# *House of Representatives Study Committee on Grandparents Raising Grandchildren and Kinship Care*

# Final Report


**Chairman Stacey Abrams**
**Representative, 89th District**

**The Honorable Karen Bennett**
**Representative, 94th District**

**The Honorable Tommy Benton**
**Representative, 31st District**

**The Honorable John Deffenbaugh**
**Representative, 1st District**

**The Honorable Tom Kirby**
**Representative, 114th District**

**The Honorable Dexter Sharper**
**Representative, 177th District**

**The Honorable Sam Teasley**
**Representative, 37th District**


**2015**


Prepared by the House Budget & Research Office

# I. Introduction

The House Study Committee on Grandparents Raising Grandchildren and Kinship Care was created by House Resolution 474 during the 2015 Legislative Session of the Georgia General Assembly. HR 474 acknowledges that there are issues facing grandparents and other family members as primary caregivers and guardians, including access to services, financial support, and making medical and academic decisions for children in their care. The committee has been tasked with studying these issues, as well as the administration and effectiveness of state funded programs designed to assist those providing kinship care, and making recommendations to further enhance the provided services and ensure that issues facing grandparents and other family members are considered and addressed.

House Resolution 474 provides for the membership of the committee, consisting of seven representatives, including the Minority Leader, to be appointed by the Speaker of the House of Representatives, with at least three members being from the minority party. The Speaker so appointed the following members: Minority Leader Stacey Abrams (D-89), Chair; Representative Karen Bennett (D-94); Representative Tommy Benton (R-31); Representative John Deffenbaugh (R-1); Representative Tom Kirby (R-114); Representative Dexter Sharper (D-177); and Representative Sam Teasley (R-37).

The committee held five public meetings throughout the state of Georgia during 2015, occurring on September 17th at the State Capitol, September 29th in Dalton, October 13th in Albany, October 27th in Savannah, and December 8th in Atlanta. The Committee heard testimony from multiple stakeholders and interested parties concerned with challenges facing grandparents and other family members who are serving as primary caregivers. The committee's work focused on compiling information from these sources, analyzing the current policies and resources in place for kinship care in Georgia, and forming committee recommendations to be considered during the 2016 Legislative Session.

## II. Background Information

### Overview

Across Georgia, grandparents, relatives, and family friends have provided shelter and care for children whose parents can no longer care for them. These situations fall under the umbrella of what is known as kinship care. There are two main types of kinship care: (1) public kinship care in which families care for children involved with the state child welfare system, and (2) private or informal kinship care in which extended family members raise children without the involvement of the state's Division of Family and Children Services (DFCS).

The benefits of grandparents and other kin becoming a child's primary caregiver are substantial. Kinship care families provide a safe, stable, and nurturing home for children suffering from the trauma of parental separation and other hardships. Research has shown that children are less likely to experience behavioral problems, psychiatric disorders, and school disruptions. They are often better able to adjust to their new environment than their peers in foster care.[1] As seen in the chart below, research also indicates kinship care results in fewer adverse family experiences, which can help provide a stronger opportunity for children to become successful and responsible adults.[2]

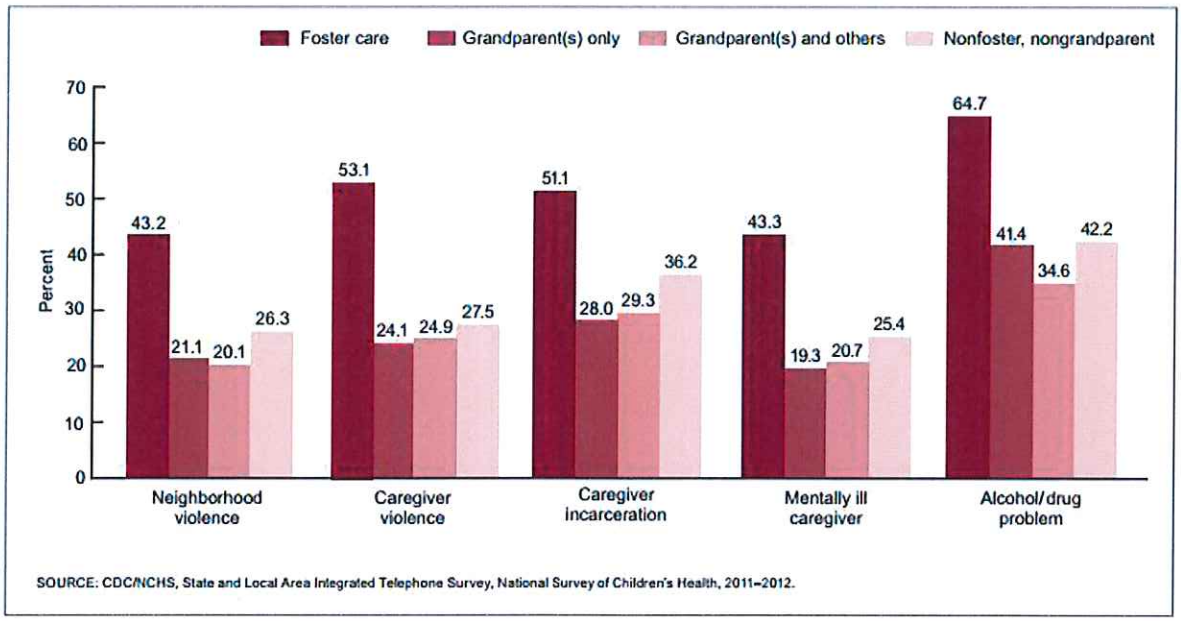



*Chart 1: Percentage of children aged 0-17 years with selected types of adverse family experiences, by type of nonparental caregiver: United States, 2011-2012*

[1] http://www.gafcp.org/communicate/news/KinshipCareReport
[2] http://www.cdc.gov/nchs/data/nhsr/nhsr074.pdf

It has been found that informal kinship caregivers save U.S. taxpayers an estimated $4 billion annually[3] by caring for kin that would otherwise fall into the custody of the state. However, caregivers often suffer through what the American Association of Retired Persons (AARP) describes as "a dizzying array of legal, financial, and social challenges [for grandparents] as they step in to care for their grandchildren."[4] Frequently, the kinship arrangement is unforeseen and occurs after a traumatic event, which creates additional mental and behavioral health challenges for the kinship family.[5]

## A Look at Kinship Families

Georgia's population in kinship care situations includes both public care of children (state intervention) and private care (informal care without the engagement of the state).

### Public Kinship Care

- 11,488 children are in foster care as of September 2015. (DFCS Data Unit)
- DFCS estimates relative placement in foster care is about 22%, or 2,531 children.
- Georgia is working to place more children with relatives when entering care. Between 2010 and 2013, children put into relative care increased by 15%. (DFCS CFSP 5-Year Plan)

*Table 1: Number of DFCS and Non-DFCS Homes by Year*

| Calendar Year | DFCS Foster/ Adoptive (F/A) Home | Non-DFCS F/A Home | Total |
|---|---|---|---|
| 2010 | 2,328 | 1,538 | 3,866 |
| 2011 | 2,579 | 1,749 | 4,328 |
| 2012 | 2,544 | 1,884 | 4,428 |
| 2013 | 2,439 | 2,215 | 4,654 |

*Table 2: Placement Types by Year*

| Calendar Year | Adoptive | Relative* | DFCS Foster Home | Non-DFCS Foster Home | Institutions |
|---|---|---|---|---|---|
| 2010 | 235 | 1,095 | 2,328 | 1,538 | 1,110 |
| 2011 | 163 | 1,365 | 2,579 | 1,749 | 1,108 |
| 2012 | 182 | 1,340 | 2,544 | 1,884 | 1,193 |
| 2013 | 178 | 1,296 | 2,439 | 2,215 | 1,245 |

*Relative includes children placed in paid and unpaid relative placements as well as relative foster and adoptive homes.

[3] http://www.grandfamilies.org/Portals/0/14-State-of-Grandfamilies-Report-Final.pdf
[4] http://www.aarp.org/relationships/grandparenting/info-06-2010/financial-help-for-grandparents-raising-ny.html
[5] http://forabettertexas.org/images/CW_2014_12_PP_KinshipCare.pdf

**Private Kinship Care – Children**

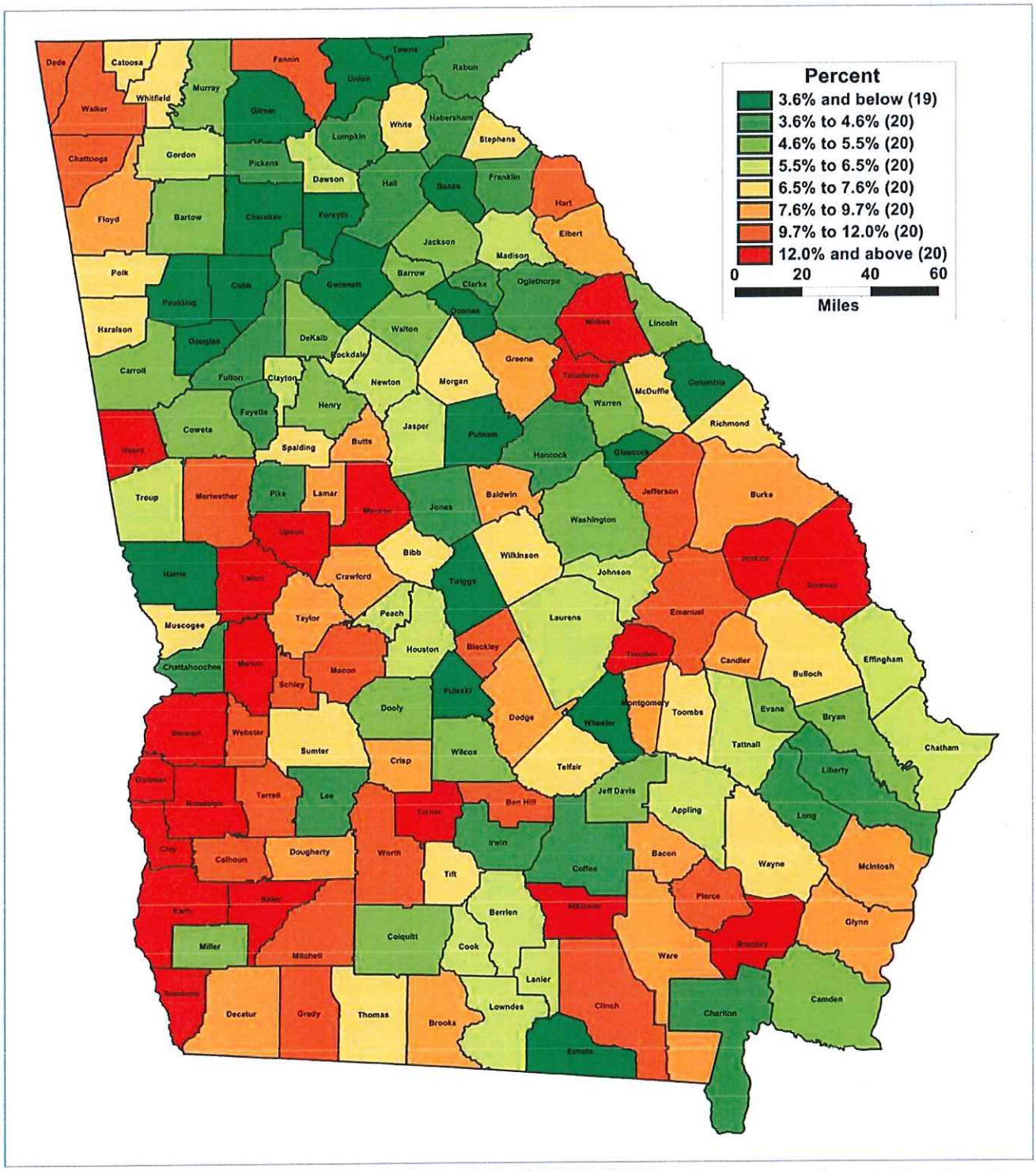
- Census data shows Georgia has over 300,000 children living with kin. (AARP[6])
- Georgia has approximately four percent of all children in public and private kinship care, which is equal to the national average, as well as equal to or lower than all other Southeast states. (The Annie E. Casey Foundation – Stepping Up for KIDS[7])
- Over the past decade, the number of children in kinship care in the U.S. grew six times faster than the number of children in the general population -- 18 percent versus three percent. (The Annie E. Casey Foundation - Stepping Up for KIDS)
- Nationally, 87% of these children are living with kinship caregivers who do not receive TANF or foster care benefits. (NY Navigator Testimony)

**Private Kinship Care – Caregivers**

- Nationally, 2.7 million grandparents are primary caregivers for children living in their homes. (2014 American Community Survey, U.S. Census Bureau[8])
- Census data for the most recent decade consistently found over 100,000 grandparents raising grandchildren in Georgia. (AARP)
- The number of grandparent-headed households has doubled since 1970 Census. (2014 American Community Survey, U.S. Census Bureau)
- According to the U.S. Census, kinship families are more likely to be poor, single, older, less educated, and unemployed than traditional families with at least one parent present. (The Annie E. Casey Foundation)
- The poverty rate of grandparents raising grandchildren is 25% higher than the U.S. poverty rate. (AARP)
- Grandparent caregivers experience high levels of psychological distress, with 28.4% having psychological distress scores in the clinical range, indicating the need for intervention. (GSU Project Healthy Grandparents[9]).
- Researchers found a strong correlation between grandparents' psychological distress and poor physical health; physical ailments include hypertension, obesity, arthritis, diabetes, and cardiac issues. Social isolation due to lack of transportation is also a concern. (GSU Project Healthy Grandparents)

[6] http://www.aarp.org/content/dam/aarp/relationships/friends-family/grandfacts/grandfacts-georgia.pdf
[7] http://www.aecf.org/m/resourcedoc/AECF-SteppingUpForKids-2012.pdf
[8] https://www.census.gov/newsroom/facts-for-features/2015/cb15-ff15.html
[9] http://phg.snhp.gsu.edu/us/need-services-grandparents-grandchildren/

*Chart 2: Percentage of Children Raised by Grandparent Householder*




**Data Source: 2008-2012 American Community Survey, tables B10002, B09001**

neighborhood nexus

## Summary of Existing Statutes and Services

Georgia currently provides various levels of programs and resources for kinship families, which have been established over the years in statute and through agency programs, and are as follows:

### Educational and Medical Consent Decisions

- **O.C.G.A. § 19-9-120 - § 19-9-129:** Allows grandparents, great-grandparents, or step great-grandparents, under proof of parental hardship, the right to make a variety of health-care and education decisions on behalf of their grandchild once granted power of attorney.
- **O.C.G.A. § 31-9-2:** Allows grandparents, any person temporarily standing in loco parentis, any guardian, or any adult brother, sister, niece, nephew, aunt, or uncle who is related in the first degree to consent to "any surgical or medical treatment or procedures not prohibited by law which may be suggested, recommended, prescribed, or directed by a duly licensed physician" for a child in the absence of the parents or the inability of the parent(s) to consent.

### Financial Assistance

In addition to the available federal programs, Georgia has several financial assistance programs dedicated to informal kinship caregivers, as follows:

- **Grandparents Raising Grandchildren Emergency/Crisis Intervention Services (CRISP):** Helps defray the cost of emergency needs, including necessities that range from providing shelter to assisting with legal expenses associated with gaining custody. Grandparents must be 55+ or disabled, below 160% of the poverty level, and demonstrate a need for emergency services to qualify. CRISP provides up to four months of Temporary Assistance for Needy Families (TANF) benefits (averaging $5.16 per child per day) in a lump sum payment.
- **Grandparents Raising Grandchildren Monthly Subsidy Payment:** Provides a $100 per grandchild monthly subsidy to cover "additional expenses." Must be 55+ or disabled to qualify, and the household must be below 160% of the poverty level.
- **Relative Foster Care:** Grandparents or relatives of children in DFCS custody who are interested in becoming a foster parent must meet the minimum standards requirement, which includes 20 hours of training, background checks, home assessments, and proof of available transportation. Payment rates are $14.60 (ages 0-5), $16.50 (6-12), or $18.80 (13 and over) a day.
- **Relative Care Subsidy (RCS):** Financial assistance is available for approved grandparent/ relative resources for a child formerly in the custody of DFCS. Grandparents/relatives eligible for RCS must be related to the child by blood, marriage, or adoption. The applicable court transfers legal custody from DFCS to the grandparent/relative.

- **Subsidized Guardianship and Enhanced Subsidized Guardianship Rates (SG or ESG):** Financial assistance that is available to a grandparent/relative caregiver for a child formerly in the custody of DFCS for a minimum of 12 months. The grandparent/relative guardian may be eligible to receive a payment of 80% of the current basic family foster care rates if requirements are met. If the grandparent/relative is not eligible for the ESG payment, then he/she may be eligible to receive $10.00 per day Subsidized Guardianship rate.

### Compliance with the Fostering Connections Act of 2008

- **O.C.G.A. § 15-11-211:** Requirements were put in place for DFCS to conduct a diligent search for relative placement after Child Protective Services removes a child from harm. All adult relatives and parents of any siblings of the child must be notified within 30 days of both the removal from parental custody and the options available with respect to guardianship of the child.

### Kinship Navigators

Fourteen (14) regional "kinship navigators," under the umbrella of DFCS, are available to assist grandparents and other kinship caregivers with effectively working with the state child services system. The navigators help caregivers understand the requirements and paperwork necessary to apply for different services under DFCS, pass on information regarding relevant non-profits and pro-bono legal services, and provide emotional support to the caregiver and family.

## III. Committee Findings

### Testimonies

Through the committee's five meetings across the state of Georgia, the committee members heard at-length testimony from grandparents and other kinship caregivers who are facing hardships due to taking over custody of a grandchild or other child in their extended family instead of having the child placed in the state system. Testimonies were also collected from across the state on a website created specifically for this study committee (www.kinshipcarega.com). Additionally, presentations were given by DFCS, DHS Division of Aging Services, Georgia State University's Project Healthy Grandparents, CHRIS Kids, Creative Community Services, Georgia Council on Aging, Whitfield County DFCS, a DFCS Kinship Navigator, Mercy Care Rome, Family Support Council, Coastal Children's Advocacy Center, as well as multiple community activists.

Each grandparent or kinship caregiver has their own unique and personal story about how they became the custodian, relative foster parent, or adoptive parent of one or, in many instances, multiple children. Many of these stories are based in family tragedy, parental imprisonment, or issues with drugs, alcohol, or abusive relationships. Testimonies were heard from grandparents

who are disabled and unable to work, but are responsible for raising numerous young children, creating very difficult financial challenges when it comes to purchasing food and clothing and providing adequate healthcare. Such a situation can also be very mentally taxing on grandparents and older kinship caregivers. However, it was seen over and over again in testimony that the grandparents and kinship caregivers would rather go through these hardships than place the children in the state foster care system, but they are hopeful for more assistance to provide for the children's basic needs.

The following is a summary of the common themes and recommendations seen throughout the testimonies heard across the state, which helps highlight the areas of need and the issues that those testifying believe to be the most important:

- **Relative Care Subsidy:** Advocates recommend the Relative Care Subsidy, which is currently set at 80% of foster care payments, be raised to match the foster care payments.
- **Clothing Subsidy:** Caregivers expressed a desire to access the clothing subsidy and respite care services that are available to foster care parents. The clothing subsidy is especially significant in North Georgia because winter clothing for children is necessary.
- **General Financial Need:** Several grandparents spoke of struggling financially without making specific recommendations. Common threads are reduced or fixed income with a sharp increase in expenses, caregivers being retired and/or disabled, transportation being a struggle, and difficulties saving to send grandchildren to college.
- **Underfunded Kinship Care Support Programs:** Kinship care programs assist with the provision of respite care and support in strengthening families, a need particularly acute among grandparents raising grandchildren. Funding has been inconsistent, and the resulting limits have led to loss of support and continuity in the most vulnerable communities.
- **Limited Kinship Care Navigators:** More navigators are needed. DFCS navigator program is a great start, but one navigator for a dozen counties has a limited effect. Middle Georgia navigators also asked for transportation assistance in the form of a fleet vehicle, as their region is over two hours driving distance end-to-end.
- **Confusing Applications:** Kinship caregivers, particularly grandparents, find the current application process intimidating, unwieldy, and difficult to understand.
- **Difficult Power of Attorney Process:** Without the support of the foster care system or a legal relationship that is formalized by the courts, kinship caregivers face challenges enrolling their children in school and advocating on their behalf. Grandparents who are elderly, disabled, or lacking transportation may find it too difficult to locate a grandchild's birth parents for their signatures to execute the power of attorney. Furthermore, the power of attorney designation is only available to grandparents and not all relative caregivers.

## IV. Committee Recommendations

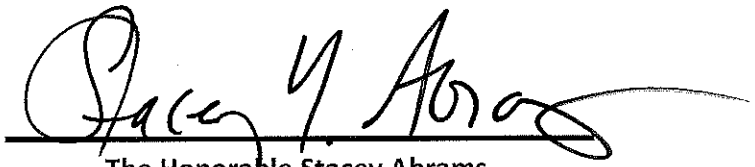
To conclude the work of the study committee, recommendations have been developed based on the research collected in order to propose improvements to the current system that is providing resources and financial support to grandparents raising grandchildren and other kinship caregivers in Georgia. The recommendations from the study committee are as follows:

1. **Kinship Care Subsidy:** Establish a subsidy similar to 2007's SB 88, which would provide 80% of the existing foster care subsidy for informal kinship caregivers.
2. **Relative Care Subsidy:** Raise the amount of the Relative Care Subsidy to 100% of the foster care per diem. Eliminate any loopholes to ensure that the Relative Care Subsidy is automatic for each DFCS relative placement.
3. **Ancillary Financial Support:** Allow kinship caregivers access to respite care services similar to the 10 days allotted to foster care parents. Provide clothing subsidies for kinship caregivers. Allow kinship care children to access healthcare insurance on par with foster care children. Modify income and age restrictions wherever possible to allow working grandparents access to subsidized child care (CAPS program).
4. **Increase Navigator Funding:** Appropriate funding for three (3) more navigators in each DFCS region (42 in total). Navigators should have access to fleet vehicles in rural regions where 50 miles or more of travel is required. DFCS shall provide an annual report to the General Assembly on the work of the navigator program and number of families assisted.
5. **Improve Access to Navigators and Services:** Modify policy to steer caregiver inquiries to the kinship navigator at county DFCS offices immediately upon arrival. Modify O.C.G.A. §15-11-211 regarding relative searches by DFCS for child welfare to include notification of the existence of the kinship navigator in the discussion of available financial assistance. In addition, require all schools to provide information on available resources, including the Kinship Navigator program, when caregivers register children.
6. **Establish Kinship Grant Program:** Increase funding through the Council on Aging and DFCS to fund kinship caregiver support programs across the state. These programs should be designed as matching funds and calibrated with the navigators' findings regarding density of need and scarcity of resources. The agencies should also investigate if additional funds are available through federal or nonprofit sources.
7. **Replace Power of Attorney Form:** Replace the current power of attorney form with a simple affidavit similar to California's Cal. Fam. Code §6550 and §6552 (2005) and Louisiana's LSA-R.S. 9:975 (2013) for all caregivers related by blood or marriage. Fifteen states have enacted similar consent affidavits. Caregivers will have the scope of consent decisions enjoyed by the power of attorney law, and the penalty for abusing the law for the purposes of sending a child to a different school shall be prohibitive.

8. **Subsidies Based on Child Eligibility:** To the extent allowed by the federal law, all available subsidies for kinship caregivers shall be based solely on the eligibility of the child instead of the family income of the kinship caregiver(s).
9. **Separate Access to Services Portal:** The Georgia Department of Human Services (DHS) shall provide a separate access point to the Common Point of Access to Social Services (COMPASS) portal specifically for grandparents and other kinship caregivers.
10. **Kinship Care Enforcement Administrator:** An enforcement administrator position within DHS shall be created to monitor and ensure continual compliance with all existing and future state Kinship Care regulations and policies, including timely processing of paperwork.
11. **Notification of Pauper's Affidavit:** Probate Courts shall publicly post information regarding the availability of the Pauper's Affidavit, which can be filed by very low-income persons to avoid paying filing fees to the court, in order to ensure grandparents or other kinship caregivers are aware of this resource when filing for guardianship.
12. **School System Education on Kinship Care:** Require the Department of Education to mandate training for school administrators regarding 1) the rights of grandparents to enroll children in school under a properly executed power of attorney and 2) for all kinship caregivers to enroll children in their care provisionally if the Local Education Agency (LEA) requires the kinship caregiver to obtain guardianship as a condition for enrollment, as per State Board of Education Rule 160-5-1-.28. Modify policy to extend the provisional enrollment period from 30 to 90 days until a caregiver must obtain guardianship. Notice of the above rights shall be posted in a conspicuous place within each administration's office. Provide legal remedies for kinship caregivers who are denied enrollment for the child(ren) in their care.

Mr. Speaker, these are the finding and recommendations of your Study Committee on Grandparents Raising Grandchildren and Kinship Care.

Respectfully Submitted,



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