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All in the Family

Helping grandparent caregivers remains a legislative priority.

BY NINA WILLIAMS-MBENGUE AND
RACHEL YARBOROUGH

You have to play the hand that's dealt to you," Lovana Jones matter-of-factly stated as she described caring for eight children during her 19-year tenure as an Illinois state legislator.

"My daughter died 12 years ago from cancer. She left six children. The youngest was a 13-month-old toddler."

Jones took them all in. Soon after her six new additions, Jones became aware that one of her grandkids' friends, a 10-year-old boy, had been abandoned by his mother. He moved into the Jones household, too. A year later, her son's girlfriend died from a massive heart attack, leaving behind a girl, age 14. "My son and my granddaughter came out for the funeral and when it was time to return to Baltimore, my granddaughter didn't want to go back,"

Nina Williams-Mbengue handles child welfare issues and kinship care at NCSL. Rachel Yarborough, an NCSL intern from the University of Denver has now earned her master's in social work and is working for the Adoption Exchange.

Jones said. Jones then went through the court system and became her legal guardian.

"I can remember when all this happened and people were saying, 'Oh my God! What in the world are you going to do with all those kids?' It got to be a joke and I would say, 'Well, what would you suggest?' The bottom line is these were my daughter's children and I didn't have any choice."

Lovana Jones remained a legislator through it all. "At one point, I was seriously thinking about quitting the General Assembly. I was a state legislator, but I had a fantastic family and fantastic friends. My sister was retiring from the post office. She stayed at the house while I was gone to the Capitol. It was the only way I could have remained being a legislator."

Lovana Jones died in May. She was 68. Had she lived, Jones would have attended two graduations this year: the youngest boy graduated from high school while the second youngest graduated from Hampton College. Two of Jones' grandchildren had already graduated from Chicago State University and Morehouse College.

In the 2006 legislative session, Representative Jones co-sponsored a bill to assist older and ill caregivers and the families of deceased caregivers to develop plans for the future care and custody of children.

"It's not an easy thing to raise two sets of children," Representative Jones said. "I think it's just in the hearts of grandparents to want to see the best for their grandchildren" when their children can't take care of them.

Stories of countless grandparents and other relatives who take on the daunting challenge of raising somebody else's children have moved

legislators in every state to create ways to support kinship caregivers. They have enacted programs of social support and financial assistance and have given relatives legal authority to make medical and educational decisions on behalf of the children in their care.

MAKING USE OF EXISTING RESOURCES

Expensive new programs, however, are not always necessary. Washington Representative Eric Pettigrew wanted to help kinship caregivers find and make use of state and county resources that were already available to them. His idea was to link kinship caregivers to "navigators" who would provide them with information and support. So first, he got the Kinship Navigator Program passed—without money to fund it. He then asked the Casey Family Programs, a private Seattle-based foundation, to finance two "navigators" for the first year.

"The program kept 169 kids from going into foster care; that saves the state \$1,000 per family per month. That's over \$2 million per year," he says.

With those numbers he was able to secure \$200,000 in state funds to expand the program to a few more counties. He says it's simpler to start small when asking for funding. "I consider myself an incrementalist. It's much easier to get \$200,000 when others walk in wanting millions and millions of dollars."

In the 2007 budget, the state child welfare agency has proposed an additional four navigator positions. Pettigrew says he will petition his colleagues to increase that to 14 positions, which would provide at least one navigator in each of 14 areas around the state.



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HELP WITH EMERGENCIES

Grandparents often become caregivers on short notice and need help purchasing a crib or bed, new clothes, food and other necessities. But since grandparents are often on fixed incomes, one unexpected expense can send them on a financial downward spiral, which can result in a child entering foster care unnecessarily.

Some legislators are struck by the disparity between the resources available to relative caregivers and those available to licensed foster parents. "Relatives raising a child get only a welfare check," says Pennsylvania Representative Rosita Youngblood, herself a relative caregiver. "But foster parents get carte blanche—the per diem, the clothing allowance, respite care, etc."

Pettigrew says grandparents sometimes need bridge money to help with the heating bill or a flat tire. He created a flexible emergency fund within the state's Aging and Disability Services Department with \$500,000 available per year for such situations. Now, he is trying to increase the fund to \$1 million per year.

In recent years, Ohio, Tennessee and Texas passed legislation authorizing programs that include one-time payments to relatives caring for children. In 2005, Ohio established a Kinship Permanency Incentive Program that includes a one-time payment to defray the costs of initial placement, with the possibility of additional payments at six-month intervals. Tennessee enacted a Relative Caregiver Program in 2000, which offers a range of services to prevent children from entering state custody, including material assistance. In 2005, Texas authorized monetary assistance to relative caregivers, subject to appropriations, including a one-time cash payment when a child is first placed with the relative to allow them to purchase essential child care items.

AUTHORITY TO MAKE DECISIONS

Most relatives do not have legal custody of the children in their care, so they lack legal

authority to make critical decisions on their behalf, such as consent to medical treatment or school enrollment. Obtaining legal custody often requires a costly and time-consuming legal proceeding that most relatives would sooner avoid.

"Grandparents don't want to fight over legal custody against their own children," says Pettigrew. "They hope that eventually their children will be in a place in their lives to take the kids back." He says states need to create affidavits that allows grandparents to obtain services without becoming legal guardians.

Ohio Representative Linda Reidelbach was concerned when she discovered that obtaining medical services and enrolling grandchildren in school was virtually impossible without legal custody.

"The children already were experiencing emotional stress with the family upheaval, and then they couldn't go to school or get medical care. Grandparents needed a way to care for their grandchildren on a temporary basis," Reidelbach says.

She worked for four years to pass legislation that made it legal for grandparents to enroll grandchildren in school and receive routine and emergency medical and dental care. "The bill didn't even cost anything; it simply gave grandparents the freedom to do basic things for their grandkids," she says.

At last count, 25 states have laws regarding medical consent and 21 have educational consent laws.

FINDING ROOM FOR KIDS

Many grandparents simply don't have room for a child or sibling group, or they live in facilities that don't allow children. Arizona Representative Leah Landrum Taylor learned about this problem from her constituents when she first campaigned for the Legislature seven years ago.

So Taylor formed the nonprofit Phoenix Grand Families Place. The goal is to build a two-story apartment complex with 120 units

According to the Urban Institute's 2002 National Survey of America's Families:

- ◆ Seventy-six percent of children in kinship care are cared for privately with no involvement by a social service agency.
- ◆ Another 17 percent are in kinship foster care.
- ◆ Of the 2.3 million children in kinship care, 43 percent are black; 37 percent are white; and 17 percent are Hispanic.
- ◆ Over half of children in kinship care live with a grandparent.
- ◆ More than half live in families with incomes below 200 percent of the federal poverty level.
- ◆ Fifty-two percent live with a caregiver who is over age 50.
- ◆ Almost half of children in kinship care live in the South, 20 percent live in the Midwest, 18 percent in the West and 16 percent in the Northeast.

for kinship caregivers and their children. The group is trying to purchase city-owned property close to shopping, build an urgent care facility and hire a top pediatrician. A playground is planned so caregivers can watch the children from their porches. The YMCA and other agencies have signed on for wellness programs, daycare, after-school help, social workers, counselors, legal assistance and more.

"Literally, we're going to go from geriatrics to pediatrics," says Taylor. I want to make sure the seniors that are in that place feel like they've walked into heaven. I want the children to feel like that, too. They've been through enough."

Editor's note: Legislators and legislative staffers who want to join NCSL's Kinship Care Legislative Policy Network should contact Nina Williams-Mbengue at nina.mbengue@nctl.org.



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