _____

Address: _____

Phone #: _____

Date of Birth: _____ SS#: _____

Name of man married to mother at time of birth: _____

Address: _____

Phone #: _____

Date of Birth: _____ SS#: _____

Name of any man who signed acknowledgment of paternity or named as father by court: _____

Address: _____

Phone #: _____

Date of Birth: _____ SS#: _____

Name of any man who could possibly be the father: _____

Address: _____

Phone #: _____

Date of Birth: _____ SS#: _____

Legal Custody: Name of any person who currently has legal custody or guardianship of this child: _____

● Address: _____

Phone #: _____

Date of Birth: _____ SS#: _____

Dependency-Neglect Background Information Affidavit

Address: _____

Phone #: _____

Date of Birth: _____ SS#: _____

Child's Needs:

Please list and explain any special needs your child has including but not limited to, any medical, educational or special needs? Include any relevant information important to provide necessary services for your child like medications or an IEP. _____

Please list child's doctors, dentists, counselors, and any healthcare providers. Include the name and city for each. _____

Please indicate Native American heritage of child by checking appropriate box:

I state and affirm that this child is NOT a member of an Indian Tribe and is not a descent from an Indian Tribe. I state and affirm that no individuals related to the child involved in this matter are members of an Indian Tribe, nor do any relatives descent from an Indian Tribe.

OR

I state and affirm that the following individual(s) is a/are member(s) of an Indian Tribe or descent from an Indian Tribe:

Name: _____ Relationship to Juvenile: _____
Tribal Affiliation: _____ Membership # (if applicable): _____

Name: _____ Relationship to Juvenile: _____
Tribal Affiliation: _____ Membership # (if applicable): _____

Child Support:

Are you currently paying child support for this child? Yes No

Is another parent currently paying child support for this child? Yes No

Who pays? _____ How much per month \$ _____

Does the Office of Child Support Enforcement have an open case on this child? Yes No

If yes, what county and case number? _____
County Case No.

Do you receive Social Security or disability payments for this child? Yes No

If so, how much and from what organization: _____

Name of Child: _____

Dependency-Neglect Background Information Affidavit

Child's Date of Birth: _____ Child's Social Security #: _____

Child's Parents:

Mother's Name: _____

Address: _____

Phone #: _____

Date of Birth: _____ SS#: _____

Name of father on birth certificate: _____

Address: _____

Phone #: _____

Date of Birth: _____ SS#: _____

Name of man married to mother at time of birth: _____

Address: _____

Phone #: _____

Date of Birth: _____ SS#: _____

Name of any man who signed acknowledgment of paternity or named as father by court: _____

Address: _____

Phone #: _____

Date of Birth: _____ SS#: _____

Name of any man who could possibly be the father: _____

Address: _____

Phone #: _____

Date of Birth: _____ SS#: _____

Dependency-Neglect Background Information Affidavit

Legal Custody: Name of any person who currently has legal custody or guardianship of this child: _____

1 Address: _____

Phone #: _____

Date of Birth: _____ SS#: _____

2 Address: _____

Phone #: _____

Date of Birth: _____ SS#: _____

Child's Needs:

Please list and explain any special needs your child has including but not limited to, any medical, educational or special needs? Include any relevant information important to provide necessary services for your child like medications or an IEP. _____

Please list child's doctors, dentists, counselors, and any healthcare providers. Include the name and city for each. _____

Please indicate Native American heritage of child by checking appropriate box:

I state and affirm that this child is NOT a member of an Indian Tribe and is not a descent from an Indian Tribe. I state and affirm that no individuals related to the child involved in this matter are members of an Indian Tribe, nor do any relatives descent from an Indian Tribe.

OR

I state and affirm that the following individual(s) is a/are member(s) of an Indian Tribe or descent from an Indian Tribe:

Name: _____ Relationship to Juvenile: _____
Tribal Affiliation: _____ Membership # (if applicable): _____

Name: _____ Relationship to Juvenile: _____
Tribal Affiliation: _____ Membership # (if applicable): _____

Dependency-Neglect Background Information Affidavit

Name of any man who signed acknowledgment of paternity or named as father by court: _____

Address: _____

Phone #: _____

Date of Birth: _____ SS#: _____

Name of any man who could possibly be the father: _____

Address: _____

Phone #: _____

Date of Birth: _____ SS#: _____

Legal Custody: Name of any person who currently has legal custody or guardianship of this child: _____

① Address: _____

Phone #: _____

Date of Birth: _____ SS#: _____

② Address: _____

Phone #: _____

Date of Birth: _____ SS#: _____

Child's Needs:

Please list and explain any special needs your child has including but not limited to, any medical, educational or special needs? Include any relevant information important to provide necessary services for your child like medications or an IEP. _____

Please list child's doctors, dentists, counselors, and any healthcare providers. Include the name and city for each. _____

Dependency-Neglect Background Information Affidavit

Please indicate Native American heritage of child by checking appropriate box:

I state and affirm that this child is NOT a member of an Indian Tribe and is not a descent from an Indian Tribe. I state and affirm that no individuals related to the child involved in this matter are members of an Indian Tribe, nor do any relatives descent from an Indian Tribe.

OR

I state and affirm that the following individual(s) is a/are member(s) of an Indian Tribe or descent from an Indian Tribe:

Name: _____ Relationship to Juvenile: _____
Tribal Affiliation: _____ Membership # (if applicable): _____

Name: _____ Relationship to Juvenile: _____
Tribal Affiliation: _____ Membership # (if applicable): _____

Child Support:

Are you currently paying child support for this child? Yes No

Is another parent currently paying child support for this child? Yes No

Who pays? _____ How much per month _____

Does the Office of Child Support Enforcement have an open case on this child? Yes No

If yes, what county and case number? _____
County Case No.

Do you receive Social Security or disability payments for this child? Yes No

If so, how much and from what organization: _____

Print Name

Signature

Date

E7 - SUMMARY OF APPLICABLE LAWS

Pre-adoptive and Custodial Parents' and Relative Rights

1. DHS shall provide notice to foster parents and pre-adoptive parents of any hearing with respect to a child in their care. The petitioner shall provide such notice to relative care givers. **Ark. Code Ann. § 9-27-325(l)(1-2) (Repl. 2009).**
2. Foster parents, pre-adoptive parents and relative care givers shall have the right to be heard in any proceeding and the court shall allow them the opportunity to be heard at any proceeding concerning a child in their care. **Ark. Code Ann. § 9-27-325(l)(3)(A-C) (Repl. 2009).**
3. Foster parents, pre-adoptive parents, and relative care givers shall not be made parties solely on the basis of their right to notice and to be heard. **Ark. Code Ann. § 9-27-325(l)(3)(B) (Repl. 2009).**
4. DHS shall exercise due diligence to identify and provide notice to grandparents and adult relatives; notice w/in 30 days when custody of juvenile is transferred to DHS to include:
 - a. Statement that the juvenile has been removed from the parent;
 - b. Option to participate in care of, placement with and visitation with the child, including options may be lost by failing to respond to notice;
 - c. Requirements to become a provisional foster home and the additional services and supports available for children in a foster home; and
 - d. If kinship guardianship is available, how the relative could enter that agreement with DHS. **Ark. Code Ann. § 9-27-325(n)(1-4)(Repl. 2009).**

ATTACHMENT 5

(Repl. 2009)

637

JUVENILE COURTS AND PROCEEDINGS

9-27-325

(1)(1) The Department of Human Services shall provide to foster parents and preadoptive parents of a child in department custody notice of any proceeding to be held with respect to the child.

(2) Relative caregivers shall be provided notice by the original petitioner in the juvenile matter.

(3)(A) The court shall allow foster parents, preadoptive parents, and relative caregivers an opportunity to be heard in any proceeding held with respect to a child in their care.

(B) Foster parents, adoptive parents, and relative caregivers shall not be made parties to the proceeding solely on the basis that the persons are entitled to notice and the opportunity to be heard.

(C) Foster parents, preadoptive parents, and relative caregivers shall have the right to be heard in any proceeding.

(m)(1)(A) A grandparent shall be entitled to notice and shall be granted an opportunity to be heard in any dependency-neglect proceeding involving a grandchild who is twelve (12) months of age or younger when:

(i) The grandchild resides with this grandparent for at least six (6) continuous months prior to his or her first birthday;

(ii) The grandparent was the primary caregiver for and financial supporter of the grandchild during the time the grandchild resided with the grandparent;

(iii) The continuous custody occurred within one (1) year of the date the child custody proceeding was initiated; and

(iv) Notice to a grandparent under subdivision (m)(1)(A) of this section shall be given by the department; and

(B) A grandparent shall be entitled to notice and shall be granted an opportunity to be heard in any dependency-neglect proceeding involving a grandchild who is twelve (12) months of age or older when:

(i) The grandchild resides with this grandparent for at least one (1) continuous year regardless of age;

(ii) The grandparent was the primary caregiver for and financial supporter of the grandchild during the time the grandchild resided with the grandparent; and

(iii) The continuous custody occurred within one (1) year of the date the child custody proceeding was initiated.

(2) For purposes of this subsection, "grandparent" does not mean a parent of a putative father of a child.

* (n)(1) The department shall exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of a juvenile transferred to the custody of the department.

(2) The notice provided under this subsection shall:

(A) Be within thirty (30) days after the juvenile is transferred to the custody of the department; and

(B) Include adult grandparents or adult relatives suggested by the parents.

(3) The notice provided under this subsection is not required if the adult grandparents or other adult relatives have:

(A) A pending charge or past conviction or plea of guilty or nolo contendere for family or domestic violence; or

(B) A true finding of child maltreatment in the Child Maltreatment Central Registry.

(4) The content of the notice under this subsection shall include:

(A) A statement that the juvenile has been or is being removed from the parent;

(B) The option to participate in the care of, placement with, and visitation with the child, including any options that may be lost by failing to respond to the notice;

(C) The requirements to become a provisional foster home and the additional services and supports that are available for children in a foster home; and

(D) If kinship guardianship is available, how the relative could enter into an agreement with the department.

History. Acts 1989, No. 273, § 24; 1993, No. 758, § 5; 1995, No. 533, § 6; 1997, No. 1118, § 2; 1999, No. 401, § 5; 1999, No. 1192, § 17; 2001, No. 987, § 3; 2001, No. 1497, § 2; 2001, No. 1503, § 5; 2003, No. 1166, § 14; 2003, No. 1319, § 12; 2007, No. 587, § 12; 2009, No. 1311, § 1.

A.C.R.C. Notes. Ark. Const., Amend. 80, adopted by voter referendum and effective July 1, 2001, abolished chancery courts and established circuit courts as

the trial courts of original jurisdiction. The jurisdiction of the circuit courts now includes "all matters previously cognizable by Circuit, Chancery, Probate and Juvenile Courts...."

Amendments. The 2007 amendment inserted "Health and" in (1)(1); substituted "proceeding" for "review or hearing" in (1)(1); (1)(3)(A), and (1)(3)(B); and added (1)(3)(C).

The 2009 amendment added (n).

RESEARCH REFERENCES

U. Ark. Little Rock L. Rev. Survey of Legislation, 2001 Arkansas General Assembly, Family Law, 24 U. Ark. Little Rock L. Rev. 483.

Survey of Legislation, 2003 Arkansas General Assembly, Family Law, Juvenile Code, 26 U. Ark. Little Rock L. Rev. 417.

CASE NOTES

ANALYSIS

Burden of Proof.
Jury Trial.

Burden of Proof.

Trial court erred in finding that father's child was a dependent-neglected child under § 9-27-303(17) and (36) because, after the father was incarcerated, there were two different family members who stated they were willing to care for the child; thus, the state failed to prove by a preponderance of the evidence that the child was neglected. *Moiser v. Ark. Dep't of Human*

Servs., 95 Ark. App. 32, 233 S.W.3d 174 (2006).

Trial court did not err in finding that the Department of Health and Human Services failed to meet its burden of proving that children were dependent-neglected because there was no evidence other than the fact that their father had pleaded guilty to sexual assault of other minors. *Ark. HHS v. Mitchell*, 100 Ark. App. 45, 263 S.W.3d 574 (2007).

Jury Trial.

Defendant charged with delinquency and theft had no right to a jury trial.

9-27-361

FAMILY LAW

704

when the goal is adoption and in other cases" following "at least" and added "and a permanency planning hearing shall be held each year following the initial permanency hearing until permanency is achieved for that juvenile."

9-27-361. Court reports.

(a)(1) Seven (7) business days prior to a scheduled dependency-neglect review hearing, including the fifteenth-month review hearing and any post-termination of parental rights hearing, the Department of Human Services and a court-appointed special advocate, if appointed, shall file with the juvenile division of circuit court a review report including a certificate of service that the report has been distributed to all the parties or their attorneys and the court-appointed special advocate, if appointed.

(2)(A) The court report prepared by the department shall include a summary of the compliance of the parties with the court orders and case plan, including the description of the services and assistance the department has provided and recommendations to the court.

(B) In cases in which a child has been returned home, the department's review report shall include a description of any services needed by and requirements of the parent or parents, including, but not limited to, a safety plan to ensure the health and safety of the juvenile in the home.

* (C)(i) In cases in which a juvenile has been transferred to the custody of the department, the department's court report shall outline the efforts made by the department to identify and notify adult grandparents and other adult relatives that the juvenile is in the custody of the department.

(ii) The department's court report shall list all adult grandparents and other adult relatives notified by the department and the response of each adult grandparent or other adult relative to the notice, including:

(a) The adult grandparent or other adult relative's interest in participating in the care and placement of the juvenile;

(b) Whether the adult grandparent or other adult relative is interested in becoming a provisional foster parent or foster parent of the juvenile;

(c) Whether the adult grandparent or other adult relative is interested in kinship guardianship, if funding is available; and

(d) Whether the adult grandparent or other adult relative is interested in visitation.

(3) The report prepared by the court-appointed special advocate shall include, but is not limited to:

(A) Any independent factual information that he or she feels is relevant to the case;

(B) A summary of the compliance of the parties with the court orders;

* (C) Any information on adult relatives, including their contact information and the volunteer's recommendation about relative placement and visitation; and

(D) Recommendations to the court.

(4)(A) At a review hearing, the court shall determine on the record whether the previously filed reports shall be admitted into evidence based on any evidentiary objections made by the parties.

(B) The court shall not consider as evidence any report or part of a report that was not admitted into evidence on the record.

(b)(1) Seven (7) business days prior to a scheduled dependency-neglect permanency planning hearing, the department and the court-appointed special advocate, if appointed, shall file with the court a permanency planning court report that includes a certificate of service that establishes that the report has been distributed to all of the parties or their attorneys and the court-appointed special advocate, if appointed.

(2) The permanency planning court report prepared by the department shall include, but not be limited to, the following:

(A) A summary of the compliance of the parties with the court orders and case plan, including the description of the services and assistance the department has provided;

(B) A list of all the placements in which the juvenile has been;

(C) A recommendation and discussion regarding the permanency plan including:

(i) The appropriateness of the plan;

(ii) A timeline; and

(iii) The steps and services necessary to achieve the plan, including the persons responsible; and

(D) The location of any siblings, and if separated, a statement for the reasons for separation and any efforts to reunite or maintain contact if appropriate and in the best interest of the siblings.

(3) The report prepared by the court-appointed special advocate shall include, but is not limited to:

(A) Any independent factual information that he or she feels is relevant to the case;

(B) A summary of the compliance of the parties with the court orders;

~~(C)~~ (C) Any information on adult relatives, including their contact information and the volunteer's recommendation about relative placement and visitation; and

(D) The recommendations to the court.

(4)(A) At the permanency planning hearing, the court shall determine on the record whether the previously filed reports shall be admitted into evidence based on any evidentiary objections made by the parties.

(B) The court shall not consider as evidence any report or part of a report that was not admitted into evidence on the record.

(c)(1) Nothing in this section shall prevent the department or the court-appointed special advocate from filing a report with the court and providing it to all parties or their attorneys at least seven (7) business days prior to any scheduled dependency-neglect hearing or presenting any subsequent or addendum reports to the court during a hearing.

APPENDIX F - DWS RESPONSES

F1 - WRITTEN TESTIMONY

Department of Workforce Services

The subcommittee requests that DWS provide the qualifications of each person testifying in writing so that the information can be included in the report.

1. Guardianship Subsidies. Does Arkansas have a guardianship subsidy law?

To our knowledge, the Arkansas Subsidized Guardianship Act represents the totality of existing Arkansas guardianship subsidy law. What is the status of guardianship subsidies in Arkansas? We have little knowledge regarding the current status of guardianship subsidies, as the Arkansas Department of Human Services is the administrator of this program. Is there funding available for guardianship subsidies? If so, what is the source? Again, we have limited knowledge of what potential funding sources have been identified by the Arkansas Department of Human Services for this purpose.

2. Financial Assistance. Explain in detail the type and amount of financial aid (including benefits) your agency (or your division of the agency) provides to relative caregivers. Explain the eligibility requirements. Give examples.

Cash assistance may be available to children residing with their grandparents and other relative caregivers through the Transitional Employment Assistance (TEA) Program. These instances are called “child-only” cases and generally occur when a child is living somewhere other than with a parent (i.e., with a relative) and the relative receives benefits on behalf of the child. While the child is residing with the relative, the relative may or may not have formal, legal custody of the child.

The actual dollar amount of these monthly cash assistance payments is determined by family size. The following amounts by family size are the monthly cash assistance maximums an otherwise eligible TEA family may be paid:

Family Size	Maximum Grant
1	\$ 81
2	\$162
3	\$204
4	\$247
5	\$286
6	\$331
7	\$373
8	\$415
9 or more	\$457

While the Arkansas Department of Human Services conducts eligibility determinations for all potential TEA Program participants, including these child-only cases, the general eligibility requirements consists of meeting the definition of a needy family whose family income and resources are within specified limits.

Testimony Provided By:

Phil Harris, TANF Program – Assistant Director
Arkansas Department of Workforce Services

F2 - TANF FINANCIAL IMPACT – SUBSIDIZED GUARDIANSHIP PROGRAM



Implementing a Kinship Care Subsidy Program in Arkansas
The Impact of Utilizing Federal TANF Funding

ARKANSAS DEPARTMENT OF WORKFORCE SERVICES

SEPTEMBER 2010

Temporary Assistance for Needy Families Briefing Report

INTRODUCTION

Subsidized Guardianship Programs are often designed to encourage grandparents and other relatives to step in and provide permanent homes for children when their parents are unable to do so. These programs generally provide financial support and services for relative caregivers that want to make a permanent commitment to care giving without having to permanently alter family relationships by adopting. While specific programs aspects may differ, the intent is generally the same: providing support for those families whereby children are living safely with grandparents or other relative caregivers.

In Arkansas, there have been two (2) known attempts to establish Subsidized Guardianship or similar programs. During the 86th General Assembly in 2007, a bill creating the Grandparent Preventive Care Subsidy Program was filed. Similarly, during the 87th General Assembly in 2009, the Arkansas Kinship Care Subsidy Act was filed. However, neither of these bills were passed and died in either a House or Senate Committee at Sine Die adjournment.

Recently, the House Children & Youth Permanent Subcommittee of Aging & Legislative Affairs Committee has convened meetings as part of the Interim Study Proposal #2009-186, Grandparent Kinship Care Study. This committee has requested that the Arkansas Department of Workforce Services (DWS) gather information and conduct a thorough analysis regarding the potential implementation of a Subsidized Guardianship Program in Arkansas. It is believe that this request was made of DWS, and not the Department of Human Services, due to the fact that DWS is the current administrator of the federal Temporary Assistance for Needy Families (TANF) funds.

This briefing report considers the financial as well as programmatic ramifications of implementing such a program utilizing federal TANF funding. We have reviewed the Louisiana Kinship Care Subsidy Program (KCSP) as recommended by the committee. The table on the following page reflects a comparison between the Louisiana Guardianship Subsidy program and the proposed Guardianship program as outlined in the legislation to establish the "Arkansas Kinship Care Subsidy Act" of 2009. It should be noted that the state of Louisiana began its program in 1999 and receives nearly three times the funding than does the Arkansas TANF program.

Comparison Between Arkansas and Louisiana Guardianship Subsidy Programs (*AR – Proposed 2009 Arkansas Kinship Care Subsidy Act; LA – Existing Kinship Care Subsidy Program)		
	Arkansas	Louisiana
Funding		
TANF Program	\$62.2 million <i>\$56 million TANF Block Grant</i> <i>\$6.2 million Supplemental Funding</i>	\$181 million
Total Cases	8,600	10,500
Monthly Cash Assistance Amount (Family of Three)	\$204	\$280
Guardianship Subsidy Amount Per Child	\$200 (Proposed)	\$280
Budget (AR) or Actual Exp. (LA)		
Annual Spending/ Budgeted Amount	\$2.5 million (As proposed in 2009)	\$24,955,014 (2009/2010 Actual)
Monthly Spending/Budgeted Amount	\$208,333 (As proposed in 2009)	\$2,079,585 (2009/2010 Actual)
Population Estimates # of Grandparents Responsible for Meeting Basic Needs of Grandchildren in 2008 (U.S. Census)	39,896	61,482

Temporary Assistance for Needy Families Briefing Report

SUBSIDIZED GUARDIANSHIP PROGRAM COST CONSIDERATIONS

Taking into consideration the proposed 2009 legislation, a Kinship Care Subsidy program in Arkansas would be funded at \$2.5 million dollars annually. At this funding level, it is estimated that approximately 1,041 children would receive the \$200 monthly benefit during a 12-month period.

While the proposed 2009 legislation directed the Department of Workforce Services to administer this program, it must be noted that the Department of Human Services (DHS) would be required to play a vitally important role in any program implementation. As the current entity responsible for both eligibility determination and benefits payment for the State's existing TANF Programs, DHS would be required to complete similar roles in the Subsidized Guardianship Program. These roles would include receipt of initial applications, initial eligibility determinations, eligibility recertification, monthly electronic benefit payments, benefit overpayments, and eligibility determination appeals.

We are unable, at this time, to estimate the administrative costs associated with these functions; however, these costs would be expended against the annual funding amount and impact the total number of monthly benefit payments that could be provided to the eligible families.

TANF PROGRAM BACKGROUND

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 transformed the U.S. welfare system by replacing the existing Aid to Families with Dependent Children (AFDC) program and related entitlement programs with the newly created block grant system known as the Temporary Assistance to Needy Families program (TANF). Under the TANF block grant, federal dollars flow into TANF programs customized by each state to "help move recipients into work and turn welfare into a program of temporary assistance.

In 1999, the federal government released the final regulations governing the TANF program. As a result of the final regulations, Arkansas lawmakers set about adapting the State's TANF program, known as the Transitional Employment Assistance Program or TEA, to the new policy environment. The Temporary Assistance for Needy Families (TANF) program provides time-limited assistance to needy families with children to promote work, responsibility and self-sufficiency. States receive a block grant to design and operate their TANF programs to accomplish the purposes of TANF. These purposes are:

- **To provide assistance to needy families with children so that children can be cared for in their own homes or in the homes of relatives;**

- To end the dependence of needy parents on government benefits by promoting job preparation, work and marriage;
- To prevent and reduce out-of-wedlock pregnancies; and
- To encourage the formation and maintenance of two-parent families.

TANF PROGRAM FUNDING

States have two primary funding sources for their TANF programs:

1. **The annual Federal TANF block grant; and**
2. **Their annual State maintenance-of-effort (MOE) funds.**

Both sources of funding provide significant resources for States to invest in the services that families need to move from welfare to work, stay in the workforce, and move out of poverty. A State may use its TANF or MOE funds for services and benefits that directly lead to (or can be expected to lead to) the accomplishment of one of these four purposes. Additionally, a State may transfer a total of up to 30% of its TANF funds for a fiscal year to the Child Care Development Fund (CCDF) and the Social Services Block Grant program (SSBG). However, it may transfer no more than 4.25% of the grant amount for a fiscal year to the SSBG. If a State transferred 4.25% of its annual TANF grant to SSBG, then it could transfer up to 25.75% of the annual grant to CCDF. Once a State transfers funds to either program, it must use the funds in accordance with the rules

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) replaced the Aid to Families with Dependent Children (AFDC) program with the TANF block grant. The TANF block grant made \$16.5 billion available to states each year, regardless of changes in the number of people receiving benefits. Therefore, states bear the fiscal risks in the event of an increase in caseload due to the fact that no increase in their TANF block grant would occur. For this reason, some states have deliberately created reserves in case of an economic downturn. States have enjoyed considerable flexibility in how they spend their TANF Block Grant funds. In addition to spending on cash benefits—that is, monthly cash assistance payments to families to meet their ongoing basic needs—states were able to spend TANF funds on services for cash assistance recipients or other low-income families. Some categories for services for welfare and other low-income families include:

Child Care—this can include both (1) direct spending of TANF/MOE funds on child care and (2) transfers of TANF funds to the Child Care and Development Fund.

Family Stability – this can include Pregnancy prevention, promoting stable families, and treatment and prevention of substance abuse and domestic violence.

Workforce Development – Work subsidies, secondary education, vocational training, employment counseling, information and referral, outreach, and work-related expenses.

In the years subsequent to the enactment of PRWORA, the emphasis of federal welfare policy shifted from monthly cash payments to moving welfare recipients into employment. Many States, including Arkansas, expanded and intensified services to address individuals' barriers to work and the number of families receiving monthly cash benefit payments declined tremendously.

HOW ARKANSAS SPENDS TANF FUNDS

Arkansas has used its annual block grant of \$62.2 million (\$56 million per year, plus \$6.2 in Supplemental Funding) to provide cash assistance, job training, child care and other social supports to low-income citizens. This report is intended to provide a comprehensive overview of Arkansas's TANF program for federal fiscal year (FFY) 2010. It identifies the source of funds and the distribution or allocation of those funds. Additionally, this report examines the estimated expenditures by expenditure category. The percentages beside each category represent the amount of the TANF budget utilized for this area of expenditures.

A. Transitional Employment Assistance Program..... 29.3%

Total Budgeted: \$32,123,587

This section includes such areas as: 1) Cash Assistance; 2) TEA Eligibility Determination; 3) Client Transportation and 4) Work Subsidies

B. Arkansas Work Pays Program 6.9%

Total Budgeted: \$7,607,800

This section includes such areas as: 1) Work Pays Cash Assistance; 2) Work Pays Eligibility Determination—Administration and 3) Work Pays Bonus to Clients

C. Mental Health / Substance Abuse Programs..... 1.2%

Total Budgeted: \$1,768,584

This section includes such areas as: 1) Severe Barriers Program (UAMS, DHS) and 2) Arkansas CARES- (United Methodist Children's Home)

D. Community Investment and Family Preservation..... 1.6%

Total Budgeted: \$1,264,928

This section includes such areas as: 1) Improving Outcomes for Youth Programs; 2) Parenting and Family Functions Programs; 3) Marriage and Relationship Skills; 4)

Temporary Assistance for Needy Families Briefing Report



Fatherhood Programs; 5) Services to Child-Only TEA Cases--Kinship Cares Programs and 6) Boys and Girls Club Programs Pilot Project

E. Child Welfare 10.9%

Total Budgeted: \$11,976,469

This section includes such areas as: 1) Human Service Workers in Schools and 2) Emergency Assessments for Child Welfare/Family

F. Childcare 24.9%

Total Budgeted: \$27,386,541

This section includes such areas as: 1) Mandatory child care subsidy program; 2) Arkansas Better Chance Program and 3) Pre-K Department of Education Program (Child Care Transfer)

G. Education and Training for Low-Income Working Adults..... 13.5%

Total Budgeted: \$14,755,000

This section includes such areas as: 1) Career Pathways Initiative; 2) Career Pathways Initiative-Child Care; 3) Individual Development Accounts and 4) Arkansas Works/Kuder Program

H. General 11.6%

Total Budgeted: \$12,757,787

This section includes such areas as: 1) Community Outreach Programs; 2) New Data and Reporting System (WORC); 3) DWS Administration; 4) DWS Administration/State and 5) Independent Evaluations

GRAND TOTAL BUDGETED \$109,640,696

Budget Descriptions:

- A. The TEA program is a state-administered program that serves families in every political subdivision in the state. The TEA program is funded by federal funding from the U.S. Department of Health and Human Services under the Temporary Assistance for Needy Families (TANF) block grant and is administered by the Arkansas Department of Workforce Services. TEA provides time-limited cash assistance to needy families with (or expecting) children and furnishes parents with work training and other supportive services they need in order to attain permanent self-sufficiency. The welfare reform law changed the welfare system into one requiring participation in activities leading to employment as a condition of receiving time-limited services. The TEA program also provides assistance to children being cared for by non-parental guardians.
- B. Arkansas Work Pays is a post-employment program created by Arkansas Act 1705 of 2005 and provides assistance to prior participants of the Transitional Employment

Temporary Assistance for Needy Families Briefing Report

Assistance (TEA) Program. Families participating in the Arkansas Work Pays Program will also be eligible for the same support services and assistance as families enrolled in the TEA program and shall receive a monthly cash assistance payment. The intent is to provide the necessary supports — workforce training, transportation, child care, family counseling, etc. — to help those at-risk families move up the economic ladder, achieve self-sufficiency, and end dependency.

- C. Two programs are currently funded by TANF for the non-medical treatment of mental health and substance abuse to enable participants in these programs to address these barriers to employment.

The first program is the *Arkansas Cares program* operated by the United Methodist Children's Home, which is a residential program that serves addicted mothers, their children and their families to provide a family-centered approach to decrease maternal substance abuse and promote healthy family outcomes.

The second program is the *Severe Barriers program*, a partnership of the University of Arkansas for Medical Sciences (UAMS) and the DHS Division of Behavioral Health Services. The Severe Barriers program provides assessment, identification, and referral for treatment of severe barriers in TEA and Work Pays clients such as drug abuse, alcoholism, and domestic violence.

- D. Arkansas Act 1705 of 2005 authorized the Department of Workforce Services to contract with private or community organizations, including faith-based organizations, to offer services and supports to parents, children, and youth in their communities. In accordance with Arkansas Act 1289 of 2007, funds appropriated for the Community Investment Initiative from the Temporary Assistance to Needy Families (TANF) Block Grant for the fiscal years 2007 – 2008 and 2008 – 2009 (combined are subject to the restrictions noted in parentheses below in their use for the specified statutory purposes:

- Improving outcomes for youth, including, but not limited to **(at least \$1,000,000)**:
 - 1) Academic achievement
 - 2) Job skills
 - 3) Civic participation and community involvement
 - 4) Reducing risky behaviors such as sexual activity, drug use, and criminal behavior
- Improving parenting and family functioning through services and support to parents, children, and to families **(at least \$500,000)**
- Improving marriage and relationship skills among youth and engaged and married couples through fatherhood programs **(\$500,000)**
- Improving the employment skills and family connections of parents who leave state jails and prisons **(at least \$500,000)**
- Providing support services to child-only cases in the Transitional Employment Assistance Program **(at least \$500,000)**
- Other purposes allowable under the federal TANF program

- E. The child welfare section of the budget provides TANF funding for two distinct programs that provide services to children and families to protect children and help preserve the family unit. The first program is at the Department of Human Services (DHS) for child welfare emergency assessments, pregnancy prevention, and family preservation activities. The second program is the Human Services Worker in Schools program, which is a partnership of the DHS Division of Children and Family Services and the Department of Education. The *Human Services Worker in Schools program* is designed to help children and families by promoting safety of children and strengthening of families; supporting the community's capacity to produce children who are healthy, children who are in supportive, nurturing, and healthy families, and children who succeed in school; and promoting the division's family preservation philosophy and family-centered practice.
- F. The Child Care and Development Fund (CCDF), authorized by the Child Care and Development Block Grant Act, and Section 418 of the Social Security Act, assists low-income families, families receiving temporary public assistance, and those transitioning from public assistance in obtaining child care so they can work or attend training/education. TANF may transfer up to 30% of the block grant (less any transfers to the Social Services Block Grant) to the CCDF for child care services to low-income families.

****Figure includes the \$18,000,000 for AR Better Chance Program claimed as Maintenance of Effort (MOE)***

****Includes annual transfer of \$7.5 million to DOE Pre-K program for child care assistance for low-income. During FFY 2009, TANF transferred an additional \$5 million to child care to provide assistance with low-income participants.***

- G. This budget category funds several programs for low-income adults including the grants diversion program, the Career Pathways Initiative, and the Individual Development Accounts program.

The *grants diversion program* provides a one-time payment to a family to help them alleviate a crisis so the parent can keep or accept a job. This one-time payment enables the parent to keep or accept a job that if lost, would cause them to come onto the TEA program.

Under the *Career Pathways Initiative*, Arkansas invests public funds to support the development and implementation of career pathways programs in the States' two-year colleges and technical institutions for low-income families.

Career Pathways programs represent a unique post-secondary training service delivery model, one that addresses the unique challenges low-income adults face in terms of successfully completing post-secondary training. Career pathways programs provide training in local high-demand occupations and career fields, in addition to intensive counseling and supplemental services such as child care and transportation assistance.

The *Individual Development Account* program assists low-income working individuals in accumulating assets through a special savings account with a 3:1 match from the TANF program. Program participants may use the accumulated savings towards the purchase of a home, repair of an existing home, educational expense, or to start their own business.

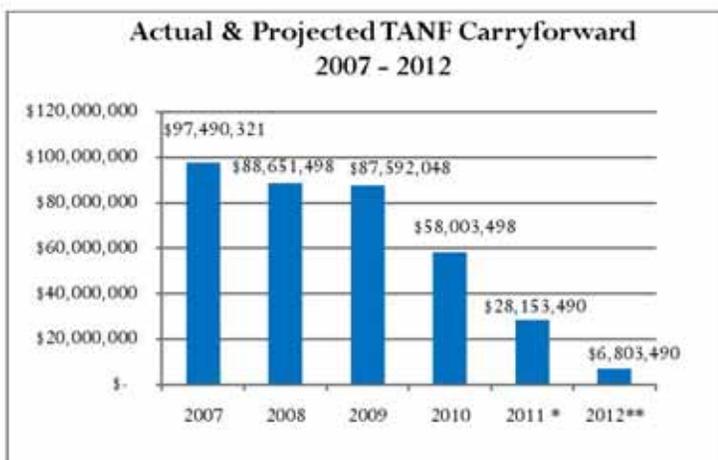
TANF SURPLUSES

Since the advent of welfare reform, states have carried forward TANF funds not expended during the current fiscal year for possible expenditure in succeeding years. States typically save, or "reserve", this portion of their grant award as a precautionary measure to protect against recessions and emergencies that may result in an unexpected rise in need for assistance to needy families. These "reserve" funds are often referred to as unobligated balances. A state must expend unobligated balances only on benefits that specifically meet the definition of assistance or the administrative costs directly associated with providing the assistance. In light of these facts, it is vitally important that the state makes wise choices regarding potential uses of these funds and avoids increased spending in a way that would not be sustainable.

TANF CARRYFORWARD FUNDING

Like many other states, Arkansas has enjoyed a healthy TANF carry forward balance under PRWORA. This balance, brought forth mainly due to substantial decreases in welfare caseloads since PRWORA's inception. This carry forward, however, continues to be a source of constant attention by those entities interested in acquiring federal funds for new programs. However, as the table illustrates below, Arkansas projects to have this carry forward amount drastically reduced by 2012, when DWS assumes full sponsorship of the TANF program.

Temporary Assistance for Needy Families Briefing Report



*Assumed the \$16,000,000 that DHS currently has in carry forward dollars will be expended by March / April of 2011 and DWS will assume cash assistance payments and other liabilities through year end.

**Assumes the full assumption by DWS of all DHS financial responsibilities for the program and no additional program funding approvals.

The preceding carry forward balances do not include any contingency or supplemental dollars that may be awarded over the timeframe covered by this analysis. All carry forward numbers from 2010 forward contemplate the obligation to assume responsibility for those line items previously covered by the Arkansas Department of Human Services. These line items include cash assistance for TEA and Work Pays, eligibility determination for TEA and Work Pays, client bonuses, client transportation, and yearly allocations for the Pre-K Department of Education Program. The carry forward balances do not include funding of any additional special requests for programs and does not include the \$11, 247, 469 yearly allocations to DHS for Emergency Assessments for Child Welfare/Family Preservation. Obviously, if these items are included, the balances will be affected proportionately.

Allowable Uses of TANF Carry Forward

Historically, carry forward funds differed from TANF Block Grant allocations in that the uses of these funds were quite restrictive. A state could expend these carry forward funds only on benefits that specifically meet the definition of assistance or the administrative costs directly associated with providing the assistance. In other words, carry forward funds could be used for:

- Cash assistance payments
- Eligibility determination
- IT Systems to support both cash assistance payments and eligibility determination

In practical terms, this restriction meant that carryover funds were to be used primarily for cash assistance benefits. ARRA allows states to use carry forward funds from prior years for any purpose permissible under TANF regulations.

In FFY09, Arkansas budgeted more than \$32 million dollars from the carry forward funding of previous years for cash assistance payments, eligibility determination and systems. It is anticipated that this level of expenditure will continue and likely increase over time as DWS assumes full control of the TANF program within the next 3 years.

Arkansas's current budget for TANF activities, excluding the federal maintenance of effort requirement, is in excess of \$86 million. This annual budgeted amount is made possible by the existing carry forward funds, as the budgeted amount exceeds the current year grant by more than \$23 million each year. Without the carry forward fund balance, Arkansas will be forced to reduce the scope of the existing TANF program and reduce the amount of funding available for supplementary programs for low-income families. Many states that have found themselves with dwindling or exhausted carry forward balances have sought additional general revenue in order to meet their federal and/or state mandates. It is always advisable to maintain a reserve fund in carry forward dollars. In Arkansas's case such a carry forward should include at a minimum funds to cover cash assistance, eligibility determination, client bonuses, and child care subsidies. This amount for Arkansas would be approximately \$21,350,000.

APPENDIX G - SIGNED STATEMENTS FROM RELATIVES**STATEMENT OF ANNIE ABRAMS**

1. My name is Annie Abrams, and I am a retired administrator from the Little Rock School District. I am 79 years old, and I am a community, state, and national activist currently.
2. I retired when I was 62 years old to care for my husband who was an invalid and had been for quite some time. I went and bought me a Cadillac to drive us around in a safe and comfortable car. I thought we were pretty set.
3. However, the plans changed. My daughter-in-law and son lived up north. She had some drug problems died from a drug overdose. I had to go up north and get my 3 grandchildren, 1 great grandchild, and son to bring them down here.
4. So long to the Cadillac..... I had to trade it in for a green van so that I could transport the grandchildren and my husband. It got dubbed the "green school bus" because I ended up taking all of the neighborhood children who became friends with my grandchildren to school and everywhere else.
5. At that point, we had four generations living in my home, me and my husband, my son, my 3 grandchildren, and my one great-grandchild. We had a full house, that's for sure. And everyone needed caring for -- My husband was an invalid for 30 years, and of course the grandchildren and great-grandchild all needed to be cared for. There was much to be learned from living in an intergenerational home, to learn about caring, sharing, and giving.
6. Also, before the grandchildren and great-grandchild came to live with me, my elderly mother came to live with me for about 9 months, but then wanted to go to a nursing home in Arkadelphia. After I got the grandchildren and great-grandchild, we would go back and forth to visit her to Arkadelphia, but she later decided to move to a nursing home on John Barrow Road in Little Rock. I would bring her to my home for visits after she moved to Little Rock. When my husband's health deteriorated further and he needed more extensive care, he too had to start living in a nursing home.
7. Luckily, I was born a caregiver. Seriously, when I was a child, and I played dolls with my friends, I played "grandma" because that was who was most respected in our family. I come from a family of longevity, and there were so many grandparents and great-grandparents in my life when I was young. The grandma's were the women I wanted to be, the grandmother caregivers.
8. Besides my family, I was the "granny" to quite a few neighborhood kids who needed someone on their side too. Like I said, I was born to be a caregiver. DJ needed someone to stand up for him, and I first met him when he was in third grade, when he moved in our neighborhood. Well, I became DJ's granny, and all

the sudden, everyone at school and in the neighborhood started treating him better.

9. Then there was the single mother in our neighborhood with the three-year old daughter. I became her daughter's other "granny" too. And her real grandmother in Wynne told me how much she appreciated all that I did for her granddaughter, that it was hard since she lived farther away.

10. Even taking a plane to go to a conference or attend business, I'm a caregiver. Recently, I was on a plane and there was a younger Hispanic woman with two small babies. She was tired from travel, you could see it in her eyes. I offered to help her with the younger baby. The baby came to me like I was her grandmother, and the mother got some rest. All was well on the plane.

11. My point is this: Some of us are blessed with certain gifts and one gift that the good Lord gives us is being able to care for children of all ages, races, colors, and nationalities. Some of us are even broader caregivers, able to care for anyone who needs care, including the elderly and infirm. Some of us grow into this gift with practice and age, some of us are born with it. I was pretty much born with it, but I know plenty of people who have learned how to be excellent caregivers as well.

12. As far as my household, we were on fixed incomes. My husband couldn't work, I was retired, the children were drawing off their deceased mother's social security, and there were many needs to be met. I had to teach the children about nutrition, and make sure they had nutritionally-balanced meals. I had to teach them that they had to eat what they took to eat and what we had planned for the meal, and we had to eat at home.

13. I had the stress of being a parent and being a grandparent, and I had to delay my own desires, besides the Cadillac that my husband and I so enjoyed. I cared for my husband who was an invalid for 30 years, my elderly mother for 5 years, the grandchildren for ten years, and still take care of the great-grandchild's primary needs with no public assistance except Ark Kids First. I took care of everyone, and I also continued my civic and community duties.

14. My grandchildren and my great grandchild knew they were loved every minute. Children know love and they never forget it.

15. One of my other strong suites is communication. How I would communicate with my husband, children, and grandchildren was to write them letters when I was mad at them. Sometimes I would have to tear up 2 or 3 letters! Sometimes my grandchildren wouldn't pick up my letters!! I did this so that I could get out my anger and work towards communication. It has always been a very effective tool for me, except when the grandchildren wouldn't read my letters. But, if they read it, we worked through it.

16. So I ask you, somewhat hypothetically, what does it truly cost to produce a quality citizen from birth to the age of 18? How much money does a parent have to have to be a quality parent? To meet a child's needs so that a child becomes a quality citizen?

17. Now I ask you, does it cost more for a grandparent to do the same thing? Is it harder to do it the second time? When you are older? When you are on a fixed income? When things have changed so much? When things cost more than when you raised your children? When you are maybe trying to compensate for a parent (or both parents) who are not doing their part?

18. What I'm asking you to consider is to find a strategy to make sure those grandparents, great-grandparents, and other relatives who are doing some serious parenting are given the capital (money and other resources) they need to get the job done, to produce quality citizens that we need for our society.

19. I'm talking about providing some meaningful financial assistance to people who have taken in their grandchildren. Assistance to make ends meet to make sure they have enough money to pay the light bill and put food on the table, to get the child some clothes and other basic necessities. The cost of everything keeps going up and up, and the elderly on fixed incomes just don't have many options at how to pay for it all.

20. I'm not saying give people money to spend with wild abandon. I taught my grandchildren the value of money. I taught them about the importance of money management, depositing money in the bank, keeping track of expenditures, letting them be part of the process. I told them there was only money in the bank to take out because we put it in there, that there was no "magic" involved. I taught them to shut off lights when they left a room and to turn off the television when they were finished watching it. Money and resources are not to waste.

20. To determine that amount, you could look at the costs of supporting a child other ways, such as in the different types of foster care, in an institutional setting, or in youth services. Wouldn't it be cost effective to provide that sort of financial assistance to a grandparent like me to produce a good citizen for society?

21. We have to look at the cruel decision we are forcing grandparents to make every day when parents are unable to take care of their children: (1) Live in poverty by dividing up a limited fixed income among more people in a household than it was ever intended to support or (2) Choose to lose the grandchildren they love to a system who will pay strangers to raise them?

22. Also relevant to this issue, we need to ask ourselves, are we supporting our **humane** capital? The heart and soul of what makes us descent? Are we making sure that our grandparents and other relative caregivers are being

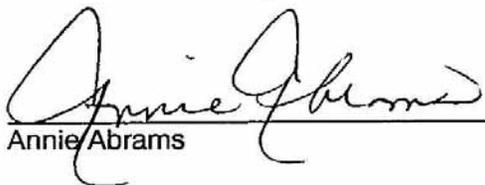
adequately supported so that they can support the children that their children are not able to raise? **Because the bottom line is that hope can be created and improved with economic support for households.**

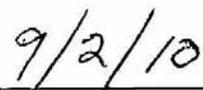
24. So, in closing, I'll leave you with a story.

Once there lived a mischievous young disciple at a Zen monastery. He always thought that the Zen master was getting more respect than he deserved. He did not think the master was really wise. So one day he decided to test the master.

Holding a bird in his hands behind his back, he asked, "Master, they say you're wise, can you tell me whether the bird in my hand is dead or alive?" The boy thought if the master said it was alive, he would wring its neck and kill it. If he said it was dead, he would let it fly. Either way he'd prove the master was wrong.

The master smiled knowing what the boy thinking and said, "**The answer is in your hands.**"


Annie Abrams


Date

STATEMENT OF LOIS ARRAS

1. My name is Lois Arras, and I am retired. I have three grown children, five grown grandchildren, three grandchildren under the age of 18, and three great-grandchildren, and I have been involved in raising all of these children.
2. My middle daughter and her son who was 16 were living with me before March 2009. In March 2009, we had problems with my daughter and drugs, and so we got a "no contact" order, and she had to move out of my house. My daughter ended up going to prison. My grandson was left in my care as a provisional foster home, and I was eventually approved as a foster home for him.
3. Both of my other daughters and their husbands would help me with my grandson as needed during this time. We were doing pretty good. It helped when I was approved as a foster home and got a little financial assistance.
4. In September 2009, my grandson got into some trouble, and DHS removed him from my home, put him in a group home, and then put him into alcohol and drug rehabilitation for four months.
5. I was really upset about how I was treated by the Judge Gilbert after my grandson had his trouble. She took him out of my home, wouldn't let him return to my home to get his clothes and other belongings, and treated me like I was a criminal and was incompetent to care for him. I was hurt very badly by all of this.
6. After my grandson got out of rehabilitation, he went to live with my youngest daughter and her husband, and they are a provisional foster home, waiting to be approved as a foster home. He's doing really well with them. He's passed every drug screen, he's taking classes to get his GED, he goes to NA meetings three times a week, and he seems to do well with the structured environment of their lives. I think it's great that he has a male role model in the house now. I think that's helping him. He's encouraging people to attend NA meetings and do right. He really wants to do right with his life. I am so proud of him.
7. The one thing that has been a little difficult is the finances for my daughter. She has two children of her own, 9 and 11, so having another was an additional financial undertaking. She was turned down for TEA benefits because her husband makes too much money, and they haven't gotten approved as an official foster home yet. Seems like this process could be speeded up some. She was approved for food stamps though. Every little bit does help when you are raising children. Teenagers can really eat a lot.
8. The court's order says I can visit 2 hours a week, but since my daughter has him, I see him more often than that, which really means a lot because I have been his anchor his whole life because of the instability with his mother and all.

9. Overall, DHS has been pretty good to me, and my experiences have been positive with DHS. The caseworkers have been supportive of me and my family. However, my grandson's attorney seemed to "shoot" me down in court, more along the lines of how the judge was negative to me. I really think the unfairness I experienced was with the courts.

10. It does cost a lot of money to raise these children, and if my grandson was placed with strangers, the state would be paying someone to take care of him. Maybe if you would look at other ways to help families help these children by providing financial support so that families can keep them, help them, and love them, the system will work better?

Lois Arras
Lois Arras

7-16-10
Date

STATEMENT OF JUDY BLAKE

1. My name is Judy Blake, and I live in Hot Springs, Garland County, Arkansas, with my husband of 26 years. I am a receptionist at a veterinarian's office.
2. I am here today because my granddaughter, Tiffany, was removed from her parents' home on January 20, 2010. Tiffany is 17 years old, and her parents started to have some trouble with her in the fall of 2009.
3. I've known Tiffany all of her life, and usually saw her a couple times a week. When she was born, her parents and sister were living at our house when their new house was being built, so she lived with us when she was a newborn.
4. Every year for the last five years or more, Tiffany would go with my husband and I on a ten day vacation in the summer. We always had a good time, and I always thought I had a very strong bond with her. She always told me she loved me, even when we talked on the telephone.
5. Tiffany was a very rebellious teenager last fall, but then she had a health problem, Christmas, and her birthday, and she seemed to calm down. She seemed happy. But on January 20 of this year, my older granddaughter called me and said I needed to come over to their house.
6. Everyone was upset, no one knew where Tiffany was. I was told the DHS investigator, Sheena Garrard, came to the door, went outside, then to Tiffany's room. Then Heather asked the investigator to leave. Apparently, Tiffany ran away out her bedroom window and left with the investigator in her car.
7. The allegations that Tiffany has made against her parents are ridiculous. If I thought even one of them was true, I would have done everything in my power to take her out of the house immediately.
8. Also, I would have considered taking Tiffany in my home to live with me when she was removed from her home by DHS. I would be interested in visiting with Tiffany. I miss her, and I want to see her. I think that taking her away from her family is hurting her. We know her and love her and have for 17 years.
9. However, no one from DHS or DCFS has contacted me about placing Tiffany with me. Tiffany's ad litem attorney has not contacted me. The CASA volunteer hasn't contacted me. Parent counsel hasn't contacted me. No one has contacted me by mail or phone about my granddaughter.
10. I have called the Garland County DHS office three times about this case, and no one has ever returned my calls. I told them I just wanted to know she was okay. I left my home number and work number for them to call me back.

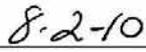
11. The first day of court, I told the CASA volunteer that he really needed to watch Tiffany because she will try to run away. He said he knew teenagers, and that wouldn't be a problem. She ended up running away several times from foster care.

12. I have not seen or heard from Tiffany, other than at court dates, since January 20, 2010. This is a huge loss for me, and it has to be a loss for her.

13. This situation is causing our family a lot of stress. I feel helpless and don't know what to do next. I am hoping that by giving this statement and testifying that someone can help us with this. Nothing about this has been fair.



Judy Blake



Date

STATEMENT OF KATHY AND PHILIP KUMPE

1. We are Kathy and Philip Kumpe. We have been married 36 years. Our oldest son is an alcoholic and the mother of his children is also an alcoholic. They have two children together, two girls, and DHS got involved and removed the girls from their home in the Spring of 2007, when the girls were 3 and 6.
2. The evening that DHS took the girls out of the home, our son called us. We never received any official notice from DHS about the girls. We were the ones who made the contact with DHS. Kathy started calling DHS the next day to find out where the girls were. Kathy was told the girls were in foster care, but that we couldn't have any contact with them.
3. By the time we went to the first hearing, we had done everything we were told to do to help us bring the girls to our home. We filled out the background check paperwork and paid for our own Arkansas State Police and FBI background checks in hopes that it would help expedite the process.
4. At the probable cause hearing, they let us attend, but we did not testify. Because our son and his girlfriend were not married, the court did not recognize us as grandparents even though our son was on both birth certificates as the father of both girls. It was our understanding that if the girls' maternal grandmother would have been at the hearing, she may have gotten custody of them at the hearing, but she wasn't there. This doesn't seem fair at all, that we were not recognized as grandparents, even though our son's name was on the birth certificate and we had known the girls all of their lives.
5. We continued with background checks, and our son had DNA testing to establish him as the father of the girls. Thirty days later there was another court hearing and all background checks were back, but the DNA tests were not back. Kathy had worked really hard to develop a relationship with the girls' caseworker, and she recommended that the girls be placed with us.
6. After the background checks were back, we were able to visit with the girls. We had a visit that included both of us, both of the girls' parents, Kathy's mother, and Phil's dad. It was a very emotional but very good visit. It was heart-breaking to leave when it was time to leave. The foster mother had been very kind about the whole situation, but it had been very hard on us not seeing the girls during this extended period.
7. After that hearing, about 4 or 5 more days, we got the girls in June 2007. We got approved as a provisional foster home, and started our classes for foster parents in July. The girls' parents got married in July. The girls were doing good with us, and we were supervising visitation with their parents at our house instead of going to DHS offices, which was more convenient for everyone and more family-oriented.
8. The caseworker would come every month, and every four months we were going to court. Everything was going fairly smoothly. In June of 2009, DHS sent the girls back to

their parents. After the girls went back, we slowly started to suspect that the parents were drinking again. They would call late at night to chat, knowing that we go to bed early, and exhibited other odd behaviors. Kathy shared these suspicions with the caseworker.

9. On the night of February 2, 2009, our son called to tell us that him and his wife had been in a head-on collision and the girls were at home by themselves; he wanted Phil to get the girls. It was about 11 p.m. Alcohol was involved in the collision. Both our son and daughter-in-law were injured in the wreck.

10. Phil went to get the girls, and as soon as he got the girls, Kathy left a message for the caseworker. Since the parents had been given so many chances, the parents were pretty much out of chances from DHS, the ad litem attorneys, and the courts, as well as us. So at this point, the girls were with us and DHS started termination of parental rights (TPR) proceedings.

11. One of the first things the caseworkers asked us was whether we wanted to keep the girls. Of course we wanted to, but then, our only daughter who lives in Austin, Texas, contacted us, and said she was interested in adopting the girls. She has two daughters of her own, ages 13 and 9.

12. To us, this was an answer to our prayers because we wanted to keep our granddaughters in our family, and, ideally, they would have parents younger than us. Also, this was also going to help avoid an inevitable, constant, conflict over the girls if we adopted them with our son who lives so close to us. It would give the girls a fresh start, while still allowing them to know and love their parents. We were most concerned about the oldest granddaughter because she tends to be a caregiver to her parents, and by being with our daughter in Texas, this would allow her to be cared for instead of her trying to care for her alcoholic parents.

13. The termination of parental rights happened in July 2009, but it wasn't until September before the girls could leave the state. In May 2010, their adoptions were final. Things are good with the granddaughters, and our son and daughter-in-law have gone through treatment and are doing better. They have both been sober for over twelve months.

14. In June 2010, we had a family reunion at a church Phil's father was a charter member, so our daughter came and brought all four girls. She met our son and his wife for lunch to discuss things. Our daughter set ground rules, that they could only be an aunt and uncle to the girls, even though the girls still call them mommy and daddy; no drinking; and that they both must act right. Our son and his wife agreed, and our daughter let them see the girls that weekend, and it went well. It gave the girls a sense of relief that their parents were okay, and it meant a lot to their parents to see the girls too.

15. Our daughter is really good about letting the girls talk about their mother and father, and helping them stay connected that way too. We know their mother and father have made mistakes, but the girls still love their parents, and we are respectful of that. We are

also respectful that our daughter and son-in-law are their parents now, and we are grateful that they are providing them a safe, stable home.

16. There is a great need in Saline and Perry County for foster parents, so we have decided that our calling is to continue on with fostering children we do not know. We have fostered fourteen (14) children in our home to date. There have been some we have seen that did go to stay with their grandparents, and we agreed with that placement, but sometimes, the grandparents just weren't the best placement options. In our granddaughters' case, their maternal grandmother is a widow in poor health. There was another case where the grandparents were enablers of the parent's behaviors; they just could not stand against the parent for the best interest of the children.

17. About two years before our direct contact with DHS, Kathy's friend's daughter had her children taken into custody by DHS. She only heard the daughter's version of what was going on until the case was to the point of termination of parental rights (TPR). By that point, she was told by the caseworker it was too late for her to attempt to get custody of the children. The children were placed for a non-relative adoption, and she has permanently lost all contact with her grandchildren. Even though Kathy's friend never did anything wrong to her grandchildren, she is being punished by not being able to see her grandchildren. And the grandchildren are being deprived of contact with someone who loves them and who can provide "biological" family roots. When the biological parents were deemed "not fit" and their rights were terminated, not only was a branch severed from the child's family tree, the entire biological family tree was chopped down. Had this grandmother been aware of and involved in the case plan from the beginning, she might not permanently be separated from her grandchildren today.

18. We think grandparents can be a good placement option under certain circumstances. First and foremost, this situation needs to focus on "what is best for the children". When a child's life is in turmoil, through no fault of their own, to place them with complete strangers can add to the emotional trauma they are experiencing. We personally believe that it is best for the child to be with an appropriate family member; someone with whom they have a bond, someone who and someplace that is familiar to the children. A grandparent will have a natural affection and love for the children. They have a vested interest in the long term outcome of the case for the benefit of the children. If DHS were to make contact with the grandparents at the beginning of an investigation, it could be determined in advance whether or not the grandparents would be an appropriate choice for placement before the situation escalated to removing the children from the parent. Also, if DHS involved the grandparents from the beginning of the investigation, the grandparents might be able to work with the department and the parents to rectify any inappropriate circumstances affecting the children's living situation.

19. On the other hand, grandparents may not be a good placement option under certain circumstances. Some examples are:

- If the grandparents are involved in inappropriate or illegal activities where the children would not be safe;
- If the grandparents were infirm and could not care for the children;

- If the grandparents were intimidated by their children, causing them to not put the children's well-being as their top priority; or
- Finances. Sad to say, but in some cases, without financial assistance with daycare, (especially where 2 or more children are involved) some grandparents may not be able to take on the financial responsibility of caring for their grandchildren.

20. In closing, we appreciate the opportunity to share our experiences and observations of the DHS foster care system. We have had some wonderful caseworkers who show by their actions that for them, it is not just a job, it is about helping children. And we hope that with all changes proposed and made to the system, the focus will be first and foremost "what is in the best interest of the children."


Kathy Kumpe


Date


Philip Kumpe


Date

Statement of Louise Monday

1. My name is Louise Monday, and I am a Supervisor of Billing and Collections at Baptist Health Systems, and I have been at Baptist for 26 years. Before this, I was a special education paraprofessional for four years and I have certification in this area.
2. My husband is Richard Monday, and he is a retired machine operator. We have been married for forty years. We have two grown children, and three grandchildren, ages 18, 14, and 18 months.
3. Since early 2006, I mostly lost contact with part of my family because my mother passed away and she was my main connection to that side of the family. That side of the family tends to be a little wilder living than my immediate family.
4. On December 8, 2009, my sister ran into our nephew, and he told us that his sister had a baby and left it at the hospital. I called a friend and asked for help trying to find the baby which led me to DHS and Willie Baker, who is the caseworker for the baby, my nephew, Christian. I called Mr. Baker every day until he agreed to meet with me.
5. On December 18, 2009, I had my first face-to-face meeting with Willie Baker at his office at DHS. He told me, "There's going to be hearing in late January so it's not too late for you to request custody" of Christian. It was during this meeting that I learned for the first time that my niece had another child in DHS custody, Zachariah. I requested to see Zachariah as well, and I was told that Zachariah had already had his TPR hearing, and he was "off-limits" to me.
6. At this meeting and during later discussions, I asked Mr. Baker if I needed to hire a lawyer to represent my interests in regards to Christian, my newborn nephew. He said, "No, you do not need a lawyer. We will be working for you. Judge Warren will be very pleased that a relative has come forward" for Christian.
7. During this time, I repeatedly asked when we could see my nephew, and Mr. Baker said not until after the criminal background checks are completed on me and my husband, the only people who live in our home.
8. Mr. Baker seemed at this time to be very supportive of myself and my husband and our interests in obtaining custody of Christian, but didn't give me any hope on Zachariah. I did not understand this because I was his aunt too. He explained that because "when they terminate parental rights, they terminate other relative rights too."
9. On December 21, 2009, I returned all of the criminal background check information for myself and my husband. I asked him about visits again on this date and several more times.
10. Finally, on January 6, 2010, my husband and I had our first visit with Christian, and it was an hour long. We had weekly visits that were at least an hour long. The visitation

was at the county DHS office in a visitation room. I would bring clothes and toys for both boys, and formula too for Christian.

11. Christian was very small when we first saw him. We didn't know how sick he had been as a baby. We saw my niece in him, my nephew. We saw him grow, gain weight, start looking healthier. He started recognizing us, we thought, smiling at us. Putting his little hand on us. My husband playing with him, making him smile. Just loving every moment we got to spend with him. Just precious moments that we will cherish forever.

12. I brought my camera and took 143 pictures total from the visits, and each one of those pictures mean so much to me and my family. One time they let us bring our daughter and grandson. We had such a great visit.

13. On January 11, 2010, we gave Mr. Baker the criminal background check information on the family and friends that are part of our support network.

14. We received notice that there was going to be a TPR hearing two days before it was to happen. My husband was upset to hear about this because Mr. Baker had told us that the reason we could not see Zachariah was because of the TPR hearing. Mr. Baker said this TPR hearing would not interfere with Christian in the same way because we had already come forward and asserted our rights with him. The TPR hearing was scheduled for February 10, 2010, which was bad, icy weather.

15. Mr. Baker told us to be at the hearing, be there with all of our family, all of our support, "The more people there for you to testify, the better." The foster mother came with Christian, who was wearing too small and thin clothes, no shoes, only socks, no jacket in the icy cold weather, and only a receiving blanket and hat. He was very ill, but he still smiled at me when I held him. The foster father was not at the hearing.

16. Before the hearing, we were told that only myself, my husband, and my son would be allowed in the courtroom, and we were told to sit in a different spot outside the courtroom. However, none of us were called to testify or allowed to enter the courtroom.

17. After the hearing, in the hallway of the juvenile courthouse, Ms. Mischa Martin, attorney for DHS, told us that Christian was "up for adoption" now. I said, "Mr. Baker said we couldn't adopt him." She said, "Adoption, permanent custody, same thing." I pointed out to her that we didn't get to talk to Judge Warren. She said we couldn't speak to Judge Warren because things weren't completed yet.

18. I told Ms. Martin I wanted to explain to her who I was, and I did. I told her about myself and my husband, that I wanted my nephews. She said that I was getting to her heart, but it wasn't her decision, that she works for DHS. I asked her if I needed a lawyer, and she said she couldn't give me any legal advice.

19. Ms. Margo Warner, attorney ad litem for Christian, was also in the hallway and part of this discussion. This was the first time I'd ever met her or Ms. Martin. Ms. Warner asked me, "How did you find out about this baby anyway?" I explained to her how I did. She introduced herself and said, "I will tell you right now that I am in favor of the foster parents adopting the boys." She also said, "You showing up has complicated this issue, and we're going to have to decide how we're going to handle that." My husband and my son also witnessed this exchange. I asked if I could still have my visits with Christian, and Ms. Warner said she'd have to talk to Mr. Baker about that.

20. I was in tears when I got downstairs to Mr. Baker, the caseworker. Mr. Baker would not look me in the eyes. I had the car seat in my car in anticipation of getting Christian today. He said, "I just didn't get the home study done. We've got to work on that right away." He said he'd see me Monday for my visit with Christian. We continued our visits through February and March.

21. After the TPR hearing, I knew I needed a lawyer, so I worked on getting one. Mr. Baker scheduled a staffing for February 16, 2010, and I told him my lawyer couldn't be there on that day, and asked to reschedule. Mr. Baker told me my lawyer didn't need to be at the staffing, just me and my husband.

22. At the staffing, they explained Fetal Alcohol Syndrome. Ms. Margo Warner asked me and my husband why we didn't want **both** boys. My husband looked over at Ms. Warner and told her, "We **do** want both boys, but we've always been told we couldn't see Zachariah." Ms. Warner said we could see Zachariah, and told Mr. Baker to let us see both boys at the next visit. However, that never happened.

23. They asked us how we would take care of both boys. I asked them if they were saying we could adopt both boys because we were told we couldn't adopt either boy, and Latrinia Joyner, the supervisor of caseworkers for DHS, said, "We break the rules all the time."

24. As to how I planned to take care of the boys, I explained I planned to take FMLA leave from work, that I have extensive leave available, and would spend time bonding with the boys and getting them on a good schedule and all medical needs attended to, including therapy. After FMLA ran out, my best friend would take care of them after I put in my 30 day notice for retirement. After that 30 days, I would retire to take care of the boys full-time.

25. Ms. Warner asked me, "What would you do if you and your husband didn't think you could take care of the boys by yourself?" I told her we had lots of family support. If it became necessary, I'd hire someone to come and help us.

26. Just to let you know what kind of family support we have in Central Arkansas, my daughter is a certified rehabilitation RN, my sister, my niece and her husband, my son, my best friend of 44 years, and people from church and work are all available and willing to help us with the boys.

27. As far as finances were discussed, I told them that we are financially stable, and we are remodeling a rent house and planning on selling it to put the money back for the boys' future.
28. At the staffing, Latrinia Joyner and Willie Baker recommended that my husband and I become approved as provisional foster parents, so we started classes shortly after the staffing. We received our certificates on April 5, 2010, including CPR certification.
29. We had 3 home studies completed, passing each one. The first one was done out of the Saline County DHS Office on February 17, 2010. Then we were asked to do another one by Youth home, ordered by the Pulaski County office. Then a third one was done by the lady who taught our foster-parenting class.
30. On March 1, 2010, our lawyer filed a Motion to Intervene in Christian's case, but Judge Warren denied it in an order entered on March 17, 2010, that stated:
"The Mondays do not have to be granted intervenor status in this action in order to be considered as a placement option for the juvenile. In fact, the Mondays are visiting with the juvenile regularly, have notified DHS that they are interested in being a placement for the juvenile, and have had a home study and background checks done, all without being parties to this action".
31. On March 19, 2010, two days after the court order, a staffing for Christian was held that we were not included in. Our next scheduled visit was March 22, 2010, at 11 a.m., but I received an email from Mr. Baker at 9:53 a.m., stating that the visit was cancelled, and asking me to call him.
32. Mr. Baker wanted to come to my office and talk to me. I waited for him all day on March 22, but he never showed up or called. On March 23, I called him and spoke to him. He said we could reschedule visitation with Christian for March 24, 2010.
33. On March 24, our visitation with Christian lasted a little over an hour. It was a really good visit. He seemed excited to see us. He reached his hand to our faces, he had not done that before. It was exciting to see him developing.
34. After the visit on March 24, Ms. Latrinia Joyner, Mr. Baker, my husband, and myself went into Ms. Joyner's office to talk. They told us that a staffing had been held, and it had been decided that they were leaving both boys with the foster parents and we weren't going to get visitation any more **because the foster parents didn't want us to see the children any more.**
35. At this time, I noticed that Ms. Joyner had pictures of her family in her office, and I told her that I had pictures of Christian in my office on my credenza. Mr. Baker said to me that I couldn't display Christian's pictures to the public.

36. My husband asked Ms. Joyner, "Is that set in stone, that we aren't going to see the boys?" She said that Zachariah's father had filed an appeal, and had 8 months to pursue that appeal. My husband asked that she not allow them to adopt Christian without giving us a chance if Zachariah cannot be adopted. She said she'd promise us that they would not allow them to adopt just one of the boys, they'd have to adopt both boys together.

37. When we left the offices, I was very upset, and glad my husband was with me. I had been promised that I would see Zachariah, and that never happened. I had been led to believe that we were going to get custody of Christian, and that wasn't happening. I even had a court order stating that visitation was ongoing, yet that was stopping too.

38. I called the Governor's office and spoke with Joyce Dees. She set up a meeting with Cecile Blucker for April 2, 2010. She asked me to tell her our story, and I did. She said, "We've made several mistakes. DHS should have never let you see Christian. Mr. Baker did not get supervisor approval to start those visits. Also, someone at the staffing that you attending thought you wanted the white baby, but not the black baby."

39. At this point, I stopped her. Through my tears of anger and disbelief, I told her that she had deeply offended me, that she didn't know anything about me or where I came from. I explained to her that my mother left my father with four children when I was 8 years old. His best friends were an African-American couple, and they helped raise us kids my whole life. That she could come to my house and see the pictures on my walls of Liza Jane and Rayfield Smith in our family photos because they are my family. I don't have a racist bone in my body, and the only reason we didn't keep trying to get Zachariah is because DHS caseworkers and attorneys told us we could not because he had already had his parental rights terminated.

40. Ms. Blucker told me, "I'm sorry. I didn't mean to offend you. But I needed to see your reaction to the statement I made."

41. All Ms. Blucker would say is that she would go back to square one to look at the boys cases and have a meeting and she'd get back to us. On April 23, we met with Ms. Blucker again. We took our attorney with us. Milton Graham and David McCoy of DHS also both attended and did most of the talking. Mr. Graham said, "We like you. We think you are good people. We think you should be able to have custody of your nephews and raise them; however, both attorney ad litem will not approve it. They want the boys to stay with the foster parents."

42. Mr. McCoy said the attorneys primarily are making the decision based on Zachariah's needs. He has been in the foster home since he was one month old, and he has fetal alcohol syndrome disease (FASD).

43. I told them that I have spoken with two pediatricians and one pediatric occupational therapist, and all of them told me that if Zachariah was in a loving, stable home, kept on

a schedule, had his favorite toys and foods, they thought he would adjust to the change given time.

44. They said the ad litem decision was made and was not going to change. Ms. Blucker said, "Even if we insisted that you be allowed to take the boys and got them in your home, the attorneys would somehow make us take them back and give them to the foster parents."

45. I learned that the foster mother had a website in late June 2010 that had pictures of both Zachariah and Christian on it. I was surprised about this because she was a party to the case, unlike me, so she had specific court orders prohibiting her from disclosing the children's identities.

46. I was surprised at some of the comments the foster mother made on her website. She said the house they moved into recently had smaller bedrooms than their other house and has more children in it. She said that if DHS knew, they would not be calling her all the time asking her to take in more children.

47. On the website, the foster mother said that she had a hard time decorating the bedrooms for the children because she had 2 girls and 1 boy in the same bedroom.

48. I found one comment on the website to be hurtful because when she was talking about taking "my" (meaning her birth children) out to eat, while "Z" & "C" were in daycare. "I enjoyed my meal not having a squirming baby in my lap".

49. On the website, the foster mother said she was "physically and emotionally burned out, but my family wants me to keep getting foster children". She also bragged about the amount of money she will draw after the adoption because the boys are a sibling group with special needs, stating that the amount will equal what she would make working outside the home. (She would boast that she has a BA in Social Work.)

50. The foster mother stated on her website that she has a fear that she can't take care of the boys (my nephews), and since they take so much of her time, she thinks her own children (meaning biological) don't get the time from her that they deserve. But then in the next paragraph, she says that she is thankful for the babies. My question is, does the money make her thankful?

51. Because of concerns about these public posts on her website and my serious concerns about whether this couple really wanted to raise my nephews or were just doing it for the money, I notified DHS about this issue by telephone and email. Specifically, I emailed Cecile Blucker, but did not hear back from her.

52. So, at 6:10 a.m., on July 30, 2010, I e-mailed Chanda Young-Olive, Supervisor that replaced Latrinia Joyner, and shared my concerns with her, asking that she allow me to come to her office, and show her what the foster mother was doing. I told her that if I could just have peace, knowing that my nephews were being adopted by the foster

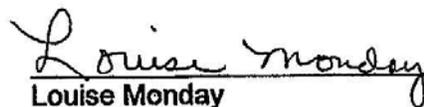
parents because they loved and wanted them, and not for the money, then my heartache would be justified. I heard back from her at 12:14 pm, that same day, saying "Mrs. Monday, I will forward this email to all Attorney's involved on the case. Thanks!". I've never heard from anyone again.

53. I can't help but think from this horrible nightmarish experience that the attorneys ad litem prematurely agreed to give the foster parents both of my nephews when Christian was only a day old, before any family was notified or had time to come forward. Then after we came forward, they did not want to go back on their word. This does not sound like the "best interest of the children" to me.

54. We learned that Zachariah's father, has appealed his termination of parental rights. My family would support him if we knew how to contact him.

55. I would like to see the termination of parental rights law changed so that honest, caring, and decent relative's rights would not be terminated just because the parents' rights are terminated. Furthermore, the attorneys ad litem should not be allowed to make the total final decision as to the children's future, as far as who gets custody and raises the children. The relatives of the children should not be punished because the parents made mistakes and or desert their children, and neither should the children be deprived of their family and their heritage.

56. I have extensive documentation to support this statement, should anyone be interested in seeing the documentation. Also, my husband, son, daughter, and/or other relatives were witnesses to many of the events I've mentioned in this statement.


Louise Monday

11-29-10
Date

STATEMENT OF BRENDA OLIVE

1. My name is Brenda Olive, and I am currently on disability and attending college in the area of business administration. I have worked as a parent facilitator, in women's leadership training, and with incarcerated women, their children, and the children's grandparents for the past 15 years.
2. In 1995, my son's child was born, and the mother of his child and my newborn grandson moved in with me. My son was in prison, so there was room at my house; they moved into his room. My son's girlfriend was in 9th grade and my first priority was to get her back into school. I got her on track for a while, but then she had other plans and moved out, leaving my grandson with me.
3. I take my grandson to visit his dad, and he visits his mother too. She has had two other children.
4. I have an informal arrangement with my grandson's mother regarding him staying at my home. She signs papers for me to have access to his medical and educational records, and I cooperate as needed because if I don't she'd probably not continue with our arrangement.
5. My grandson is on ARKids First, but other than that, I don't receive any other state or federal government assistance, not food stamps or TEA. I only get \$875 a month in disability benefits, so two people living off this limited amount is hard.
6. I am fortunate that my grandson is so cooperative and responsible. However, he is very aware of our poverty and the strain I face in trying to make the most basic payments for our survival each week and month. He has the same needs, wants, and interests as every other teenage boy, and it is impossible for us to meet those needs without assistance from organizations and other's good will. If there is no assistance, then he cannot participate. And he does not want to further burden me.
7. Family, friends, and community organizations help us out. We go to the food pantry for food; however, in this economy, they often do not have the food we need to survive.
8. My grandson is a conscientious "saver"; if anyone gives him money, he saves it up to buy clothes and shoes and won't spend it unless it's something special he's saving up for, so that helps. Arkansas Rehab is helping me with grants for school because of my disability.
9. Currently, my grandson is in 10th grade at Central taking AP classes. I am so proud of him. He has gone farther in education than anyone in his mother's family in 4 generations. When he was in Junior High at Dunbar, he was in the Avid Program, and he participated in a Literary Arts program where he read a book and wrote a letter to the author about the book. He picked the book "Cooked" by Chef Jeff Henderson. He was the only one in the Little Rock School District to place in the competition.

10. I am blessed that he's a good kid. I've never had any disciplinary problems with him. He's never gotten into trouble at school. He's told me that he is planning to go to Metropolitan High School this fall to take technical classes – he's decided he's going to culinary school and taking algebra there and then going back to Central to take the rest of his classes. He's pretty healthy, although he has asthma and is allergic to bees.

11. He turned 15 on June 27th, so he's looking for a job. He wants to work, he wants an education, and he wants to be responsible. Actually, he is very responsible for a 15 year old.

12. Probably the hardest thing about raising my grandson is the financial issues, the expenses of raising a child. As a facilitator of mostly informal kinship caregiver support groups for over 15 years, dealing with people who are enduring the same financial hardships as I am, I think we all need to recognize that informal kinship caregivers are serving not only our families' children, but the state by keeping the children out of the child welfare system and the juvenile justice system and, instead, providing them loving, stable, safe homes where they can get an education to better themselves. Society has failed to recognize the value of what we are doing. Our grandchildren are as deserving of state support as the children who are in the foster care system. Children remaining with relatives who deeply care for them are keeping families in tact rather than destroying them. Perhaps the most significant way you could give us the support we need is to provide informal kinship caregivers with a monthly payment that recognizes the value of what we are doing for children and their futures.


Brenda Olive

7-10-10
Date

STATEMENT OF ELLEN PATROM

1. My name is Ellen Patrom, and I am a business owner and cosmetologist. I am 65 years old, and I live in El Paso, White County, Arkansas.
2. I am here today because my two year old granddaughter lives with me, and she means the world to me. She lives with me because neither of her parents are able to care for her right now.
3. My youngest daughter was having problems with her child's father earlier this year, and the relationship was very rocky. My daughter had displayed some very erratic behavior, so the child's father reported her to DHS because he was worried about my granddaughter's safety. As a result of the domestic issues, in May of this year, DHS tested my daughter for drugs, and she tested positive for both methamphetamines and marijuana.
4. Luckily, when DHS came to test my daughter for drugs, my granddaughter was with her aunt, my other daughter. DHS took my granddaughter from her aunt and put her in foster care with strangers. My granddaughter had to stay in foster care for 4 weeks and 2 days.
5. The investigator told me I needed to get a background check, a home study, and character letters before I could get my granddaughter. I immediately got on that, and by the next day everything was done except the criminal background check, which was completed by the next week.
6. When we went to court the next week, I was told I couldn't get my granddaughter, so we had to wait awhile. I cried and worried a lot about her --- Was she safe? Was she being cared for? I made a lot of phone calls, trying to speed up the process. I just knew she'd be better off with her family who loved her.
7. On May 28, the caseworker and her supervisor brought my granddaughter to me. I was so grateful to see her! We had to get settled in. We hadn't seen her in a while. She was looking for her momma and daddy, but she couldn't see them at that time. She was having separation issues, she didn't want to leave me at all, she'd pucker up to cry. I took her with me all of the time for at least a week, even to work.
8. After the first week, I started to take her to Searcy to DHS for separate supervised visitation with each of her parents. Now, DHS lets the parents have separate visitation at my house. That's easier on me and my granddaughter.
9. The second time I went to court for my granddaughter was in June. The ad litem attorney said I would only be able to keep my granddaughter for a year because of my age. This would give my daughter a year to get herself

straightened up and in compliance with all of the stipulations that DHS has given her so that she could get custody of my granddaughter.

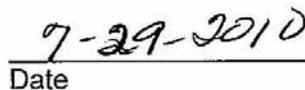
10. I am a provisional foster home, but I haven't went through any kind of classes. I can financially support my granddaughter, so I'm not sure if I am going to proceed any further than that.

11. While I think the health and age of a person being considered as a caregiver for a child is relevant, it seems there is oftentimes too much focus placed just on a person's age. For example, in my case, I think I am healthier and more able-bodied than most people my age. I can work circles around people half my age, and I've proved it. I can still get in the floor and play with my granddaughter (and get back up!), so I don't think my age alone should disqualify me from a permanent placement option for my granddaughter.

12. I know other grandparents that have their grandchildren. One of my customers had 6 of her grandchildren. At that time, I was charging \$6 for a haircut. She was struggling so much to make ends meet, that I only charged her for 3 of the children's haircuts. I know that others in the community helped her as well, because we all know how hard it was for her to do the job she was doing. But we all knew those kids were in the best place, with family who loved them.



Ellen Patrom



Date

Statement of Judy Robinson

1. My name is Judy Robinson, and I am a comptroller for the state. I have worked for the state for 29 years.
2. It seems relevant to your study to tell you I am an adoptive mother. In 1990 or so, I went through the adoption program at DHS to adopt a child, and shortly thereafter, my daughter was placed in my home. She was 9 years old when she first came to live with us. Her adoption was finalized when she was 10 years old.
3. My daughter had an unstable life before we adopted her, and had been sexually and physically abused before coming to live with me.
4. My daughter was a handful, very rebellious and would withdraw from us for no apparent reason. She went to a lot of therapy, and she had a lot problems. She is my only child. Her father, the man I was married to when she was adopted, died when she was 13 years old. This was very hard on her.
5. As a young adult, her life continued to be dysfunctional. She had so many problems and behavior issues, I just didn't know what was going on with her. Later on, we learned that she likely started drug use in her teenage years.
6. In getting to primarily why I'm here to testify today, my grandchildren were taken into DHS custody in November of 2006. At that time, my daughter and the grandchildren were living with her second husband's parents in the country. This was the children's step-father and step-grandparents. The neighbor heard a child screaming in the middle of the night, about 1 or 2 in the morning. When the police got there, they found my four-year old grandson hog-tied outside in his underwear. It was cold. They had to wait for Children and Family Services to come and get the children. The step-father was taken to jail.
7. I went to the first hearing, and the judge found that the children should remain in custody of DHS. The twins were put in a standard foster home at this time. Later, they were moved to two therapeutic foster homes in a year period. My grandson who had been found hog-tied had also been admitted to institutional care two times in a year period as well.
8. By the second hearing, I was allowed to have supervised visitation with the children once a week at the Children and Family Services Offices. I visited with the children once a week for approximately 1 year and 5 months, from December 2006 until May 2008.
9. Both my mother (the children's great-grandmother) and the paternal grandmother often visited with me. We always did activities with the children, played with them, colored in the coloring books with them, worked on school work with the oldest one, etc. We would bring toys, food, clothes, and shoes for

them. The visitation usually lasted an hour or so. This time really meant a great deal to our family and to the children.

10. I only recall the children's attorney ad litem attending visitation once. I think it was mostly to observe the troubled twin grandson, to observe his rather drugged behavior and how odd he was acting, at the request of the supervisor of the therapeutic foster home.

11. I also attended all of the staffing meetings for the children during this time and the hearings.

12. At one of the hearings, someone testified that the twin boys had both have Attention-Deficit/Hyperactivity Disorder (ADHD). We had an idea that the boys had this problem because of their impulsive behaviors. A psychological test was read at a hearing that said both boys were diagnosed with Post-Traumatic Stress Disorder (PTSD).

13. At another hearing, the caseworker had mentioned that I took the children clothes and shoes when they were in foster care because they were not being provided adequate clothing and shoes. I was mentioned at another hearing by the caseworker because I reported that my daughter had moved to Malvern.

14. In April 2008, the termination of parental rights hearing for the children was held. At the hearing, the therapist and ad litem attorney recommended that the two twin boys be split up because of my one grandson's behavior. He would hit his brother all the time, and otherwise act out towards him. The judge didn't make any particular ruling at the hearing in regards to me or my visitation. I wasn't even mentioned at this hearing.

15. After the TPR hearing, I called DHS about visitation, asking for visitation with my grandsons to continue, and Mary Anderson, the caseworker, told me that it "was not in the best interest of the children to be allowed further visitation" with me.

16. I was told I would have my last visit with my grandchildren in May 2008. We had a really good visit. We played basketball. The other twin boy told me, "When I get big, I get to see you." He was smiling and happy about it because he just didn't understand how long it would be before we could see each other again because he was just five years old.

17. I called DHS about this issue, asking for visitation with my grandsons to continue after what was told to me was going to be our last visit. I was not allowed further visitation.

18. DHS completely and totally misled me on visitation. My husband and I couldn't take all of the grandchildren, so it was looking like we would not be able

to get any of them, but at the same time, DHS was talking about having us schedule psychological evaluations which is a necessary step for custody and adoption. So, my husband and I were in the process of scheduling psychological evaluations, and I pinned down the Family Service Worker, Mary Anderson, about the likelihood of us adopting one grandchild, and she agreed that it was very unlikely we were going to get custody of just one grandchild.

19. So the issue became whether we needed psychological evaluations for visitation. I asked Mary Anderson, the DCFS Family Service Worker for my grandchildren's case, point blank in an email dated February 25, 2008: "By cancelling the psychological evaluations, will it keep me from seeing the grandchildren for visitation?" Her response a little over an hour later was a simple, unqualified, "No."

20. Then, after the termination of parental rights was finalized and I was told that I no longer had visitation and kept pushing for visitation, Mary Anderson said in a September 12, 2008, email that I refused the psychological examination and that it was reported to the Court, as if that was the reason my post-TPR visitation was being denied.

21. Kathleen O'Connor, Attorney Ad Litem, didn't provide much more of an explanation as to why the nearly one and a half year visitation with my grandchildren abruptly ended. In an email dated September 12, 2008, she stated in "regard to visitation, because parental rights are now terminated, all visitation with relatives has ceased, and the children's case plan goals are now adoption." She had quite a bit to say about how psychological evaluations are necessary for placements, but did not say that psychological evaluations are necessary for visitation.

22. In the 2009 Regular Session, after Rep. Mike Burris' bill passed (Act 1311), I wrote a letter requesting supervised visitation with my twin grandsons, and I was denied visitation with them for the vague reason that: "You were invited to participate in your grandchildren's dependency-neglect case and your actions, as well as your failure of action, led the court to find that it was not in the children's best interest for you to continue participation in said case."

23. I attended every hearing regarding the children, and I did not hear anything negative said about me. At the termination of parental rights hearing, the only thing mentioned about me was that I had provided clothes and shoes to the children. So I have no idea what DHS's vague response to my request means.

24. I am here today to tell you that Act 1311 of 2009 is not being followed, and because it's not being followed, children are being harmed. Two children in particular being harmed are my two twin grandsons. They have lost relationships with stable, loving family members with whom they have had a lifetime bond at

the whim of DHS and an ad litem attorney and likely unbeknownst to the judge, since I was never allowed to testify.

25. Also, I am here because I want to continue contact with my grandsons until they are 18 so that they are not 18 and out on the streets and all alone.

26. My husband and I both feel that grandparents are being punished by the system by not being able to see their grandchildren because of the actions of their adult children. I've heard DHS and the court people say at these hearings that there's nothing in the law that prevents the court from allowing visitation between grandparents and grandchildren after termination of parental rights, but the courts are not doing it, and it's wrong. It's hurting the children in many cases.

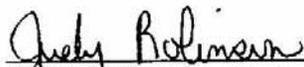
27. What could be different about the law or the procedures to make this not happen?

A. You could require the judges to hear testimony from any grandparents or other relatives that have relationships with the children at the termination of parental rights hearings. I attended all of the hearings but was not called to testify one time.

B. Have an administrative procedure for grandparents or other relatives who have strong ties with the children to use to obtain visitation after termination of parental rights if adoption is not likely in the child's future.

C. Make it so that DHS cannot hold it against grandparents and relatives when they cannot take custody of the children, but want to continue contact through visitation. I just couldn't take custody of my grandsons, and some part of me thinks that I am being denied visitation because I wouldn't take them into my home.

D. Require DHS to explain things more to the families so that that we can make the best decisions possible. Maybe even advise us to get an attorney to protect our interests. I can't help but think that maybe things would have worked out differently if I would have gotten an attorney.



Judy Robinson

8-20-10
Date

STATEMENT OF GEORGIA RUCKER-KEY

1. My name is Georgia Rucker-Key. I am retired from DHS as a health care analyst, and I am a licensed practical nurse who also practiced in the area of psychiatric nursing at the State Hospital for 10 years.
2. In 1997, my youngest daughter, Reneé, was having a chaotic time in her life, and she had four children, ages 14, 11, 3½, and 2. I had just had surgery, so when DHS became involved, the children were placed with my second oldest daughter.
3. Reneé was upset about this placement and took one of the children, the 3½ year old boy, then the police became involved. The police took Reneé to the hospital, and a DHS caseworker came to take the two younger boys to foster care.
4. At the first hearing in July, my 3½ year old grandson was placed in institutional care, and the two older children were already in an institutional setting because of emotional problems from earlier traumatic events, leaving only the youngest, my two-year old grandson in foster care. This was very hard on the two-year old; I know he felt isolated from everything he knew. He suffered two serious asthmatic attacks during this time.
5. I kept going to court. There was hostility between myself and my daughter. The judge didn't think it was safe to place the children with me at this time. I stayed in touch with the children through weekly visitation. By September, the 3 boys were out of the institutions and in foster care and participating in visitation with me. The children were in 3 different foster homes. I would pick all of the children up so that we could all visit with them together. My eleven year old granddaughter stayed in the institution until November.
6. My granddaughter wanted to go to foster care and did not want to stay with me, so I supported her decision. In September of 1997, the two youngest boys were living with me, I was approved as a foster home, and I was receiving board payments. I would let them visit with all their siblings and their mother and father.
7. My granddaughter had problems in school and was suspended for the school year, so the original foster family asked that she be removed. She was placed with a second foster family. This didn't work out well. In February 1998, the DCFS caseworker asked me to take the 14 year old grandson, which I did. Then in March 1998, I got my granddaughter.
8. By March 1998, all of my 4 grandchildren were living with me, and I was approved as a foster home and receiving board payments for them. Sometime in 1998, one of the DHS attorneys asked me if I wanted to "take custody of the children". I said "No." He asked me, "Why?" I said, "If I take custody, and my daughter takes the children, you won't do anything, you won't go get them. But, if the state retains custody, then you will go get them." I explained to him that I could take the children physically, but not financially, especially with their special needs. He said, "You know, the judge doesn't have to give you the children." I asked if I could ask him a question: "Who was going to take a 14 year old African-American male with a

learning disability?" His response was: "No you may not." I told him that I needed some legal advice. He did not respond to me after that.

9. All of my grandchildren have special needs and require therapy for mental health issues and emotional issues, as well as learning disabilities that require special education-related services. I could not have taken care of the children properly without the board payments. The expenses related to raising children in this day and age, especially on a fixed income as I am now, are very high.

10. My youngest grandson alone is an asthmatic with sickle cell trait. He would not even hug us or anything when I first got him. He wouldn't eat, had a hard time going to the bathroom, and looked very sad all the time. We worked and worked to build his trust. My other grandson was too medicated for a 3½ year old when he was in the institution. He didn't even recognize me. He said "I don't know you." That's when I started going to see him every day at the request of the caseworker.

11. I had a really strong support network, including friends and family in the mental health arena, including Dee Ann Newell and Arkansas Voices, Anthony Forte with the Grandparent Program, and some really great caseworkers who really worked with me. (Although I had 5 caseworkers in a 2 year period.) I have heard that all of my caseworkers have transferred to other positions, which seems a shame.

12. DHS terminated my daughter's parental rights for all of the children in February 1999, and I adopted the children in October 1999.

13. The good news is that my youngest daughter, Reneé, has turned her life around. She has gotten help for her mental health issues, has gotten remarried, is going to college, and hopes one day to re-adopt the children, the two youngest boys are 15 and 16.

14. Overall, I think my experience was positive because I prayed a lot. Also, working in the mental health field taught me how to work with all kinds of people without getting emotionally upset. I was the more stable person in the children's lives, and after we got a new DHS attorney, things definitely seemed to get better. I attended every court hearing and I was relentless and persistent. If I didn't have my grandchildren today, I would still be fighting to get them.


Georgia Rucker-Key


Date

STATEMENT OF KRISTIN THOMAS

1. My name is Kristin Thomas, and I work at Fidelity Financial Services. I am married, and I have three biological children, then I adopted my two nieces and two nephews, so I have seven children. I am also blessed with one granddaughter who is two years old.
2. I am here today because I came to have custody of my nieces and nephews because their parents could not care for them, and the mother took them to DHS offices. They were in foster care, and had been in and out of foster care their whole lives. I heard they were in foster care at this point. I prayed about it, called the case worker, and it went from there.
3. The caseworker came and did the home study and background checks, and that all went fine. My husband and I fostered my nieces and nephews for a year when they were ages 10, 8, 5, and 3, with their mother trying to follow her plan to get back custody of them, but she did not follow her plan, so she had her rights terminated. My children were ages 9, 7, and 3 when we started fostering. I thought I got excellent support from the caseworkers at DHS.
4. After my nieces and nephews' mother had her parental rights terminated, the children were up for adoption. While my husband was 100% on board with fostering the children, he was hesitant of taking the step to adopt the four children. He understood the responsibility that having seven children would be because he came from a large family.
5. My husband and I separated and divorced over the issue of adopting the children. I was not going to let go of the children. The children would get sick over the court dates. When I say sick, I mean physically sick, nauseated, thinking about leaving the family, not knowing where they were going to go next. I saw the pain on their faces. I had to give them stability.
6. The divorce was very hard on me, because it's against my religion. I lost friends over it because they thought I made the wrong decision. The children and I suffered financially from the divorce also. We had to move into to public housing because we had no place else to go. I had never lived in public housing before in my life. I cried and cried about it before and after moving. I felt I was going backwards in life, but I felt like I was going in the right direction with the children. I adopted them after the divorce, and the two older ones agreed to be adopted, which they have to do after a certain age.
7. We stayed in public housing for eight months, and it was hard, but we did get moved into a Habitat Home with a lot of hard work and determination, plus support and love from family and friends. The children were excited about being adopted and the new home, and things were looking up.
8. My older nephew, older niece, and younger nephew have learning disabilities, and they needed tutoring and assistance to get back up to grade level. I paid for this with my kinship care payment. I also tried home schooling to see if the extra attention would help

them get back up to grade level, but that didn't work out, and I sent them back to school. I think the educational difficulties were related to the multiple changes in schools the older children had because of the instability of their lives because of parent problems and multiple foster care placements.

9. They love their parents, and the separation from them has been hard on them. We see their mother when we are out, and they run to her to hug her. I tell them to pray for her. She had a hard life; she had children when she was a child. She was a child of the system, and she had a hard time. They communicate with their father too, but neither of them parent or provide financial support.

10. The children were in therapy when I got them from foster care, and I continued to take them. I thought the counselors did an excellent job with the children. They had been traumatized by several events, and had a strong need for stability and no more change.

11. The older nephew and older niece both graduated from high school and my younger nephew is still in school, and he is doing well.

12. The children and I went to kinship caregiver services support group. The kids met in a group of other children with a clinical leader and the adult caregivers would meet in another group. That was a great program that really helped me learn about how to deal with the children. It was a place where we all got lots of support for some great people.

13. My church also provided a great deal of support to our family, and still do. I prayed about taking the children. I didn't have much. I had a two bedroom house, and I didn't want much. I prayed that those children would never go hungry or have the utilities cut off, and that never happened. The members of my church stood by me so much.

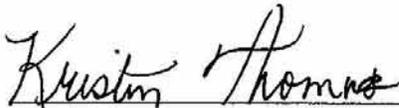
14. When I took the kids, I had no idea I could get any financial help for them. About three months after I had the children, the caseworker mentioned that I could get a kinship care payment for the children. I think I got about \$400 for each child, but for the first year I was not eligible for food stamps because the mother was still collecting food stamps for them. I could only work part-time because of the therapy and tutoring and things like that, the obligations for caring for seven children on my own.

15. Before I adopted the children, I had to take some classes. After I adopted the children, I received an adoption subsidy in the amount of \$425 a month until they are 18 years old. While I have been very grateful for this assistance because I'm not sure what I would have done without it, I wonder why this has never increased over the years even as I've seen the costs increase.

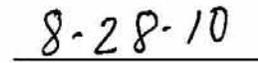
16. I've got three children in my house now and it seems like it costs me about what it cost to raise seven before. Costs are really going up. I don't think this has been raised in a long time, except when the children turn 16, you get \$25 a month increase.

17. I did not want the children to be in society where they did not have family to love them. I wanted the children to not feel they have family and maybe become a gang member or go to prison.

18. My ex-husband and I stayed in touch parenting our three children together, and we reconciled. Now, I am proud to say we are happy, grateful nine member family struggling in this world together.



Kristin Thomas



Date

STATEMENT JEAN WORRELL

1. My name is Jean Worrell, and I live in Hot Springs, Garland County, Arkansas. I work for Workforce Services through an AARP program.
2. My granddaughter, Tiffany, is seventeen years old. Since last fall, she has had some problems, gotten into trouble, including running away to Florida, stealing from her parents, threatening her parents, and acting violent to her parents, not to mention things she's been doing with boys that grandmothers do not want to think about.
3. I've known Tiffany all of her life, and usually saw her a couple times a week. As far as her character, Tiffany could make you believe the sun comes up in the west. She can be quite manipulative, and she's been able to work her magic on me a time or two, or even more than that if I'm honest.
4. As I said, she seemed to have a really bad spell last fall, then she had some health problems, then we had Christmas and everything seemed fairly calm. But on January 20 of this year, the bottom fell out once again.
5. My older granddaughter called me and said I needed to come over to their house. Everyone was a wreck, wondering where Tiffany was. I was told the DHS investigator, Sheena Garrard, came to the door, went outside, then to Tiffany's room. Then Heather asked the investigator to leave. Apparently, Tiffany crawled out the window and left with the investigator.
6. The next day, I went with my son, Tiffany's father, to the DCFS office to talk about Tiffany and pick up the keys and a checkbook, but didn't seem to get anywhere with that. Sheena Garrard was not there.
7. My son and his wife have kept me posted on Tiffany's case. I was worried about Tiffany, my son, my daughter-in-law.....the whole family. This situation was just somewhat surprising. Tiffany's parents have lived for her and her sister. Parenting has been their number one priority and the kids are the center of their lives. This type of parent should not have their children taken away from them because they did nothing wrong. You do serious damage to a child when you reward them for lying. She's getting exactly what she's wanted -- rid of her parents, no checks or balances on her conduct by the people who know her best.
8. I have heard about the allegations that Tiffany has made against her parents, and if I thought even one of them was true, I would have done everything in my power to get her out of that house before DHS got involved.
9. Furthermore, I would have considered taking Tiffany in my home to live with me when she was removed from her home by DHS. Also, I would be interested in visiting with Tiffany. However, no one from DHS or DCFS has contacted me

about placing Tiffany with me. Tiffany's ad litem attorney has not contacted me. The CASA volunteer hasn't contacted me. Parent counsel hasn't contacted me. No one has contacted me by mail or phone about my granddaughter.

10. I attended the first hearing, and it seemed like the DHS attorneys got whatever they wanted. I do not understand why my daughter-in-law, son, and older granddaughter's testimony were totally ignored by the judge. My pastor, who is also their pastor, testified, and he has set up a very good program, the Father's House for men with addictions that courts refer men to. He personally saw Tiffany bite her father, push her mother repeatedly, threatened to attack the pastor, and cursed the pastor. Yet the court seemed to disregard his testimony and his credentials.

11. I have not seen or heard from Tiffany other than at court dates since January 20, 2010. This is really affecting me to lose my granddaughter for no real reason.

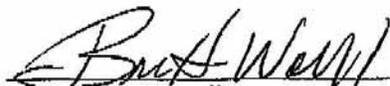
12. This has been a living hell for my family. When your kids hurt, you hurt. I am concerned for my son's health, and my daughter-in-law's health as well. I know they haven't done anything to deserve this. Eventually, we think someone is going to listen and do what is right.

Jean Worrell
Jean Worrell

8-2-10
Date

STATEMENT OF BRIAN WORRELL

1. My name is Brian Worrell. My seventeen-year-old daughter, Tiffany, left our home after a DCFS investigator attempted to remove her from our home on January 20, 2010. She has not been in mine and my wife's custody since that time.
2. I have been married to my wife for twenty-four (24) years. The marriage has been continuous without any separation or divorce. Tiffany is a legitimate child of our marriage.
3. On the paperwork from DCFS, I was referred to as the "putative" father of Tiffany, even though she was the child of my marriage to my wife.
4. The paperwork does not even have my correct name on it. It says, "Heath Brian Worrell" and my name is "Brian Heath Worrell". I have tried to get this corrected, and the parent counsel said it did not matter.
5. My wife and I were also appointed separate parent counsel. We did not understand why this was, and we kept telling our parent counsel and DHS that we didn't need two attorneys. We kept insisting that there were no problems in the marriage. Finally, we received just one attorney to represent us both, but this was after the hearing.



Brian Heath Worrell

12-7-10
Date

STATEMENT OF HEATHER WORRELL

1. My name is Heather Worrell, and I live in Hot Springs, Garland County, Arkansas, with my husband of twenty-four years. I own and operate my own business. I have two children, both of whom I home-schooled. My oldest daughter, Rachel, graduated from home-school with honors. I was home-schooling Tiffany, my youngest daughter, and she was going to be graduating early in May 2010, at 17, because she started school a year early.
2. To prepare for Tiffany's May graduation, we had her senior pictures made, my mother bought her a senior ring, and I had registered her for the local home-school graduation and the state graduation as well. All of her paperwork was in order and she was progressing for a May graduation for her high school diploma from home school. She had already even been enrolled in college and taken one class.
3. I am here because I have had problems with Tiffany since the fall of 2009. She had been acting out sexually, stolen money from us, ran away to Florida, and been violent to me and my husband.
4. We found out she was dating a 19 year old, Cody, and I found information on the Internet that indicated he was a White Supremacist. I told her that she was not to see him any more if that was true, hoping she would realize how serious this was. Two days after that, on January 20, 2010, she came home about 9:30 p.m., and about 30 minutes later, a DCFS investigator came to my house at about 10 p.m.
5. The DCFS investigator, Sheena Garrard, came to the door and my daughter opened the door, telling me it was for me. I was confused as to why DCFS was at my door. The investigator rattled off several allegations very quickly. I told her none of them were true. She said she had to speak to my daughter alone, and they went on the front porch to talk.
6. My oldest daughter went to the front porch to smoke outside because it was raining, and the investigator got mad at her for going out there. I suggested they go to Tiffany's bedroom to get away from my older daughter on the front porch.
7. I called my husband at work, telling him to come home immediately, because DCFS was still there.
8. I went into Tiffany's bedroom and saw my daughter with a packed bag, texting on the cell phone and Sheena, the investigator on her cell phone. Sheena asked to take my daughter to Ouachita Children's Center, and I said "No, my husband is on his way home."

9. At this point, the investigator left my home. My younger daughter locked herself in her room. My older daughter said she thought she was going through the window. I looked out the window and saw the investigator, Sheena, in her car in the middle of the road, up the road from my house with her foot on the brake, and I saw my daughter get in her car.
10. At that point, I called my husband again. We tried calling the police, but they ignored us. Jean Worrell, the paternal grandmother, and Judy Blake, my mother, came over. Everyone was upset about this situation.
11. The next day, my husband and his mother went to the Garland County DCFS office to see what was going on and to get the keys and checkbook. He didn't get to see the investigator, Sheena.
12. The next thing that happened was we got a notice for a hearing, and it said DHS wanted us to have no rights to our child, no access to her or her medical or educational records.
13. My husband and I were to have separate parent counsel in the matter. His attorney was Rena Roach and mine was Mike Sanders. They practice out of the same office. Mike Sanders acted like this was no big deal. The whole separate parent counsel was odd; my husband and I do not have marital problems and neither of us had done anything wrong.
14. At the first hearing, we tried to explain about all of the problems we have had with Tiffany since the fall. Our older daughter tried to explain, as did our pastor. No one listened to us, and the court, Judge Cook, granted what DHS wanted, ordering no contact with our youngest daughter. The DHS attorney, Cecile Dyer, seemed to get whatever she wanted.
15. A guy that the nineteen-year-old boyfriend Cody was living with was at the hearing telling everyone he was Cody's father, but he is not his father. The man is covered in White Supremacist tattoos, and he was trying to get custody of my daughter at the hearing! The judge told him he had to leave because he had nothing to do with the case. There were no-contact orders between Tiffany and these men because of incidents from foster care.
16. At either the first or second court hearings, I gave the grandparents' contact information to my attorney to give to DCFS and all other interested parties. I gave them my husband's mother's information, Jean Worrell, and my mother's information, Judy Blake. Both grandmothers have been around Tiffany all of her life and would have been willing to consider having Tiffany live with them and have been at the hearings. Both grandmothers are interested in visiting with Tiffany as well. After this, I followed up with Heather Finley, the caseworker, about this, and she said that Tiffany did not want to live with either grandmother so it was not being pursued.

APPENDIX H - PEW FOUNDATION REPORT

Since the Start of the Great Recession, More Children Raised by Grandparents

FOR RELEASE: SEPTEMBER 9, 2010

Paul Taylor, Project Director
Gretchen Livingston, Senior Researcher
Kim Parker, Senior Researcher
Wendy Wang, Research Associate
Daniel Dockterman, Research Assistant

PewResearchCenter
A Social & Demographic Trends Report

MEDIA INQUIRIES CONTACT:
Pew Research Center's
Social & Demographic Trends Project
202.419.4372
<http://pewsocialtrends.org>

Since the Start of the Great Recession, More Children Raised by Grandparents

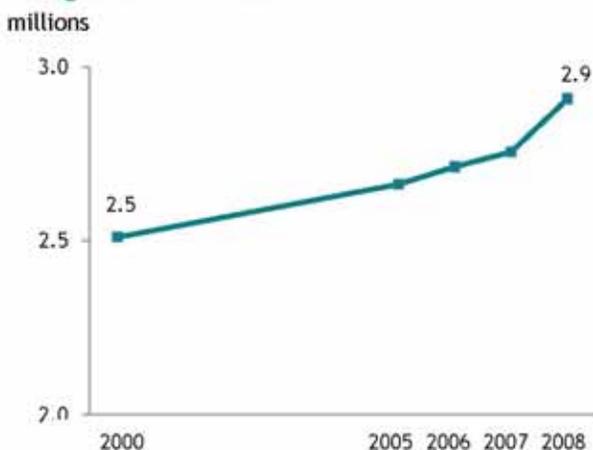
By Gretchen Livingston and Kim Parker

One child in ten in the United States lives with a grandparent, a share that increased slowly and steadily over the past decade before rising sharply from 2007 to 2008, the first year of the Great Recession, according to a new Pew Research Center analysis of U.S. Census Bureau data.

About four-in-ten (41%) of those children who live with a grandparent (or grandparents) are also being raised primarily by that grandparent¹, according to the Census data. This figure—2.9 million children²—rose slowly throughout the decade and it, too, spiked from 2007 to 2008. In that single year, there was a 6% increase.

The phenomenon of grandparents serving as primary caregivers is more common among blacks³ and Hispanics than among whites⁴, but the sharpest rise since the recession began has been among whites. The number of white grandparents primarily responsible for their grandchildren rose by 9% from 2007 to 2008, compared with an increase of just 2% among black grandparents and no change among Hispanic grandparents.

Sharp Increase in Children with Grandparent Caregivers Since 2007



Note: Includes children who live with a grandparent responsible for most of their daily needs.

Source: Pew Research Center calculations of Decennial Census and American Community Survey Data

PewResearchCenter

¹ Anyone who reported that they live with and are "currently responsible for most of the basic needs of their grandchild(ren) under the age of 18" is considered to be a primary caregiver grandparent.

² This is a conservative estimate, since only those under age 18 who were the children or grandchildren of the household head could be easily linked to grandparent caregivers. They account for over 95% of minors living in a household with someone who claims to be a grandparent caregiver.

³ All references to whites, blacks, Asians and others are to the non-Hispanic components of those populations.

⁴ The share of all children under age 18 who are cared for primarily by a grandparent was 4% in 2008. Among white children, 3% were cared for primarily by a grandparent. This number is 5% among blacks, 4% among Hispanics, and 2% among Asians.

Almost half (49%) of children being raised by grandparents also live with a single parent. For about four-in-ten (43%) of these children, there is no parent in the household. About 8% have both parents in the household, in addition to the caregiver grandparent.

Whether or not they live with and raise their grandchildren, being a grandparent is central to the lives of most older Americans. According to a 2009 Pew Research Center survey, 80% of those 65 and older have grandchildren, as do 51% of those ages 50-64.⁵ The survey finds that grandparents place a premium on time spent with their grandchildren.

Just as the number of children being cared for by their grandparents has increased from 2000 to 2008, the corresponding number of grandparents serving as primary caregivers to their grandchildren increased 8%, from 2.4 million in 2000 to 2.6 million in 2008. Three percent of that increase occurred from 2000 to 2007, and five percent occurred from 2007 to 2008.

Among grandparents who serve as primary caregivers for grandchildren, there are notable differences by race, ethnicity and income. More than half of grandparent primary caregivers (53%) are white, while 24% are African American, 18% are Hispanic, and 3% are Asians. In comparison, in the population ages 50 and older, 78% are white, 10% are black, 8% are Hispanic, and 4% are Asian.

Grandparent Caregivers, 2000-2008

grandparents primarily responsible for most basic needs of a grandchild

	Total 2008	% Change 2007-08	% Change 2000-08
Total	2,636,728	+5	+8
Race and Ethnicity			
White	1,397,090	+9	+19
Black	621,887	+2	-12
Hispanic	483,182	0	+14
Asian	89,608	-3	+9
Poverty Level			
Below poverty level	468,059	+1	+2
1-3 times poverty level	1,251,111	+4	+12
3-5 times poverty level	595,608	+8	+6
5 times or higher than poverty level	303,488	+6	+4

Note: Whites, blacks, and Asians are non-Hispanic. Asians include Pacific Islanders.

Source: Pew Research Center analysis of Decennial Census and American Community Survey data

PewResearchCenter

⁵ These percentages are based on non-institutionalized adults. Adults living in institutional settings such as nursing homes were not included in the survey (see Pew Social & Demographic Trends, "Growing Old in America: Expectations vs. Reality", June 29, 2009 <http://pewsocialtrends.org/pubs/736/getting-old-in-america>).

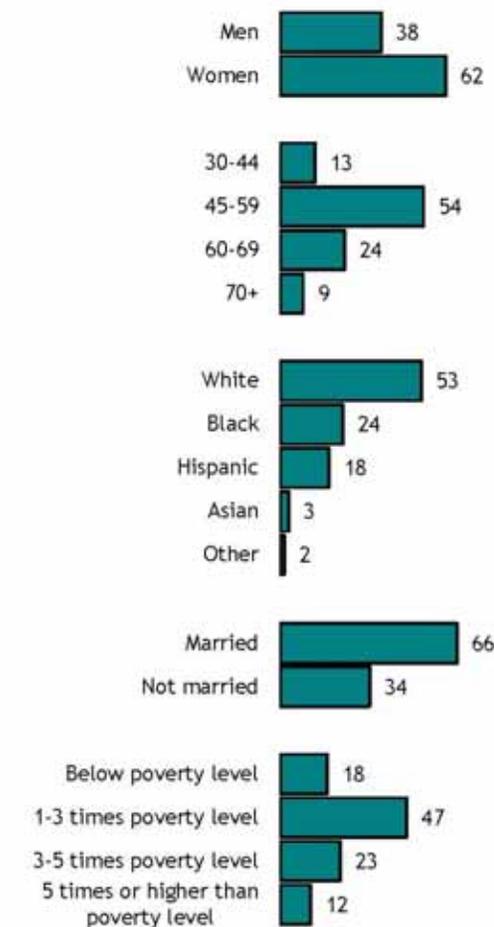
While grandparents who serve as primary caregivers for their grandchildren are disproportionately black and Hispanic, the increase in grandparent primary caregiving across the decade has been much more pronounced among whites. From 2000 to 2008, there was a 19% increase in the number of white grandparents caring for their grandkids. There has been a smaller, but still notable increase in Hispanic grandparents serving as primary caregivers since 2000, which may be linked to the increasing size of the older Hispanic population in the U.S. By contrast, the number of blacks serving as grandparents declined by 12%.⁶

For the most part, grandparent caregivers have very limited financial resources. Nearly one-in-five (18%) are living below the poverty line⁷, while 47% have household incomes that fall between one- and three-times the poverty line. In comparison, among the population ages 50 and older, 8% are below the poverty line, and 32% are living on an income that is between one- and three-times the poverty rate.

From 2000 to 2008, grandparents with incomes between one- and three-times the poverty level have shown the largest increase (12%) in caregiving for their grandchildren. However, much of the increase in grandparent caregiving since the onset of the recession has occurred among grandparents who have incomes that are at least three times the poverty level.

Overall grandparent primary caregivers are relatively young—more than two-thirds (67%) are

Profile of Grandparent Caregivers, 2008
% of grandparents primarily responsible for most basic needs of a grandchild



Note: Whites, blacks, Asians, and others are non-Hispanic. Asian includes Pacific Islanders. Numbers may not add to 100% due to rounding.

Source: Pew Research Center analysis of American Community Survey data

PewResearchCenter

⁶ From 2000 to 2008, the share of Hispanics ages 50 and older increased 2 percentage points, and the share of Asians increased by 1 percentage point. Whites showed a 3 percentage point decline, and blacks showed a decline of almost 1 percentage point. In 2008, whites comprised 78% of people over 50, blacks comprised 10%, Hispanics comprised 8% and Asians comprised 4%.

⁷ To put this in perspective, the poverty threshold for a family of two adults and two children in 2008 was \$21,834 (see <http://www.census.gov/prod/2009pubs/p60-236.pdf>).

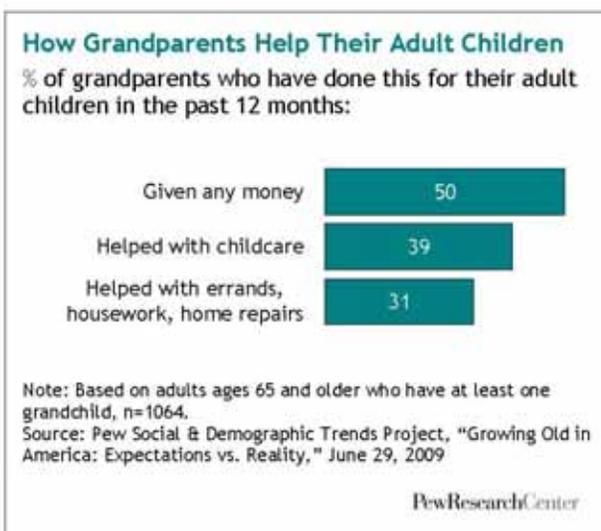
younger than 60, with 13% younger than 45. This likely reflects the fact that younger grandparents are still physically able to take on the needs of grandchildren.

Some 62% of grandparent caregivers are female, and 38% are men. Two-thirds of grandparent caregivers are married, while 34% are not.

The plurality of grandparents who care for their grandchildren have been doing so for quite a long time. More than half (54%) report that they have been the primary caregiver to at least one grandchild for three years or more, and 23% have been the primary caregiver to a grandchild for between one and two years.

Grandparents Helping in Other Ways

Aside from the small but growing minority of grandparents who have primary responsibility for their grandchildren, how many grandparents help out at least occasionally with childcare? According to the 2009 Pew Research survey, among those ages 65 and older who have grandchildren, 39% say they have helped their adult children with childcare in the past 12 months. These grandparents are more likely to have given their adult children money over the past year (50%), and somewhat less likely to have helped their kids out with errands, housework or home repairs (31%).



Among grandparents ages 65 and older, the percentage helping out their adult children by providing childcare for the grandkids declines steeply with age. Fully half of those in their 60s and early 70s (51%) say they helped with childcare in the past year. Among those ages 75-84, 30% did so, and among those ages 85 and older, the share falls to 19%.

Interestingly, more grandfathers than grandmothers say they have helped out with childcare in the past year. Among grandfathers ages 65-74, 57% helped out with the grandkids. This compares with 47% of grandmothers in the same age group.

While many grandparents do lend a hand by providing childcare for their grandchildren, most Americans say this is not a grandparent's responsibility. In a 2005 Pew Research survey, 29% of adult respondents said that grandparents helping with childcare for their grandchildren is a responsibility, 68% said it is not. Roughly the same proportion (32%) said parents allowing an adult child to live with them is a responsibility. By comparison, 62% said parents paying for a child's college education is a responsibility.⁸

⁸ See Pew Social and Demographic Trends, "Baby Boomers: From the Age of Aquarius to the Age of Responsibility" Dec. 5, 2005 (<http://pewsocialtrends.org/pubs/306/baby-boomers-from-the-age-of-aquarius-to-the-age-of-responsibility>)

Older adults are more likely than their younger counterparts to say grandparents helping with child care is a responsibility. And among those with grandchildren, nearly four-in-ten (38%) feel this way.

The Benefits of Aging

Providing childcare for grandchildren is one thing, enjoying time with them is another. The 2009 Pew Research survey found that spending time with grandchildren is viewed as one of the greatest benefits of growing older. Respondents ages 65 and older were asked whether or not they were experiencing a series of “good things” that can come along with aging. The items ranged from traveling to being financially secure, to spending time with grandchildren. Overall, 64% said spending time with grandchildren was something they were experiencing as they got older.

When asked which of the various benefits of aging they valued most, time with grandchildren ranked very high. Among older adults who are grandparents, spending time with grandkids was on par with having more time with family—29% said this is what they value most about getting older. Other potential benefits of growing older, such as financial security, less stress and the ability to travel seem to pale in comparison to grandchildren.

Women ages 65-74 are among the most likely to say they value time with their grandkids above all else. Fully 31% say this is what they value most. This compares with 19% of men ages 65-74.

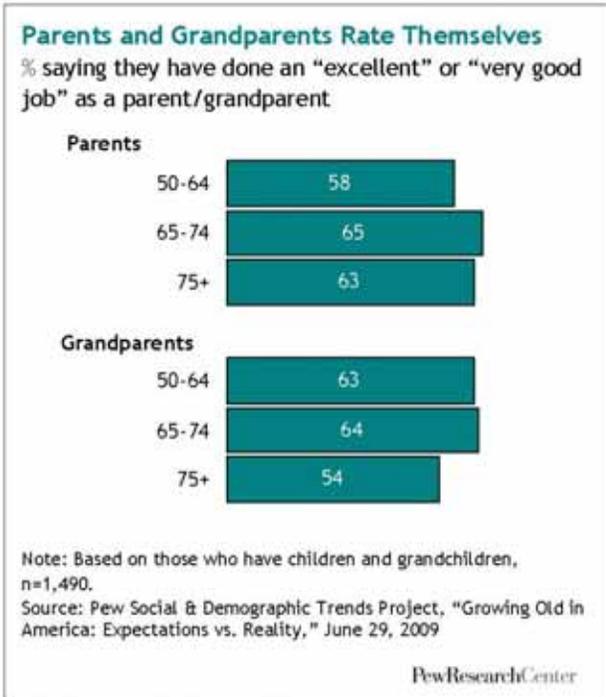
High Marks for Grandparents

Most grandparents give themselves high marks for the role they are playing in their grandchildren’s lives. Overall, 31% of grandparents say they are doing an excellent job, 29% say they are doing a very good job and 27% say they’re doing a good job. Fewer than one-in-ten rate themselves only fair (6%) or poor (3%).

What Older Americans Value Most
% of grandparents 65 and older who named each

More time with family	29
Time with grandchildren	29
More financial security	14
Less stress	8
More travel	7
More time for hobbies/interests	7
Not working	7
Volunteer work	6
More respect	4
Second career	1

Note: Total exceeds 100% because multiple responses were allowed. “Don’t know/Refused” responses are not shown.
Source: Pew Social & Demographic Trends Project, “Growing Old in America: Expectations vs. Reality,” June 29, 2009

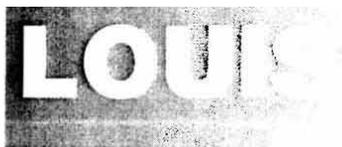


Younger grandparents give themselves slightly higher ratings than their older counterparts. Among those ages 50-74, 63% say they are doing an excellent or good job as grandparents. This compares with 54% of grandparents 75 and older. Among grandparents who give themselves the highest marks for the job they're doing with their grandkids are women ages 65-74. Fully 66% of these women say they are doing an excellent or very good job with their grandkids. This compares with 55% of women 75 and older.

Those who have both children and grandchildren give themselves comparable ratings for their dual roles. Among all respondents who are both parents and grandparents, 62% give themselves an excellent or very good rating for their parenting skills and 60% say they've done an excellent or very good job as a grandparent. The ratings are fairly consistent across age groups, with one exception. Those 75 and older who have both children and grandchildren give themselves slightly better marks for the job they've done as parents (63% excellent or good) compared with how they've done as grandparents (54% excellent or good).

APPENDIX I - SUBSIDIZED GUARDIANSHIP

I1 - LA SUBSIDIZED GUARDIANSHIP OVERVIEW



Subsidized Guardianship



Subsidized Guardianship Overview

Subsidized guardianship is an option that allows children to live permanently with grandparents and other relatives when they cannot live with their own parents and when adoption is not a viable option. Although they vary from state to state, in general subsidized guardianship programs are intended either to help children exit the child welfare system into safe and permanent homes with relatives, or to keep children from unnecessarily entering the system in the first place when they are already living safely with grandparents or other relatives. This option is available in some states to children whose caregivers have obtained legal guardianship or permanent custody through existing state laws. Subsidized guardianship provides grandparents and other relative caregivers with the legal authority to make important decisions on behalf of the children in their care without government intervention while providing critical funds to help meet the basic needs of the children when they cannot return home. Subsidized guardianship payments may be equal to the state foster care rate, the TANF rate, or somewhere in between.¹

The states that have implemented subsidized guardianship programs recognize that in certain family situations, guardianship or permanent custody might be the best permanence option available when children cannot return home. Subsidized guardianship arrangements are particularly important for children raised by grandparents or other relatives because they:

- Enable families to maintain bonds with the birth parent(s) who may have a physical or mental disability that makes them unable to care safely for the children in their own home;
- Honor the wishes of many older children who may not wish to be adopted and/or to break ties with their birth parents;
- Allow birth parents who may one day be able to resume caregiving activities to regain custody of the child with the oversight and approval of the courts and/or child welfare agency
- Respect the cultural norms existent in many cultures where terminating parental rights defies important societal norms of extended family and mutual interdependence;

- Provide the courts with the flexibility to limit or expand the legal guardian's and parents' authority as necessary to best serve the changing needs of individual children, their caregivers, and birth parents;
- Limit ongoing state oversight and intervention in the lives of grandparents and other relatives who are ready to care permanently for the children in their homes, but for whom adoption and reunification have been ruled out, as permanency options.²

Louisiana's Kinship Care Subsidy Program

Louisiana's Kinship Care Subsidy Program (KCSP) provides cash assistance and other services for eligible children living safely with grandparents or other relatives. This program is intended to support grandparents and other relatives who are providing permanent homes for the children in their care, and to prevent the unnecessary entry of these children into the child welfare system. Louisiana's Department of Social Services, Office of Family Support implemented KCSP on March 1, 2000, as a result of legislation passed during the 1999 Louisiana State Legislature. The amount of the subsidy is \$222 per month, which is roughly half of Louisiana's state foster care rate and \$100 more than the state's TANF child-only grant. State TANF funds are used to finance KCSP.

The following children are eligible for KCSP:

- A child who lives in the home of one of the following qualified relatives (either biological or adoptive): grandfather or grandmother (extends to great-great-great), brother or sister (including half), uncle or aunt (extends to great-great), stepfather, stepmother, stepbrother, stepsister, first cousin, including first cousin once removed, and nephew or niece (extends to great-great), or the legal spouse of the above-listed relatives.
- A child who is not currently in the child welfare system, or for whom no monthly payments are currently being made.³



- A child who is under 19 years old⁴ and has an income of less than \$222 per month.
- A child who is a resident of Louisiana and a United States citizen or qualified alien.⁵

Requirements for Relatives to Access Louisiana’s KCSP:

- The qualified relative must provide immunization records for each child under 18 living in the household.
- The qualified relative must possess or obtain within one year of certification, either legal custody or guardianship as granted by a court or provisional custody in the form of a notarized document by the child’s parent(s) of the eligible child who is living in the home.
- The family’s annual income must be less than 150% of the federal poverty threshold.
- The qualified relative must cooperate with Support Enforcement Services in obtaining child support for the child unless good cause is established.
- The qualified relative must not have been convicted of or released from incarceration for a felony of possession, use, or distribution of a controlled substance within the past year.
- The qualified relative must furnish or apply for a social security number for the child.
- The parent(s) of the child must not live in the home of the qualified relative.⁶

In Order to Apply for KCSP:

- The grandparent or other qualified relative with whom the child lives may apply for assistance at any Office of Family Support (OFS) parish office in the state of Louisiana. The OFS Family Assistance office conducts an interview with the caregiver to obtain verification of eligibility.
- The caregiver fills out the same form that is filled out when applying for TANF or food stamps.
- A decision is typically made within 30 days.⁷

The following documents are needed for the application process:

- Verification of the child’s age (i.e., a birth certificate or baptismal record)
- Copy of the court-awarded or notarized provisional custody or guardianship documents
- Verification of income of all family members (including the child), including but not limited to Social Security, Supplemental Security Income (SSI), veteran’s benefits, Railroad Retirement, child support, wages, and other regular income

- Immunization records for each child under 18 in the household
- Social security card or proof of application of a social security number for the child.⁸

For more information about KCSP and its application process, contact Martha Walton, Program Specialist, Department of Social Services at (225) 342-4069 or mwalton@dss.state.la.us or visit www.dss.state.la.us/departments/ofc/Kinship_Care_Subsidy_Program.html

Conclusion

KCSP is currently helping to keep over 8,500 Louisiana children in permanent homes and out of the formal foster care system by providing financial assistance to the grandparents and other relatives caring for them. However, there are many children within the formal foster care system who are living in safe and loving homes with relatives who are willing to care for them long term but are unable to exit foster care to permanent placements because critical financial resources would not be available to meet the child’s needs. Financial assistance such as that provided through subsidized guardianships is needed to help these families.

For information about pending legislation affecting subsidized guardianships, visit Generations United’s website at www.gu.org or call 202-289-3979.

This document was sponsored by a grant from The Pew Charitable Trusts. The opinions expressed in this document are those of the author(s) and do not necessarily reflect the views of The Pew Charitable Trusts.

Generations United (GU) is the only national membership organization focused solely on improving the lives of children, youth, and older people through intergenerational strategies, programs, and policies. For further information, please contact: Generations United (GU), 1333 H Street, N.W., Suite 500W, Washington, D.C. 20005 (202) 289-3979, Fax: (202) 289-3952; e-mail: gu@gu.org. The GU web site at www.gu.org contains additional information about grandfamilies.



© Copyright 2005, Generations United. Reprinting permissible provided Generations United is credited and no profits are made.

¹ Children’s Defense Fund. “States’ Subsidized Guardianship Laws at a Glance.” Children’s Defense Fund, 2004.
² Bossell, Mary and Miller, Jennifer (eds). “Using Subsidized Guardianship to Improve Outcomes for Children: Key Questions to Consider.” Children’s Defense Fund and Cornerstone Consulting Group, 2004.
³ A child may still be technically in the custody of the Office of Community Services as long as no foster care payments are being made. The caregiver has 12 months to obtain custody and can receive KCSP payments during that time (M. Walton, e-mail, May 19, 2005).
⁴ Children ages 16-18 who are enrolled in KCSP must participate in the Family Independence Work Program unless exempt under the agency’s criteria.
⁵ Louisiana Department of Social Services official website, Office of Family Support section, Kinship Care Subsidy Program description at http://www.dss.state.la.us/departments/ofc/Kinship_Care_Subsidy_Program.html.
⁶ *Ibid.*
⁷ *Ibid.*
⁸ *Ibid.*

I2 - SUBSIDIZED GUARDIANSHIP FACTSHEET

FACT SHEET**GRANDFAMILIES: SUBSIDIZED GUARDIANSHIP PROGRAMS****WHAT IS SUBSIDIZED GUARDIANSHIP?**

Subsidized guardianship is an increasingly popular permanency option that provides an ongoing financial subsidy to eligible children who exit the child welfare system into the permanent care of a legal guardian, often a grandparent or other relative. These programs are available in 35 states and the District of Columbia, and vary significantly. They recognize that in certain family situations, guardianship or legal custody is the best permanency option when children cannot return home or be adopted.

WHO ARE GRANDFAMILIES?

"Grandfamilies" are families in which grandparents or other relatives are primarily responsible for caring for children who live with them. Parental substance abuse, military deployment, incarceration, poverty, HIV/AIDS, and death are just some of the reasons causing these grandfamilies to come together.

- 125,668 children in foster care are being raised by a grandparent or other relative.¹
- At least 20,000 foster children are in foster care without a goal of adoption or reunification with their parents and could exit foster care if subsidized guardianship was available to them.²
- Almost six million children across the country are living in households headed by grandparents or other relatives.³
- About 4.4 million of these children are in grandparent-headed households, and another 1.5 million live in households headed by other relatives, such as aunts or uncles.⁴
- Approximately 2.4 million grandparents are responsible for most of the basic needs of the children. Unfortunately similar Census data does not exist for the other relatives.⁵
- Although the number of households where other relatives are responsible for children is unknown, we do know that almost half of the children in grandfamilies (2.5 million) have no parents in the home.⁶

HOW DOES SUBSIDIZED GUARDIANSHIP BENEFIT CHILDREN?

Subsidized guardianship arrangements are particularly important for children raised in grandfamilies, or families in which grandparents or other relatives have primary responsibility for caring for children. Guardianships would:

- honor the wishes of many children who may not want to be

adopted and/or break ties with their birth parents;

- respect cultures in which adoption and termination of parental rights defy important societal norms of extended family and mutual interdependence;
- limit state oversight and intervention in the lives of children for whom adoption and reunification with the birth parents have been ruled out, and minimize the state's ongoing role in their lives;
- give caregivers the necessary legal decision-making authority for children, including the ability to consent to routine activities such as field trips, sleepovers, and school pictures.

A CASE FOR SUBSIDIZED GUARDIANSHIP:

Two young adolescents, ages 11 and 13, were removed from their mother due to abuse and neglect. The boys were placed with their grandmother, who had frequently stepped in to help care for them during times when their mother was unavailable due to heavy drug use or otherwise unable to appropriately care for them. Living with their grandmother was an appropriate and logical step for the two boys for many reasons: they were able to stay in their own schools and they could continue to walk to the neighborhood center where they regularly played basketball and received tutoring. The arrangement worked well for both boys, who each had special health and educational needs well-known by their grandmother. Despite their mother's problems and faults, it was important to both boys that they maintain a relationship with her. Neither wished to be adopted. Their grandmother was committed to providing a safe and stable placement for the boys without severing their parental bonds with their mother. This family did not need all the case management, court intervention or case reviews associated with a foster family. However, as reunification and adoption had been ruled out, the case would remain in the system until the boys became adults. In this case, a subsidized guardianship would allow the grandmother to provide the safe and stable home the boys needed without radically altering their family structure. [Example taken from *Fostering Results: Family Ties: Supporting Permanence for Children in Safe and Stable Foster Care With Relatives and Other Caregivers*. Fostering Results, Children and Family Research Center, School of Social Work, University of Illinois at Urbana-Champaign, 2004].

- enable children and caregivers to maintain bonds with the birth parents who may have physical or mental disabilities that make them unable to care for children;
- allow able birth parents to regain custody of children, provided the courts and/or child welfare system approve; and
- give the courts flexibility to limit or expand the legal guardians' and parents' authority as necessary to best serve the changing needs of the children and other family members.⁷

WHAT ARE THE ELIGIBILITY REQUIREMENTS FOR SUBSIDIZED GUARDIANSHIP?

Subsidized guardianship programs differ from state to state. The programs' names, eligibility guidelines, subsidy amounts, funding sources, and numbers of children served each vary. However, subsidized guardianships are generally designed for those children who have been in state custody, with a relative or non-relative providing the care, for at least six months and in some states up to two years. The caregiver of the child must first obtain guardianship or legal custody. The court that considers the guardianship or legal custody reviews the existing placement and, in those cases of older children, often seeks the input of the child as well. Reunification with the parents and/or adoption must have been carefully considered and then ruled out as before guardianship is considered as the best permanency option. Many states require that the child have an established attachment to the prospective guardian and that the prospective guardian evidences a "strong commitment" to the child. If the court finds that guardianship is in the "best interest" of the child and grants it, the state no longer has custody. After guardianship is granted, the state issues a monthly subsidy check to the guardian for the care of the child.

Financial assistance is critical to many grandfamilies, since the caregivers are often raising the children unexpectedly and did not have the opportunity to financially plan for them. The amount of the subsidy varies. It is usually less than or equal to the basic state foster care rate, but usually more than the Temporary Assistance for Needy Families (TANF) or "welfare" child-only grant, and continued eligibility for the subsidy is typically re-determined annually. The subsidy payments usually end when the guardianship terminates or when the child turns 18, although several states continue the subsidy until the child reaches age 21 or 22 provided he or she is attending school full-time or has an emotional or physical disability or other special need.

ARE THERE ANY EXCEPTIONS TO THESE ELIGIBILITY REQUIREMENTS?

There are some exceptions to these general eligibility requirements. For instance, although most states require children to have been in the state foster care system, a few states offer

subsidized guardianships for children outside of the system so they do not have to enter it unnecessarily. Some states limit participation in their subsidized guardianship programs to children with "special needs". The definition varies, but may include those who are difficult to place because of physical or emotional disabilities, race or ethnic background, age, and/or because they are members of a sibling group. A few states require that a child's income and assets be considered in order to qualify for a subsidized guardianship and/or to determine the payment amount. Both Kentucky and Louisiana allow a child to begin receiving subsidy payments before the guardianship or custody arrangement is finalized.

In some states that fund their subsidized guardianships through Title IV-E Waivers (explained below), children must have been eligible to receive Title IV-E benefits while under supervision of the child welfare system in order to enter into a subsidized guardianship arrangement. Most states offer subsidized guardianships to eligible children living with all types of caregivers who have chosen to care for them permanently, including relatives, family friends, foster parents, and other qualified adults. However, some states limit eligibility to children who are living with kin, which is often defined as "relatives and non-related individuals with a close family-like bond to the child." More restrictive programs limit eligibility to blood relatives within a specified degree of relationship, including grandparents, great-grandparents, step-parents, siblings, step-siblings, half-siblings, cousins, aunts and uncles, and great aunts and uncles. A few states limit their enrollment to eligible children being raised by their grandparents. Rhode Island limits enrollment to children being raised by non-relatives.

HOW ARE SUBSIDIZED GUARDIANSHIPS FUNDED?

Subsidized guardianship programs are funded differently in each state but are generally funded by one or more of the following:

- Federal IV-E Waivers: Though not available to all states, twelve states (DE, IL, IA, MD, MN, MT, NM, NC, OR, TN, VA, WI) have been granted a special exemption from the federal government to operate subsidized guardianship programs using federal foster care funds under Title IV-E of the Social Security Act. Initial evaluations of these demonstration programs have been positive. For example, an evaluation of Illinois' Title IV-E waiver program found that over a five year period, subsidized guardianship provided permanence for more than 6,800 children who had been in foster care. Furthermore, discussing all permanency options actually helped to significantly increase the number of adoptions in Illinois, and the children involved perceived guardianship as providing as much security as adoption.⁸ Unfortunately on March 31, 2006, the authority of the federal

government to grant states waivers to use foster care funding for subsidized guardianship ended.

- Temporary Assistance for Needy Families (TANF) or “welfare” funds: Several states use the money from their TANF block grants to fund subsidized guardianship programs. It is uncertain how long TANF will continue to be a viable source of funding for these programs, however, due to increasing federal budget constraints and new demands being placed on TANF funding.
- Other sources of federal funds: A few states use other federal funding sources that have broad purposes such as Title XX of the Social Security Act, the Social Services Block Grant (SSBG) program, which is designed to fund an array of services to support children, persons with disabilities, and older adults.
- State and local funds: Some states use state funds or a combination of state and county funds to support all or part of their subsidized guardianship programs. Using state funds allow child welfare agencies the most flexibility in determining who their subsidized guardianship programs will serve, but shrinking state resources have made it even more challenging to maintain appropriate state and local funding levels.⁹

WHAT ARE THE DESIRED OUTCOMES OF SUBSIDIZED GUARDIANSHIP?

Desired outcomes for implementing subsidized guardianship include:

- Reducing use of long-term foster care by allowing children and youth—for whom reunification with birth parents or adoption have been ruled out—to achieve permanency in a safe and loving home.
- Responding to the unique needs of grandfamilies by allowing them to permanently care for the children in their homes when adoption and reunification are not options. This is especially important when termination of parental rights is not in best interest of the children.
- Reducing the overrepresentation of minority children in foster care and offering them an alternative that is more culturally acceptable. Both African American and Native American groups are among those disproportionately represented in the foster care system and both rely heavily on extended family for childrearing. Subsidized guardianships make it possible for caregiving family members to keep the children they are raising out of the system.
- Providing another option in the continuum of permanency options available to family members, child welfare agencies, and court officials as they create permanency plans for children.

- Allowing family members to be part of the decision making process about what is in the best interest of the child.
- Encouraging agencies to promote other practice models that engage families including concurrent planning, family team decision making, and family group conferencing.¹⁰

STATE-BY-STATE TABLE OF SUBSIDIZED GUARDIANSHIP PROGRAMS¹¹

The attached table includes the major criterion associated with each existing subsidized guardianship program. For more in-depth information about subsidized guardianship programs, refer to the following publications:

Available at <http://www.childrensdefense.org/childwelfare/default.aspx>:

- *Using Subsidized Guardianships to Improve Outcomes for Children: Key Questions to Consider*, 2004, by Children's Defense Fund and Cornerstone Consulting Group
- *State Subsidized Guardianship Laws at a Glance*, 2004, by Children's Defense Fund
- *Expanding Permanency Options for Children: A Guide to Subsidized Guardianship Programs*, 2004, by Children's Defense Fund and Cornerstone Consulting Group

Available at <http://www.fosteringresults.org/results/reports.htm>:

- *Family Ties: Supporting Permanence for Children in Safe and Stable Foster Care With Relatives and Other Caregivers*, 2004, by Fostering Results, Children and Family Research Center, School of Social Work, University of Illinois at Urbana-Champaign

Available at <http://pewfostercare.org/docs/index.php?DocID=41>:

- *Fostering the Future: Safety Permanence and Well-Being for Children in Foster Care*, 2004, by The Pew Commission on Children in Foster Care

In addition to the table and publications listed here, state websites are often good resources to consult for information about subsidized guardianship programs. Many states include specific information about such programs within their child welfare agencies' or departments of social services' websites, which are usually directly linked from state website homepages.

CONCLUSION

Children need safe and permanent families, and subsidized guardianship programs are a successful option that fulfills that need. These programs provide a permanent legal relationship between caregivers and children, while helping the children with an ongoing subsidy to help meet their basic needs. States that do

not have subsidized guardianship programs can explore ways to develop their own, using the experiences of existing programs as a starting point.

One of the major barriers to the creation of subsidized guardianship programs is the lack of funding. However, there are various proposals for new ways to use existing funding sources for subsidized guardianship programs. The nonpartisan Pew Commission on Children in Foster Care, in its 2004 report, *Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care*, has recommended that states have the option to use federal Title IV-E funds for subsidized guardianship programs. Furthermore, as states increasingly recognize the important role relative caregivers are playing for children both in and outside of the system, many national organizations have joined the states in support of subsidized guardianship programs that strengthen permanent and self-sustaining relationships for children. Generations United (GU), the Children's Defense Fund (CDF), the American Public Human Services Association (APHSA), National Governor's Association (NGA), National Conference of State Legislatures (NCSL), Child Welfare League of America (CWLA), and others support various legislative proposals that would allow states to use federal funds, such as Title IV-E funds, to establish or expand subsidized guardianship programs.¹⁴

For up-to-date information about pending legislation affecting subsidized guardianships, visit Generations United's website at www.gu.org.

Generations United (GU) is the national membership organization focused solely on improving the lives of children, youth, and older people through intergenerational strategies, programs, and public policies. GU represents more than 100 national, state, and local organizations and individuals representing more than 70 million Americans. Since 1986, GU has served as a resource for educating policymakers and the public about the economic, social, and personal imperatives of intergenerational cooperation. GU acts as a catalyst for stimulating collaboration between aging, children, and youth organizations providing a forum to explore areas of common ground while celebrating the richness of each generation.



This fact sheet was revised in June 2005 based on materials by the Children's Defense Fund, Cornerstone Consulting Group, and *Fostering Results*, and further updated in June 2006.

This revision was sponsored by a grant from The Pew Charitable Trusts.

The opinions expressed in this report are those of the author(s) and do not necessarily reflect the views of The Pew Charitable Trusts.

For further information, please contact: Generations United (GU), 1333 H Street, N.W., Suite 500, Washington, D.C. 20005 (202) 289-3979, Fax: (202) 289-3952; e-mail: gu@gu.org.

The GU web site at www.gu.org contains additional information about grandfamilies.

6th Revised Printing: June 2006.

© Copyright 2000-06, Generations United

Reprinting permissible provided Generations United is credited and no profits are made.

¹ Generations United. (2006) Table 1: Number of Foster Children Living with Relatives (Three-year average 2001-2003) in *All Children Deserve A Permanent Home: Subsidized Guardianships as a Common Sense Solution for Children in Long-Term Relative Foster Care*.

² *Fostering Results* (2004). *Family Tie: Supporting permanence for children in safe and stable foster care with relatives and other caregivers*. Retrieved May 31, 2006, from <http://www.fosteringresults.org/results/reports.htm>. This 20,000 number comes from 2002 AFCARS data.

³ Lugaila, T. and Overturf, J. (March, 2004). Table 1, *Population Under 18 Years by Age and Relationship to Householder: 2000*, in "Children and the Households They Live in: 2000," a Census 2000 Special Report. Washington, D.C.: U.S. Bureau of the Census.

⁴ *Ibid.*

⁵ Simmons, T. and Lawler Dye, J. (October 2005). *Grandparents Living With Grandchildren: 2000 - Census 2000 Brief*. Washington, D.C.: U.S. Bureau of the Census.

⁶ Lugaila, T. and Overturf, J. (March, 2004). Table 3, *Characteristics of Children Under 18 Years by Relationship to Householder: 2000*, in "Children and the Households They Live in: 2000," a Census 2000 Special Report.

⁷ Bissell, Mary and Miller, Jennifer (eds). *Using Subsidized Guardianship to Improve Outcomes for Children: Key Questions to Consider*. Children's Defense Fund and Cornerstone Consulting Group, 2004.

⁸ Children and Family Research Center. *Illinois Subsidized Guardianship Waiver Demonstration: Final Evaluation Report*. Urbana, IL: School of Social Work, University of Illinois at Urbana-Champaign, 2003, in The Pew Commission on Children in Foster Care. "Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care." The Pew Commission on Children in Foster Care, 2004.

⁹ Bissell, Mary and Miller, Jennifer (eds). *Using Subsidized Guardianship to Improve Outcomes for Children: Key Questions to Consider*. Children's Defense Fund and Cornerstone Consulting Group, 2004.

¹⁰ *Ibid.*

¹¹ Children's Defense Fund. *States' Subsidized Guardianship Laws at a Glance*. Children's Defense Fund, 2004.

¹² *Ibid.*

State*	Program Name (if other than "subsidized guardianship")	Child Must be in State Care	Guardian Must be a Relative**	Eligible Age for Child*** Exceptions Noted	Subsidized Guardianship Payment Level****	Funding Stream(s)	Medical	Other Services†
MT (Prog 1)		Yes	No, can be any caregiver	Under 18	Below FC	State	Yes	Yes
MT (Prog 2)		Yes (IV-E paid care)	No, can be any caregiver	At least 12	Below FC	Title IV-E Waiver	Yes	Yes
NE		Yes	No, can be any caregiver	12 and older	Below or equal FC	State	Yes	Yes
NV		No	Yes (Must be 62 or older)	Under 18	Below FC	TANF	Yes	Yes
NJ (Prog 1)		Yes	No, can be any caregiver	Under 18	Equal FC	TANF	No	No
NJ (Prog 2- Kinship)	"kinship legal guardianship"	No	No, but must be "Kin" (including relatives)	Under 18	Below FC	TANF	No	No
NA		Yes	No, can be any caregiver	Under 18	Equal AA	Title IV-E Waiver	Yes	No
NC		Yes, 12 mos.	No, can be any caregiver	Under 18	Equal AA	Title IV-E Waiver	Yes	No
ND		Yes, 6 mos.	No, can be any caregiver	At least 12	Below FC	State	Yes	No
OK		Yes	Yes	12 and older	Equal FC	TANF	Yes	Yes
OR		Yes, 12 mos.	No, can be any caregiver	Under 18 (12 and older if with non-relative)	Equal FC	Title IV-E Waiver	Yes	Yes
PA	"subsidized permanent legal custodianship"	Yes, 6 mos.	No, can be any caregiver	Under 18	Below or equal FC	State	Yes	Yes
RI		No	No, non-relative caregivers only	Under 18	Below FC equal TANF	State	Yes	No
SD		Yes, 6 mos.	No, can be any caregiver	At least 12	Below or equal FC	Social Services Block Grant (Title XX)	No	Yes
TN	Permanent Guardianship Demonstration	Yes, 9 months, and continuously with same caregiver for at least 6 months	No, can be any caregiver	Under 18	Equal FC	Title IV-E Waiver	Yes	Yes
UT		Yes	No, can be any caregiver (relatives can only participate in this program after they have applied for and been denied a Relative Grant)	12 and older	Below or equal specialized FC	State	Yes	Yes
VA	Guardianship Permanency Initiative	Yes, 12 months and continuously with relative for at least 6 months	Yes	Under 18	Equal FC	Title IV-E Waiver	Yes	Yes
WV	"legal guardianship policy"	Yes	No, can be any caregiver	Under 18	Below or equal FC	State	Yes	Yes
WI		Yes, 12 months	Yes	Under 18	Equal FC	Title IV-E Waiver	Yes	Yes
WY		Yes	No, can be any caregiver	Under 18	\$1 less than FC	State	No	No

* The 11 states not shown on the table did not have subsidized guardianship programs as of June 1, 2006. They are AL, AR, ME, MI, MS, NH, NY, OH, SC, TX, VT, and WA.

** In many programs where a relative is not required, the guardian may be a relative, godparent, close family friend, foster parent, or other qualified adult.

*** Some states allow children who do not meet the age requirements to qualify for subsidies. Generally, these exceptions are for students, children with disabilities, or children who are members of sibling groups.

**** FC = Foster Care; AA = Adoption Assistance

† Other services may include: financial assistance for obtaining guardianship/custody, child care, and/or respite care.

State*	Program Name (if other than "subsidized guardianship")	Child Must be in State Care	Guardian Must be a Relative**	Eligible Age for Child*** Exceptions Noted	Subsidized Guardianship Payment Level****	Funding Stream(s)	Medical	Other Services†
AK		Yes	No, can be any caregiver	Over 10	Below or equal FC	State	No	No
AZ		Yes, 9 mos.	No, can be any caregiver	Under 18	Below FC	TANF	No	No
CA	Kin-GAP	Yes, 2 mos.	Yes	Under 18	Equal FC	TANF	Yes	Through Kinship Support Services Program
CO		Yes	Yes, and must be a Grandparent	Under 18	Equal FC	TANF	Yes	Yes
CT	"subsidy for relative caregivers"	Yes, 12 mos.	Yes	Under 18	Equal FC	State	Yes	No
DE		Yes, 12 mos.	No, can be any caregiver	Over 12	Equal FC and AA	State (N-E Waiver ended in Dec. 2002 Not adding any new children, but using state funds for children already in the program)	Yes	Yes
DC		Yes	No, can be a relative or Godparent	At least 2	Equal FC	Local	Yes	Yes
FL	"relative caregiver"	No	Yes	Under 18	Below FC	TANF	Yes	Yes
GA	"relative care" subsidy	Yes	Yes	Under 18	Below FC/Above TANF	TANF	No	No
HI	"permanency assistance"	Yes	No, can be any caregiver	Under 18	Below or equal FC	State	Yes	Yes
ID	"guardianship assistance"	Yes	No, can be any caregiver	Under 18	Equal FC	State	Yes	No
IL		Yes, 12 mos.	No, can be any caregiver	Under 18 (12 and older if with non-relative)	Equal FC and AA	Title IV-E Waiver	Yes	Yes
IN	"assisted guardianship"	Yes	Yes	13 or older	Varies by county	No new children added due to lack of funding but those already in program continue to be funded with TANF. Hope to accept new children by the end of 2004.	No	No
IA		Yes, 6 of the last 12 mos.	No, but if non-relative, the child must be either 12 years or older, or under 12 and part of a sibling group with a child age 12 years or older	Under 18 (see previous column for exceptions)	Equal to but not greater than FC	Title IV-E Waiver	Yes	No
KS	"permanent guardianship subsidy"	Yes	No, can be any caregiver	14 or older	Below FC	State	Yes	No
KY	"kinship care"	No	Yes	15 and under	Below FC	TANF	Yes	Yes
LA	"kinship care subsidy program"	No	Yes	Under 19	Below FC	TANF	No	No
MD		Yes, 6 mos.	Yes	Under 18	Below FC/Above TANF	Title IV-E Waiver	Yes	Yes
MA		Yes, 6 mos.	No, can be any caregiver	At least 12	Equal FC	State	Yes	Yes
MN (Prog 1)	"relative custody assistance"	No	No, can be relative or other adult	Under 18	Below FC/Equal AA	State	No	No
MN (Prog 2)	Minnesota Permanency Demonstration Project	Yes, 6 months	No, can be any foster parent	Under 18	Equal FC	Title IV-E Waiver	Yes	No
MO (Prog1)		Yes	Yes	Under 18	Below or equal FC	State	Yes	Yes
MO (Prog 2- Kinship)	"grandparents as foster parents"	No	Yes (Must be 50 or older)	Under 18	Below FC	State	Yes	Yes

Generations United Fact Sheet: Grandfamilies: Subsidized Guardianship Programs



***Subsidized Guardianship:
Testing the Generalizability of an Idea
Whose Time Has Finally Come***

***Elizabeth Black,
TN Department of Children Services
Leslie Cohen
Children and Family Research Center
Mark Testa
Children and Family Research Center***

***NAWRS
August 19, 2008***



*Tennessee Subsidized Guardianship
Waiver Demonstration Project*

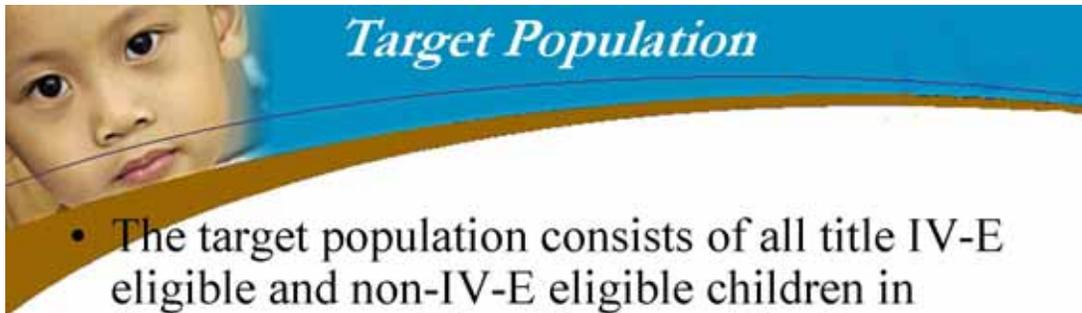
In October of 2005, the Tennessee Department of Children's Services (DCS) received HHS approval to operate a five-year demonstration of permanent guardianship as a federally subsidized permanency option under title IV-E.



Tennessee Subsidized Guardianship Waiver

Waiver demonstrations should demonstrate that a policy change would be in the best interest of children:

The goal of Tennessee's Subsidized Permanent Guardianship Demonstration is to improve permanency and safety outcomes for children and families in approved relative and kin settings. The state is using the waiver authority to test whether the introduction of a subsidized permanent guardianship benefit will result in an increase of permanence and safety for children and an improvement in a range of child outcomes such as reduced length of stay in foster care and improved stability of substitute care.



- The target population consists of all title IV-E eligible and non-IV-E eligible children in Tennessee, aged 0 to 18 years old, who meet the following criteria: have been in foster care for at least nine (9) months (of the latest 12 months); live in a approved relative setting or resided with the same kin caregiver continuously for at least six (6) months (allowing for temporary absences from the home); and for whom reunification and adoption are not viable permanency options.



Tennessee Subsidized Guardianship Waiver Demonstration
Initial 16 Implementation Counties



Implementation of the demonstration began in December of 2006 and occurred in 16 counties (see Map 1). In addition, the State made eligible for assignment all children statewide who have a goal of planned permanent living arrangement (PPLA) and meet other program Guardianship Program will initially occur in 16 counties throughout the State.



On July 1, 2008, the State rolled-out the demonstration to an additional 24 counties. An additional 12 counties will be brought in on October 1, 2008, and the remainder of the State will be included in 2009.

Approximately 1,500 children will be a part of the five year waiver demonstration.

Ten Objectives

Evaluate the impact of the subsidized permanent guardianship waiver on:

- children's safety.
- the number of children in PPLA.
- permanence for children with relatives and kin.
- the length of stay in foster care.
- the rates of reunification and adoption.
- the rate of re-entry into foster care.



Ten Objectives (cont'd)

In addition, the evaluation will:

- Track the number and proportion of guardianships that are disrupted or dissolved and the reasons for the displacement.
- Assess the implementation of the subsidized guardianship waiver.
- Estimate the overall savings accrued from a greater level of permanence achieved by the treatment group.
- Determine generalizability of SG program by comparing findings to those from Illinois and Wisconsin.



Experimental Design

- The classic experimental design used in this study is the best way to determine causal connections between interventions and outcomes.
- The control group will receive the “regular services” and full range of permanency options in effect in Tennessee prior to October 2006 for which they are eligible—including reunification, subsidized adoption, and PPLA. Those in the treatment group will be offered the additional option of subsidized permanent guardianship. This is a value added program because nothing is taken away from the control group.
- Thus, we will study the effects of the treatment services relative to services that would have been provided in the absence of the subsidized guardianship option.



Group Assignment Criteria

Group Assignment occurs when:

- the child has been in the custody of the State for 9 out of the last 12 months immediately prior to establishing subsidized permanent guardianship and is likely to remain in care.
- the child has lived with a relative or kin caregiver for at least six months immediately prior to establishing subsidized permanent guardianship.
- The child's committed county must be Shelby, Davidson, or an Upper Cumberland County.



Group Assignment Criteria

Relative vs. Kin

Relative:

The child and the caregiver must be related by blood, marriage, or adoption.

Kin:

A person with whom the child has a significant relationship that pre-exists placement such as godparent, friend, neighbor, church member, minister, teacher

or

One that develops over time after placement has been made.

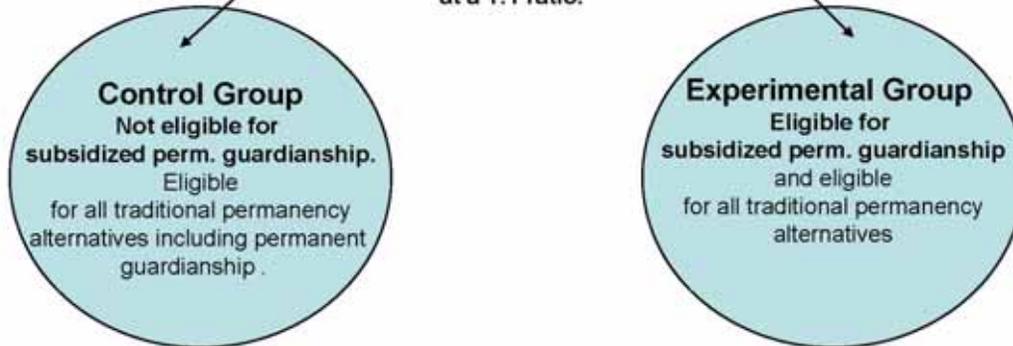


Group Assignment

A child between the ages of 0 and 17.75 is eligible for group assignment when he or she:

- is in the foster care system for 9 out of the last 12 months
- is living with an approved relative caregiver or kin for 6 months
- has a committed county of Shelby, Upper Cumberland, or Davidson

When eligibility is met the child will be randomly assigned to the experimental group or control group at a 1:1 ratio.



Randomization

Randomization was successful in balancing (within the bounds of chance variation) the characteristics of children and their caregivers who were assigned to the demonstration and cost neutrality groups. Because the two groups look statistically similar at the start of the waiver, any differences that later emerge with respect to permanency outcomes and days spent in foster care can reasonably be attributed to the offer of subsidized guardianship to the demonstration group.

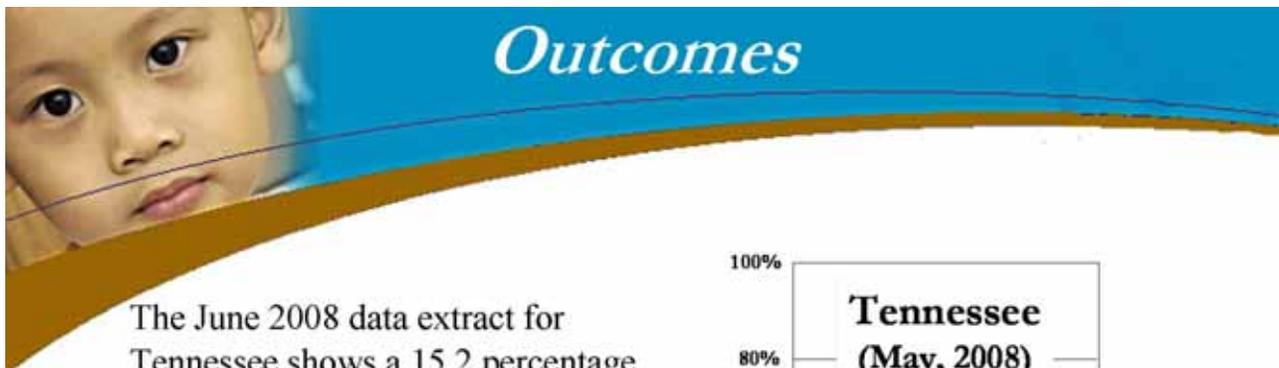


	Demonstration	Cost Neutrality	Difference
Child age at assignment	11.0 yrs.	11.2 yrs.	-0.2
Age at removal	7.2 yrs.	7.6 yrs.	-0.3
Female	49.0%	49.8%	-0.8%
White	32.6%	31.7%	0.9%
Black	66.1%	64.6%	1.5%
Caregiver age at interview	47.4 yrs.	48.7 yrs.	-1.3
White	32.2%	33.6%	-1.4%
Black	65.8%	65.7%	-0.1%
Grandparent-grandchild	21.5%	26.6%	-5.1%
Aunt/Uncle-niece/nephew	25.8%	21.8%	4.0%
Other Relatives	13.8%	11.7%	2.1%
Non-biological kin	38.9%	39.9%	-1.0%
Sample N	298	271	

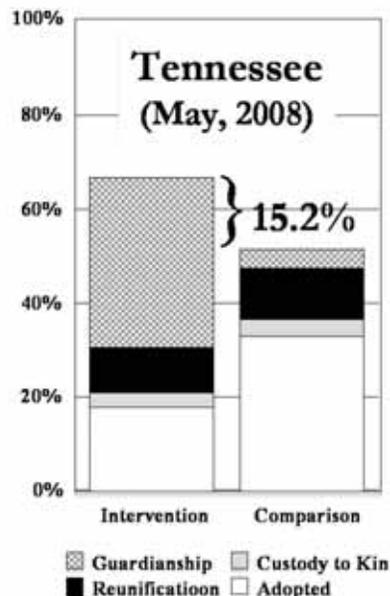


Site at Assignment	Demonstration	Cost-neutrality	Difference
Davidson	37.9%	36.2%	1.7%
Shelby	39.9%	39.5%	0.4%
Upper Cumberland	21.1%	24.0%	-1.9%
Sample N	298	271	

The demonstration and cost neutrality groups are well balanced with respect to geographical distribution: nearly equivalent proportions of children were assigned in the principal demonstration sites of Davidson, Shelby, and Upper Cumberland.



The June 2008 data extract for Tennessee shows a 15.2 percentage point higher rate of discharge to permanent homes from foster care in the demonstration group compared to the cost neutrality group. This is an important and statistically significant difference that replicates similar results previously reported for Illinois and currently for Milwaukee, Wisconsin-- the two jurisdictions that also operate a IV-E waiver program similar to Tennessee's program.



Despite equivalences with respect to geographical distribution, there are substantial differences among demonstration sites with respect to how the offer of subsidized guardianship has impacted permanency outcomes

❑ **Davidson-** 39.8% of assigned children were discharged to permanent guardianship, which boasted the net permanency gain over the cost neutrality group to 24.9%.

❑ **Shelby-** 36.1% of assigned children were discharged to permanent guardianship, which boasted the net permanency gain over the cost neutrality group to 19.5%.

❑ **Upper Cumberland-** 27.3% of assigned children were discharged to permanent guardianship, which resulted in a statistically insignificant difference of -0.9% between the two groups



Outcomes

Replicates findings in Illinois showing that relatives are more likely than non-related caregivers

- 1) to adopt when presented with the option (39.9% relatives v. 16.9% kin), and
- 2) more likely to afford permanence to children than non-relative caregivers, when given multiple permanency options.



Outcomes: Permanency Rates

The combined permanency rates for children in the homes of relatives exceeds the rates for children in the home of non-related kin. The combined permanency rate in the intervention group is significantly higher than the comparison group.

Intervention v. comparison: Combined permanency rates

Relatives	73.6% v. 60.1%
Kin	44.8% v. 25.9%



Adoptions are supplanted for relatives, but not for kin.

Intervention v. comparison: Adoption rates

Relatives 16.5% v. 44.8%

Kin 19.0% v. 14.8%



Improved permanency outcomes has not significantly impacted placement stability of children in relative homes. In contrast, both permanence and stability rates improved for children in the home of non-biological kin with the availability of subsidized guardianship.

Outcomes		Relative Home		Kin Home	
		Intervention	Comparison	Intervention	Comparison
Group size	Count	182	163	116	108
	%	100.0%	100.0%	100.0%	100.0%
Moved from caregiver's home	Count	16	16	19	35
	%	8.8%	9.8%	16.4%	32.4%