



WELCOME

Legal Relationships and Public Benefits

November 10, 2022

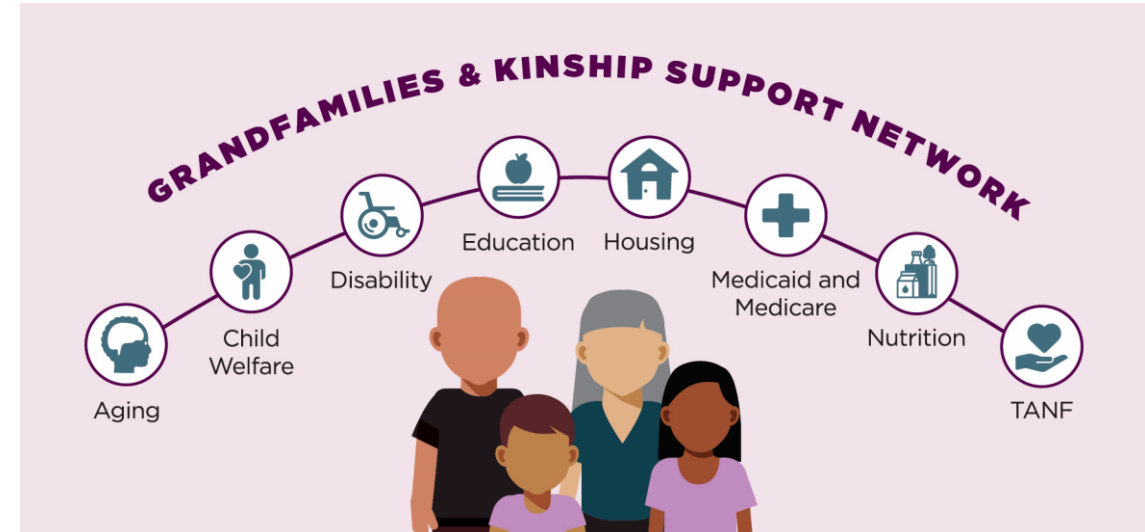
Presented by **Ana Beltran**, JD, Director of the Grandfamilies & Kinship Support Network: A National Technical Assistance Center & **Heidi Redlich Epstein**, JD, MSW, Director of Kinship Policy and State Projects, American Bar Association Center on Children and the Law

- We will begin at the top of the hour
- Please type in the chat - your name, state, tribe (if applicable), and role
- We'll pause for questions throughout – you can ask in the chat at any time

GRANDFAMILIES & KINSHIP SUPPORT NETWORK

A National Technical Assistance Center

- 5-year (2021-2026), \$10-million cooperative agreement with the Administration for Community Living
- Generations United has worked on behalf of and with kinship/grandfamilies since 1997
- Purpose is to provide technical assistance to the array of government agencies (aging, child welfare, disability, education, housing, Medicare and Medicaid, nutrition, TANF) and organizations that serve kinship families, including kinship navigator programs
- Not designed to help the families directly – working to improve systems for families



[Sign up](#) to access the Network:



Looking Forward - How We Help



Learning Collaboratives and Information Dissemination

The Network hosts webinars and facilitates learning collaboratives.



Individual Assistance

We respond to individual requests for help from government agencies, kinship navigators, and community-based nonprofits.



Targeted, Specialized Support

For jurisdictions that want and are ready for a larger investment of effort, the Network will help optimize their collaborative approaches and improve their services. Solutions will be replicable for others.



A Centralized Hub

The Network is elevating exemplary kinship/grandfamily practices and programs from around the country on its new accessible website, <https://GKSNetwork.org>.

Applications to be considered “exemplary” are open until Nov. 16.



SEARCH



ESPAÑOL

Request Assistance →

WHO WE SERVE ▾

RESOURCE LIBRARY

EVENTS

ABOUT US ▾

The First-Ever National Technical Assistance Center for those who Serve Grandfamilies & Kinship

We help government agencies and nonprofit organizations in states, tribes, and territories work across jurisdictional and systemic boundaries to improve supports and services for grandparents, other relatives, close family friends, and the children they raise when parents cannot.



ABA Center on Children and the Law

- Network Subject Matter Expert
- Mission: promote access to justice for children and families
- Structure: 20-person team of attorneys and core staff
- Grant projects across the country focused on:
 - improving legal representation, and
 - improving legal systems that impact children and families' lives
- Connect child welfare and other legal topics (e.g., immigration, education access, kin caregiving)
- Approach:
 - collaboration and coalition building
 - local, state and national levels



www.americanbar.org/child

GrandFacts Caregiver Resources

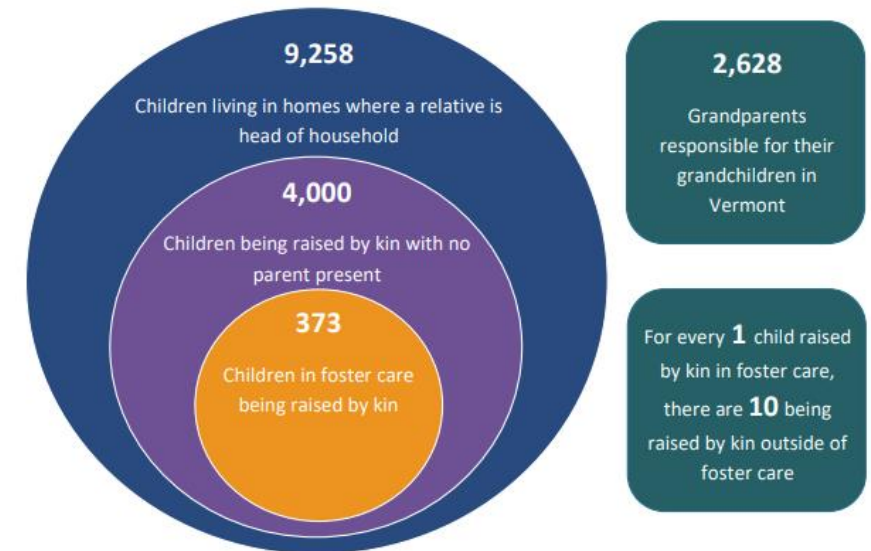
<https://www.grandfamilies.org/State-Fact-Sheets>



The GrandFacts state fact sheets for grandfamilies include state-specific data and programs as well as information about public benefits, educational assistance, legal relationship options and state laws. Visit www.grandfamilies.org to find this and all GrandFacts state fact sheets.

Vermont

Grandfamilies Data



Legal Relationships



Legal Obstacles

- Unlike parents, grandparents and other kin lack an automatic legal relationship to the children they raise
- Getting such a legal relationship can be very costly and take a long time
- Without it, kinship caregivers may not be able to access services and supports for the child
- If the child is in foster care with the kin providing the care, the agency has legal custody of the child and can help access services
- It is important that kin understand their options
- The families are their own best expert, but they need accurate information to make the decision that works for them

Paths to Permanent Kinship Families

INSIDE FOSTER CARE

State has legal custody of the child

Licensed kin:

Monthly financial assistance

Unlicensed kin:

Financial assistance varies

Usually only Temporary Assistance for Needy Families (TANF)

- Adoption
- Legal Custody
- Guardianship

OUTSIDE FOSTER CARE

No automatic legal relationship to grandchildren or other kin

Temporary legal authority possible through power of attorney or consent laws

Only source of ongoing financial assistance typically TANF

- Adoption
- Legal Custody
- Guardianship

Kinship Caregiving Options

Tool which provides a national overview about the choices and considerations to help caregivers both inside and outside the child welfare system make informed decisions about the pathways to pursue.

Available at:

https://www.grandfamilies.org/Portals/0/Documents/Care-Custody/kin-caregiving-options-dec21%202022-01-10%2022_34_13.pdf

Kinship Caregiving Options

Considerations for Caregivers

December 2021



Purpose

This publication—

- ▶ helps kinship families and the professionals who assist them compare caregiving options.
- ▶ provides a broad, national overview about the choices and considerations to help caregivers make informed decisions about the pathways to pursue.

How caregiving options look at the state, tribal, territorial, and local levels differ. Kin caregivers should consider this an informational resource and consult local kinship navigator programs, attorneys or legal professionals, caseworkers, and other available professionals. Ultimately, kin caregivers and their families must choose the caregiving option that best meets their needs.

For information on programs and state and national data on children in kinship families, see www.grandfamilies.org/State-Fact-Sheets.

About 2.6 million children are being cared for by kin—both blood relatives and people with a significant connection to the family (sometimes referred to as “fictive kin”)—without parents present in the home. Of these children, approximately 137,000 are being cared for by kin in the legal custody of the child welfare system. Although this number represents almost one-third (34%) of all children in foster care, most children cared for by kin are not in child welfare system custody and therefore do not get the same level of support as those inside the system.



Family and close family friends stepping up to raise children is not new. Kinship care is a traditional practice among families in most cultures and has evolved into a leading form of foster care.

Kinship Care Benefits

Research repeatedly shows that, compared to placement in non-kin settings, placement with kin:

- ▶ reduces a child’s trauma of removal from their parents, and
- ▶ reduces their chance of being moved to other homes.

Children with kin are more likely to:

- ▶ have better behavioral health outcomes,
- ▶ stay connected to siblings,
- ▶ keep their cultural identity and community connections, and
- ▶ exit foster care to a permanent family if they cannot return to their parents.



Adoption

- Caregiver becomes the parent in the eyes of the law forever
- Caregiver has all rights and responsibilities for the child
- The birth parents' rights are terminated but they may have right to contact or visit
- Some relatives do not feel adoption is right for them
 - They do not want to change the nature of their relationship with the child or parent
 - For example, grandma becomes mom and mom becomes sister

[More information at www.grandfamilies.org/Topics/Adoption/Adoption-Summary-Analysis](http://www.grandfamilies.org/Topics/Adoption/Adoption-Summary-Analysis)

Legal Custody and a Subtype

- Legal custodians usually have similar rights and responsibilities as legal guardians
- Some states use the term guardianship, others use legal custody, and some use both
- De Facto Custody –
 - Person who has been primary caregiver for a period of time has same standing as a parent in a legal custody dispute
 - Custody is then determined based on the best interests of the child
 - Only some states recognize this form of custody



Guardianship and its Subtypes

- **Guardianship by Probate Court** –will names guardian and court appoints upon death of parent
- **Standby Guardianship** – pre-appointed guardian steps in after a triggering event
- **Joint Guardianship** – caregiver shares guardianship with parent
- **Temporary or Short-Term Guardianship** – parent appoints person to have temporary rights and responsibilities for child
- **Limited Guardianship** – powers limited in court order
- **Guardianship by Family or Dependency Court** – may be subsidized or unsubsidized, may be state or federally funded (GAP)

Comparing Adoption and Guardianship

CHART Adoption and Guardianship for Children in Kinship Foster Care: National Comparison Chart

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



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

Generations United welcomes jurisdictions to share this broad national chart and related brief on *Adoption and Guardianship for Children in Kinship Foster Care* at www.grandfamilies.org/Resources/Care-Custody. Several state specific charts have also been created and can be found at that same web page.

RIGHTS AND RESPONSIBILITIES		
	ADOPTION	GUARDIANSHIP
<i>What are my legal rights and responsibilities for the child?</i>	You will become the parent in the eyes of the law forever. You have all rights and responsibilities for the child.	You will have most of the rights and responsibilities that come with caring for a child until the child reaches adulthood or the guardianship ends.
<i>What are the birth parents' rights and responsibilities for the child?</i>	The birth parents' rights are terminated.	Birth parents keep the rights to visit the child and to consent to adoption and/or name change. Birth parents have an obligation to financially support the child if ordered by the court to pay child support.
<i>Do I have authority to access services for the child?</i>	As an adoptive parent, access to services for the child is the same as for any birth parent.	Guardians access to services for the child is typically the same as for any birth parent.

generations
united
Because we're stronger together™

Dave Thomas
Foundation
for Adoption
Fostering Futures. Enriching Lives. For Children in Foster Care.

- **National chart** – Adoption and Guardianship for Children in Kinship Foster Care
- **State specific charts** – if you would like one, contact Chelsi Rhoades at crhoades@gu.org
- **Brief** – Adoption and Guardianship for Children in Kinship Foster Care
- Thanks to Dave Thomas Foundation for Adoption
- All available at www.grandfamilies.org/Resources/Care-Custody

Power of Attorney



Photo courtesy
of Bridge Meadows.

- Documents that parents complete to confer powers over the care of a child to a named person, with the exceptions of powers to consent to marriage or adoption
- Generally expire in six months to a year, so may not be the best option for long-term caregivers
- Can easily be revoked by parents

Educational and Health Care Consent Laws

- State-level “consent laws” or “authorization laws” allow a caregiver without legal custody or guardianship to access:
 - school enrollment and school services
 - health care
 - developmental treatment services for children
- Generally, these laws allow caregivers to complete an affidavit stating they are the primary caregiver and the child lives with them
- [Montana](#) has a useful model
- Click on image for direct link to brief



generations united
Because we're stronger together®

POLICY BRIEF

State Educational and Health Care Consent Laws:
Ensure that children in grandfamilies can access fundamental services

Ana Beltran, Special Advisor, Generations United's National Center on Grandfamilies

Children across the United States are being denied access to education and health care solely because they are being raised by someone other than their parents. About 2.7 million children in the United States are being raised by kinship caregivers – grandparents, other extended family members, and close family friends.¹ These children are raised by kin because their parents may be addicted to substances, deployed in the military, incarcerated, in another state for a job or have severe psychological, cognitive or physical challenges that render them incapable of raising children.

Of these millions of children, many of these children are being raised by kinship caregivers with no legal relationship – such as legal custody or guardianship.² Furthermore, only about 104,000 are living with kin in foster care. Although this number represents almost one-fourth of all children in foster care, it is less than one-twenty-sixth of children being raised by kinship caregivers.

Without the support of the foster care system or a legal relationship that is formalized by the courts, kin caregivers face enormous challenges enrolling children in school, advocating for educational services or consenting to health care.

To ensure that children in kinship families or “grandfamilies”³ can obtain health care and a tuition-free public education, many states have consent laws that allow kinship caregivers to access these services for the children they raise without the need for legal custody or guardianship. The May 2012, Annie E. Casey Foundation Kids Count essay, *Stepping Up for Kids*, recommends that states without these laws enact them to support kinship families. In this brief, we provide state policymakers and advocates with the tools to enact their own educational and health

care consent laws and to perhaps amend existing laws to make them more responsive.

This brief summarizes:

- I. Educational and health care access challenges and responses
- II. Essential elements of responsive consent laws, using language and examples from states with existing laws
- III. Certain elements to avoid in responsive consent laws
- IV. Reasons some states may lack consent laws
- V. Tools and strategies to enact consent laws

I. Educational and Health Care Access Challenges and Responses

Reasons kin caregivers do not have legal custody or guardianship
Being able to consent to health care or complete school enrollment forms can be impossible without a legal relationship, but many relative caregivers do not want or cannot afford a legal relationship with the children in their care. These kinship care-

Children Fare Well in Kinship Care

Research confirms that kinship care is the best option for children who cannot live with their parents. Kinship care helps children sustain extended family connections, community bonds, and cultural identity. It creates a sense of stability and belonging, especially important during times of crises.⁴ In addition to the benefits to children, kinship caregivers also report benefiting from providing this care, and birth parents may value that their children remain connected to their family and friends.

Deciding Which Legal Path



When Legal Custody/Guardianship May be Appropriate

- Young person has strong bond with parent and does not want to permanently sever parental rights
- Parent has a physical or emotional disability and cannot safely care for young person, but familial ties remain
- Kin caregiver believes permanently altering family legal ties is not in the best interests of the child or the family
- Cultural norms make terminating parental rights (TPR) inappropriate
- Child welfare agency cannot prove TPR grounds or caregiver does not want lengthy trial and possible appeal

When Adoption May be Appropriate

- Terminating parental rights (TPR) makes sense and is in the best interest of the child
- Caregiver prefers to obtain all rights and responsibilities over the child
- There exists a problematic relationship with the parents
- Provides more control than legal custody regarding the birth parent's access to the child
- Tribal customary adoption - transfer of custody of a child to adoptive parents without terminating the rights of the birth parents

When A Temporary Legal Relationship May Be Appropriate

- The caregiving period is time limited and well defined, and the parent will designate the caregiver as the temporary caregiver. Examples:
 - Custodial parent is in prison for a short sentence
 - Custodial parent needs to undergo medical procedures or rehabilitation
 - Custodial parent is traveling for a seasonal job or other opportunity
- The temporary legal vehicle provides authority until a more permanent legal relationship can be achieved

Hear Directly from Kinship/Grandfamilies As Part of Your Trainings

The Grandfamilies & Kinship Support Network has three caregiver videos, featuring Generations United GRAND Voices. You may download them from the Network website:

Santana Lee: <https://www.gksnetwork.org/resources/kinship-grandfamilies-thrive-with-love/>

Rosalie Tallbull: <https://www.gksnetwork.org/resources/kinship-grandfamilies-thrive-with-perseverance/>

Keith Lowhorne: <https://www.gksnetwork.org/resources/kinship-grandfamilies-thrive-with-peer-support/>

Public Benefits



Monthly Financial Assistance

Potential sources of financial assistance for relatives raising children:

- Foster care maintenance payments
- Adoption Assistance – for special needs children being adopted from foster care
- Guardianship Assistance – typically for those exiting foster care only
- Temporary Assistance for Needy Families (TANF)

Adoption Assistance



- Adoption assistance is monthly financial assistance up to the foster care rate for those children adopted from the child welfare system with “special needs”
- Special needs are defined by each state, and typically include more than what is commonly referred to as “special needs”
- Special needs can include being part of a sibling group, being a teenager, etc.
- For your state, see <https://nacac.org/help/adoption-assistance/adoption-assistance-us/state-programs/>

Guardianship Assistance Program (GAP)

- Only for children who are with a relative in licensed foster care - it allows children to exit foster care into the permanent care of that relative
- The state, territory, or tribe provides the child with monthly financial support using federal funds
- Basic eligibility requirements for federal GAP:
 - Adoption and reunification are not appropriate options for the child
 - Child must be Title IV-E income eligible for federal GAP
 - Child must live with a licensed relative foster parent for six consecutive months prior to guardianship
 - Ineligible siblings can qualify if a sibling in the same home is eligible

Temporary Assistance for Needy Families (TANF)

- Two types of grants:
 - Child-only grants
 - Available based on child's income
 - Usually not sufficient to meet child's needs
 - Family grants
 - Larger than child-only grants
 - Subject to federal work requirements and time limits
- For more information, see [factsheet for caregivers](#) and [policy brief](#)

Insert State Name – Support Comparison

Outside the Foster Care System or Outside Licensed Kinship Foster Care Temporary Assistance for Needy Families (TANF) “Child-Only” Grants	Licensed Kinship Foster Care Foster Care Maintenance Payments	Guardianship Assistance and Adoption Assistance for Eligible Children Exiting Foster Care
<p>One Child \$ /month</p> <p><i>Must apply for Medicaid separately or Automatic Medicaid with a TANF child-only grant</i></p>	<p>One Child Lowest rate \$ /month Automatic Medicaid</p>	<p>One Child Lowest rate \$ /month Automatic Medicaid</p>
<p>Two Children \$ /month</p> <p><i>Must apply for Medicaid separately or Automatic Medicaid with a TANF child-only grant</i></p>	<p>Two Children Lowest rate \$ /month Automatic Medicaid</p>	<p>Two Children Lowest rate \$ /month Automatic Medicaid</p>
<p>Three Children \$ /month</p> <p><i>Must apply for Medicaid separately or Automatic Medicaid with a TANF child-only grant</i></p>	<p>Three Children Lowest rate \$ /month Automatic Medicaid</p>	<p>Three Children Lowest rate \$ /month Automatic Medicaid</p>

Social Security: Old-Age, Survivors, and Disability Insurance

- Children being raised by kin may be eligible if the child's parent is collecting retirement or disability insurance benefits or if the parent was fully insured when he or she died
- Kin can apply for benefits on behalf of the child based on the work record of the child's parent
- The child may qualify based on a **grandparent's** work record
<https://www.ssa.gov/people/parents/>

Supplemental Security Income

- Program administered by the U.S. Social Security Administration
- There's a screening tool to find out if an individual qualifies:
<https://ssabest.benefits.gov/>
- Provides benefits for individuals who are elderly, blind, or have disabilities and who have limited income and assets
- Also provides cash benefits to children who are blind or have other serious disabilities; for children to qualify, they must be under 18 and meet the SSI disability, income, and asset criteria

Health Care: Medicaid and CHIP

- As with children being raised by parents, children being raised by kin should be able to access public health insurance
- Caregivers do not need legal custody or guardianship of the children
- Guides for each state: <https://www.aarp.org/aarp-foundation/our-work/income/public-benefits-guide-senior-assistance.html?cmp=RDRCT-89c79c71-20201223>



Food and Nutrition Programs

- **Supplemental Nutrition Assistance Program (SNAP)** – formerly known as “Food Stamps”; caregivers do not need legal custody or guardianship of the children to apply – www.fns.usda.gov/snap/ and <https://www.gksnetwork.org/resources/snap-facts/>
- **Women, Infants and Children (WIC) Program** – can help eligible caregivers meet nutrition needs of children they raise under age 5; caregivers do not need legal custody or guardianship of the children, but children must have certain types of health conditions to qualify – www.fns.usda.gov/wic
- **National School Breakfast and Lunch Programs** – free or low-cost meals for eligible students; caregivers do not need legal custody or guardianship, and they should ask the child’s teacher or principal for an application
- **New Resource:** “Together at the Table: Supporting the Nutrition, Health, and Well-Being of Grandfamilies,” the 2022 State of Grandfamilies Report, published by Generations United – <https://www.gu.org/resources/state-of-grandfamilies-report-2022/>

Child Care

- The Office of Child Care in the U.S. Department of Health and Human Services administers the Child Care and Development Fund (CCDF)
- CCDF assists low-income families in obtaining child care so they can work or attend training/education
- Work with the jurisdiction's child care agency. For a list, see <https://www.acf.hhs.gov/occ/contact-information/state-and-territory-child-care-and-development-fund-administrators>

Education

- With a legal relationship to the child, caregivers should be able to enroll children tuition-free in public school
- Without a legal relationship to the child, it will depend on the state and locality
- Each state has a McKinney-Vento federal homeless act liaison who can help enroll “unaccompanied youth” in school and connect the child to services
- For special education benefits, caregivers should not be required to have legal custody or become a “surrogate parent”



Housing: Family Unification Program

- The Family Unification Program (FUP) is a U.S. Department of Housing and Urban Development program that provides Public Housing Authorities with funding for Section 8 housing vouchers for families who the child welfare agency has "certified" as having children at risk of entering foster care because of the lack of adequate housing
- Some states define “family” as parent-child families and exclude grandfamilies, whereas others include grandfamilies

Restrictions for Lawfully Residing Immigrant Children and Caregivers to Access Benefits

For states that have expanded Medicaid and CHIP to immigrant children/pregnant women, see:

<https://www.medicaid.gov/medicaid/enrollment-strategies/medicaid-and-chip-coverage-lawfully-residing-children-pregnant-women>

The chart below lays out the general federal immigration requirements for several programs. It also notes that states have the option, under the federal Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), to extend Medicaid and CHIP to immigrant children and pregnant women who are lawfully residing in the United States but have not met the five-year requirement for qualified immigrants. As of January 1, 2018, 33 states extended coverage to these children, and 25 states extended coverage to pregnant women.⁴⁶

Eligibility of Grandfamily Members for Federal Supports by Immigrant Status ⁴⁷				
Children (age 18 and younger)		Caregivers		
Lawful Permanent Resident (LPR) + 5 years of continuous residency in U.S.	"Qualified" Immigrants	LPR + 40 quarters of work	LPR + 5 years of continuous residency in US	"Qualified" Immigrants
WIC	WIC	WIC	WIC	WIC
School Lunch Program	School Lunch Program	School Lunch Program	School Lunch Program	School Lunch Program
Emergency Medicaid	Emergency Medicaid	Emergency Medicaid	Emergency Medicaid	Emergency Medicaid
		SSI ⁱ		
	SNAP ⁱⁱ	SNAP	SNAP	SNAP
CHIP	CHIP (if state opts in)			
TANF		TANF ⁱⁱⁱ	TANF	
	Social Security ^{iv}			Social Security ^v
Medicaid	Medicaid (if state opts in)	Medicaid ^{vi}	Medicaid	
Foster Care Maintenance Payments				
				Medicare Part A (hospital care)
			Medicare Part B (medical insurance)	

National Family Caregiver Support Program (NFCSP) and Native American Caregiver Support Program (NACSP)

- Provide 5 types of supportive services to family caregivers and relatives aged 55 and older who are the primary caregivers of children (with or without legal relationships to the children):
 1. *Assistance to caregivers about available services*
 2. *Assistance to caregivers in gaining access to services*
 3. *Individual counseling, organization of support groups, and training caregivers*
 4. *Respite care*
 5. *Supplemental services on a limited basis*
- Area Agencies on Aging (AAAs) or tribal organizations provide these services or contract for their provision

NFCSP and NACSP cont'd

- AAAs and tribal organizations may use additional funding sources to try to reach the majority of caregivers who are under age 55
- Our partner, USAging, is soon releasing a fact sheet and report on AAAs and tribal organizations and their use of NFCSP and NACSP for kinship/grandfamilies – check <https://GKSNetwork.org> often
- AAAs can be found here: <https://eldercare.acl.gov/Public/Index.aspx>



Tax Credits:

Earned Income Tax Credit (EITC)

- This tax credit is refundable so even workers who don't earn enough to pay taxes can get cash from the IRS
- Qualifying children:
 - Includes all relatives (and steps)
 - Must be under age 19 (or 24 if a full-time student)
 - If the child is permanently and totally disabled, there is no age requirement
 - Must have lived with the relative for more than ½ the year

www.irs.gov/individuals/article/0,,id=96406,00.html

Child Tax Credit

- For kinship caregivers both inside and outside child welfare involvement with dependent children through age 17
- Eligibility:
 - **Relationship:** any related child (except cousins) or foster child (both related and not related) - fictive kin, such as a godparent or close family friend, are only eligible if they are the child's foster parent
 - **Residency:** the child must live with the caregiver for more than half the year
 - The child must have a Social Security number
 - The caregiver and child do **not** need to have a legal relationship
- For tax year 2021, this tax credit was refundable

<https://www.gu.org/app/uploads/2021/06/Grandfamilies-and-the-Child-Tax-Credit.pdf>

Adoption Tax Credit

- Credit for qualifying expenses to adopt children from in and outside the foster care system
- For those adopting from foster care, can claim the total credit without showing expenses
- If adopting outside of foster care, can deduct up to full amount based on actual adoption expenses
- In tax year 2022, the maximum amount is \$14,890 per child
www.irs.gov/taxtopics/tc607.html & <https://nacac.org/help/adoption-tax-credit/adoption-tax-credit-2022/>

None of these tax credits are counted as income and they will not jeopardize other benefits

Alternative Care Planning



Alternative Care Planning for Kinship/Grandfamilies Outside of Foster Care

Informal Agreement	<ul style="list-style-type: none">• Caregiver can collect evidence that they're raising the child (school records, health care records, any health care affidavit, tax returns, TANF child-only or other benefits received for the child) and how they are related to the child (birth certificate, family records)• Caregiver can plan with a trusted person by typing out wishes, signing the resulting document, and sharing with the trusted person and anyone else important to family. May also notarize the paper.
Power of Attorney Delegation of Parental Authority	Caregiver can work with the parents to plan for where the child will go if they die.
Guardianship	Caregiver may be able to name successor guardian through guardianship process.
Adoption	<ul style="list-style-type: none">• Caregiver can name guardian in will.• Caregiver may be able to name standby guardian to take over if caregiver becomes disabled.

Alternate Care Planning for Kinship Families Inside Foster Care or Who Have Exited Foster Care

Foster Care	Caregiver can work with the child’s case worker to make sure they have another family member or close family friend identified to care for the child if caregiver dies or can no longer care for the child.
Guardianship	As part of the process of becoming guardian and the child exiting the foster care system, the caregiver may be able to name a successor guardian to take over if they die
GAP (Guardianship Assistance Program)	The GAP agreement must be in place BEFORE getting the guardianship court order. The caregiver will name a successor guardian to take over. That successor does not have to be licensed or a relative to get the monthly financial assistance.
Adoption	After the adoption process is complete, the adoptive parent can create a will and name a guardian for the child, just like any birth parent.
Adoption Assistance	As part of this process, the caregiver can name a successor guardian to take over if they die. If the new caregiver then adopts the child, they may be able to receive the adoption assistance.

**Please provide
your feedback
on the webinar.
Scan the QR
code to access
our short
evaluation.**



Contact Us

<https://GKSNetwork.org>

Ana Beltran
abeltran@gu.org

Heidi Redlich Epstein
Heidi.Epstein@americanbar.org





The Network is supported by the Administration for Community Living (ACL), U.S. Department of Health and Human Services (HHS) as part of a financial assistance award totaling \$9,950,000 with 95 percentage funded by ACL/HHS and \$523,684 and 5 percentage funded by non-government sources. The contents are those of the authors and do not necessarily represent the official views of, nor an endorsement, by ACL/HHS, or the U.S. Government.