

# Racial Equity and Subsidized Guardianship:

## *Critical Issues in Child Welfare Policy and Practice*

*We want to be sure that we don't lay another component on top of a system that is already culturally biased. Our discussions about the potential of subsidized guardianship must be linked to a larger policy audit of racial inequities across the child welfare system.* -- Dr. Carol Spigner, University of Pennsylvania School of Social Work

### **Introduction**

Among its many challenges, today's child welfare system is struggling with an epidemic of racial and ethnic disproportionality -- the over-representation of African-American, Native American/American Indian (NA/AI), and, in a growing number of areas, Latino children and families in foster care. Compounding the injustices of over-representation, many children and families of color<sup>1</sup> also experience inequitable treatment and chronic disparities in child welfare services, financial assistance, and other essential supports that help keep children safe and families together. From prevention to post-permanency services, institutional racism in the child welfare system leads to corrosive policies and practices that deny the inherent strengths of thousands of children and families of color and waste their potential.

To address these injustices, advocates are exploring a number of new strategies to reduce racial and ethnic disproportionality and disparities and to increase safety and permanence for children and families of color in the child welfare system. Because children of color in foster care are more likely to be placed with relatives, one particularly promising effort focuses on supporting families through subsidized guardianship. This under-utilized permanency option makes it possible for children to live permanently under the care of a legal guardian -- often a relative -- when reunification or adoption is not appropriate.

In December 2005, the Casey-Center for the Study of Social Policy (CSSP) Alliance for Racial Equity, Cornerstone Consulting Group's National Collaboration to Promote Permanency through Subsidized Guardianship, and the Children's Defense Fund (CDF) brought together a diverse group of national, state and community child welfare advocates and practitioners as well as parents, youth and caregivers concerned about the over-representation of and the disparities experienced by children of color in the child welfare system.

The purpose of the symposium was to explore how subsidized guardianship policies and practices could help to reduce racial/ethnic disproportionality and disparities in the child welfare system while supporting a broader range of permanency options. More specifically, participants were invited to:

- **Identify** barriers that prevent subsidized guardianship programs from being used effectively to promote permanence for children -- particularly children of color -- and to reduce racial/ethnic disproportionality and disparities in child welfare;
- **Explore** promising state efforts to expand the use of subsidized guardianship to achieve safety and permanence for children;
- **Build** stronger relationships with peers from other states and communities also struggling with issues of racial/ethnic disproportionality and disparities and their impact on permanence; and
- **Determine** the next steps in developing subsidized guardianship policies and practices and broader strategies to support relatives that maximize opportunities for children and families of color in culturally appropriate ways.

Based on these objectives, conference participants raised a series of important questions about how to use subsidized guardianship programs most effectively to promote permanence and reduce the over-representation of children of color in the child welfare system.

This issue brief is designed to provide a general overview of the issues that were raised by national experts at the December conference and to lay out questions to help guide the next phase of the discussion: developing consensus around a specific set of strategies to maximize permanence and address racial/ethnic disproportionality and disparities.

## Racial/Ethnic Disproportionality and Disparities in the Child Welfare System

Sadly, race, poverty and involvement in the child welfare system are still inextricably linked. Nationally, and in almost every state, children of color in foster care under the age of 18 are over-represented in the child welfare system compared to their representation in the general population -- a term often referred to as *disproportionality*. Disproportionate representation among minority children continues to be a chronic problem despite studies that report *no significant differences* in maltreatment rates between different racial and ethnic groups.<sup>2</sup>

Institutional racism in the child welfare system is endemic. Nationally and in 46 states, for example, African-American children are between 1 ½ and 3 ½ times more likely to be represented in the child welfare system than they are in the overall population.<sup>3</sup> African-Americans and Native American/American Indian (NA/AI) children are about three times more likely to be in the child welfare system than Caucasian children not of Hispanic origin. And although they are not disproportionately represented at the national level, Latino children are also increasingly over-represented in foster care in certain geographic areas.<sup>4</sup> Finally, NA/AI children account for 3 percent of children in foster care, but comprise only 1 percent of total U.S. children under 18. In states with large NA/AI populations, NA/AI children are disproportionately represented in the child welfare system, comprising between 15 and 65% of the total foster care population.<sup>5</sup>

The over-representation of children of color in the foster care system is the direct result of ingrained *structural racism*, a term often used to describe the complex combination of factors that work to produce and maintain racial inequities in America and in all aspects of human services delivery. As such, it identifies those aspects of culture and history that have allowed the

“privileges” of being white and the “disadvantages” facing families of color to endure and adapt over time. <sup>6</sup> In addition, it points out ways in which public policies, institutional practices and cultural stereotypes produce and maintain these unfair outcomes. In the child welfare system, for example, structural racism can be used to explain the biases that are still present at every critical decision making point in the child welfare system – from the training and attitudes of frontline caseworkers to statewide policies that disproportionately impact minority populations.

Good intentions can still cause bad outcomes -- Dr. Robert B. Hill, Senior Researcher, Westat

In today’s child welfare environment, efforts to rid the system of structural racism and bias are made even more challenging by the fact that what was once a child welfare system blatantly characterized by “oppression and control” is now one in which racism has become less overt -- although no less damaging to children and families of color. Explains Dr. Robert B. Hill, Senior Researcher at Westat: “systemic racism isn’t always about people in a back room trying to find new ways to punish children of color. These are often people with good intentions. That is what makes its impact so hard to combat. Good intentions can still cause bad outcomes.” <sup>7</sup>

Tragically, bad outcomes for children of color are evident at all points of involvement in the child welfare system. Such outcomes are manifested in longer lengths of stay and fewer (and less comprehensive) services and supports. The resulting inequalities in services and supports that result from structural racism in the child welfare system are often referred to as *disparities*. For example, African-American children, in part due to the larger number of kin placements, remain in foster care for significantly longer periods of time than white children (a median stay of 17 months for African-American children versus 9 months for white children). And once in the foster care system, families of color receive fewer services, have less contact with child welfare workers, and experience lower reunification rates with their families than white children do. <sup>8</sup>

The Difference between Disproportionality and Disparities

Racial and ethnic **disproportionality** means that, due to pervasive racism at all points of the child welfare system from entry to exit, children of color are over-represented in the child welfare system. This institutional racism results in a number of **disparities** between various racial and ethnic populations, such as differences in the availability and quality services and supports and the frequency of positive outcomes for children and families of color.

Children of color, particularly African-American children, are also over-represented in *kinship care* – an arrangement in which grandparents, other relatives, and close family friends raise children who have been removed from their parents. This may be due, in part, to the racial disparities that result from the policies and practices of the child welfare system. African-American children are twice as likely to be placed in foster care with relatives as are White children. Grandparents and other relative caregivers also tend to be older, poorer and receive fewer services and less training than non-kin foster parents. <sup>9</sup>

## Theory of Change: Reducing Racial/Ethnic Disproportionality and Disparities in Child Welfare[0]

In order to address racial/ethnic disproportionality and disparities in child welfare, the Casey-CSSP Alliance on Racial Equity has developed a *theory of change* that suggests six different pressure points or *critical levers* that must be pushed simultaneously to achieve real results for children and families of color and the child welfare system. These six pressure points include: (1) legislation, policy change, and finance reform; (2) research, evaluation, and data-based decision-making; (3) youth, parent, and community partnership and development; (4) public will and communications; (5) human service workforce development; and (6) practice change (site-based implementation).

The theory of change is rooted in several assumptions that help frame the vision to create a child welfare system that is not only free of all structural racism, but benefits *all* children, families, and communities. These include the principles that:

- *Structural racism is a primary underlying cause for racial and ethnic disproportionality and disparities in the child welfare system.*
- *Structural racism in the child welfare system is further compounded by poverty, class, and the decisions and behaviors of individuals working within and served by the system.*
- *Eliminating disproportionality and disparities in treatment, experiences and outcomes for children of color in the child welfare system will result in improved outcomes for all children and families.*
- *Child and family well-being is a community and public concern which requires shared responsibility and support from other systems (e.g., juvenile justice, health care, education, and the courts) and the active engagement of parents, youth advocates and community organizations committed to racial equity and social justice.*
- *The “darker” the child welfare system becomes—both in terms of people working in and served by the system—the more challenging it becomes to build the public will to reduce disparities and improve outcomes for children of color.*
- *Investing in the capacity of leaders and front line workers in the child welfare system to directly and truthfully address structural racism and disproportionality and disparities in the system will energize and restore the humanity and value of work with children, families, and communities.*
- *Placing appropriate emphasis on prevention is an important strategy for reducing disproportionality and disparity for children and families of color in child welfare.*

The lack of services available to kinship caregivers, especially caregivers of color, are compounded by deeply embedded systemic and cultural biases that perpetuate the stereotype that “the apple does not fall far from the tree” – the widespread misconception that if a child suffers maltreatment or neglect from a parent, the caregiving capabilities of the entire family are suspect. This corrosive stereotype is further reinforced by the common and culturally insensitive myths that relatives who care for children in foster care “only do it for the money” or are simply too old or too poor to take proper care of the children. Compounding the problem is the fact that children of color are also disproportionately represented in other systems servicing children, including welfare, mental health, juvenile justice and special education?

## Overview of Kinship Care and Subsidized Guardianship

Across time and culture, relatives have stepped forward to raise children whose parents were unable to care for them. While the commitment and resilience of families have not changed, the nature and magnitude of the societal problems they face have. In the face of substance abuse, incarceration, domestic violence, health and mental health problems, and other challenges, more than 2.5 million children are being raised by grandparents and other relatives without their

parents present in the home. Some of these *kinship care* arrangements are made informally while others involve public child welfare agencies.

In the last two decades, public child welfare agencies have become increasingly reliant on extended families to help care for children who are removed from their parents because of abuse and neglect. Almost one-third of children in foster care are currently in out-of-home placements with relatives. In some states like California, for example, more than half of the children in the foster care system are in kinship care placements.

While the child welfare system has re-discovered the strength of family and the important role it plays in providing permanency for children, the current emphasis on kinship care evolved more out of practical necessity than a fundamental philosophical shift. Formal foster care placements with kin were relatively rare prior to the 1980s, when HIV/AIDS and the crack cocaine epidemic quickly forced many child welfare agencies to find alternative placements for the growing number of children in the child welfare system. Since this time, placement with kin has not only grown, but has become the stated placement preference for children in both federal and state policies. Drawing on research and common experience confirming that kinship placements are more stable and less traumatic than those placements with non-related caregivers, kinship placements have become, in many jurisdictions, the placement of choice. Despite this preference, however, many states lag behind in providing the necessary funding and services to support them.

As agency policy and practice struggle to catch up with the preference for and dependence on kinship care placements, children with relative caregivers – many of them children of color –often do not get the necessary services they need to move toward permanence. Research confirms that children in kinship care do not always receive the same level of treatment and services as those in non-kin foster care. In addition, relatives caring for children in foster care tend to be older, poorer and receive lower foster care payments than non-kin foster parents. The relative caregivers also report less supervision and fewer services from child welfare agencies. Finally, children in kinship foster care tend to stay longer than those in unrelated care, denying many of those who are already living in safe and loving homes with relatives the opportunity to achieve a more permanent legal status. In particular, it is this latter finding that has prompted the move to offer legal

## Understanding Subsidized Guardianship[0]

### *What is subsidized guardianship?*

State subsidized guardianship programs make it possible for eligible children to live permanently in the care of a legal guardian –often a relative --who has agreed to provide a safe and loving home for them. Some states make subsidized guardianship available to children in foster care only after they have determined that reunification or adoption is not appropriate for the child. Other states make ongoing support available to relative caregivers to prevent the child from entering foster care in the first place.

### *How many states have subsidized guardianship programs?*

Currently, 38 states and the District of Columbia have subsidized guardianship programs. Each program varies widely. They have different names, different eligibility guidelines for children and caregivers, and offer different subsidy amounts for participating children. They also have different funding source and serve varying numbers of children.

### *How do the states fund subsidized guardianship programs?*

Each state funds its subsidized guardianship program differently. Funding sources include: (1) Federal IV-E Waivers (permission from the federal government to allow a handful of states to use federal foster care funding to operate subsidized guardianship programs); (2) Temporary Assistance for Needy Families (TANF) funding; (3) state and local funds; and (4) other federal funds such as the

guardianship and subsidized guardianship as permanency alternatives when reunification and adoption are not possible.

### **Subsidized Guardianship as a Promising Option to Reduce Racial/Ethnic Disproportionality and Disparities**

Traditionally, the lack of opportunity for families of color in the child welfare system included a lack of permanency options for children in foster care who could not return home safely. For a long time, the only choice for children who could not be reunited with their parents was adoption, the preferred option that requires the termination of a child's parental rights, or long-term foster care. Legal guardianship was not traditionally considered an acceptable permanency option and, even when it was, it did not guarantee any ongoing financial assistance to the family to help support the child. As a result, families for whom adoption was not an option found themselves pressured to commit to the responsibility and expense of caring for children without additional needed support.

*We can't just keep "looking down" on families who want to make a long-term commitment to children but who aren't willing to adopt.* -- Bernadette Blount, Child Welfare Organizing Project

As attention to the importance of permanence for children grew and new alternatives to long-term foster care were explored, legal guardianship was seen as an increasingly viable option because it:

- **Maintains important family bonds with the child's parents:** In some cases, birth parents may have a mental or physical disability that prevents them from providing safe, full-time care for the child, but still want to maintain contact with the child. Other times relative caregivers may feel that, with the right supports, the child's parents may eventually overcome the problems that made it difficult to parent and safely resume custody in the future.
- **Honors the wishes of older children:** Older children may decide not to cut off legal ties with their parents even when they wish (and understand that it is in their best interests) to remain permanently in the home of a caring relative.
- **Respects the cultural norms of the extended family:** In many cultures, the process of terminating parental rights defies social norms that respect and integrate the values of extended family and mutual interdependence.
- **Limits state interference in families' lives:** Many families want to care permanently for children without the state's ongoing interference in their lives. When adoption is not appropriate, guardianship, particularly subsidized guardianship, allows them to make important decisions without child welfare involvement.

Offering adequate financial assistance to legal guardians to care for related children enables the guardian to recognize all of the above benefits and also to get help in meeting the children's needs.

*The children got tired of people coming over every week or every other week and getting involved in our business.* – Sadiyah Rollins, Aunt and Legal Guardian

## Beyond Foster Care: Subsidized Guardianship as Prevention

In addition to offering subsidized guardianship as an alternative to help children exit from foster care, an increasing number of states are beginning to use subsidized guardianship programs as a way to keep children out of foster care in the first place. A handful of states have established programs that provide financial support for children who are not involved in the child welfare system.<sup>10</sup> Through these programs, caregivers who are willing to obtain legal custody or guardianship of the children they are raising outside of the foster care system may be eligible to receive payments to help them care for the children. These payments are usually less than the customary foster care board payment but more than a child-only grant from Temporary Assistance to Needy Families (TANF). The growing interest in these programs has underscored the need to think more expansively about subsidized guardianship as a tool to divert children from unnecessary child welfare involvement, especially for children of color who are already placed in foster care at disproportionately high rates.

### Using Subsidized Guardianship Effectively to Reduce Racial/Ethnic Disproportionality and Disparities in Child Welfare

*We've come a long way from just talking about policy changes to actually figuring out how to begin to use subsidized guardianship as an effective tool.* – Sandra Chipungu, Associate Professor, Morgan State University

Subsidized guardianship can honor the cultural, familial and individual identities of children and families involved in the child welfare system. It may also give agencies another strategy to reduce the racial/ethnic disproportionality and disparities experienced by children and families of color. This can be accomplished by moving those children who are able to exit the child welfare system into the guardianship of relatives and others who can provide them the care, stability and financial support they need.

At the same time, there are concerns that unless subsidized guardianship is implemented in conjunction with broader strategies to reduce racial inequities, it may exacerbate already existing challenges. Meeting participants suggested strongly that it is not enough to have a strategy that allows children of color to leave foster care without equal attention to preventing child welfare system involvement in the first place. Some participants also raised the question of whether the current structure of most subsidized guardianship programs would create an incentive for children to enter foster care in order to receive subsidized guardianship supports.

In order to ensure that subsidized guardianship provides maximum support and permanency for those involved in the child welfare system, especially those traditionally under-served children and families of color, additional discussion and planning is needed to identify and address current gaps in policy and practice. Towards this end, participants raised several key considerations that must be explored to optimize subsidized guardianship as a tool to promote permanency and reduce racial/ethnic disproportionality and disparities.

The following questions are designed to guide the next phase of the discussion: developing a consensus around specific actions steps to improve the scope and use of subsidized guardianship for children and families of color.

## 1. Improving Practice: Culturally-Competent Information, Training, and Outreach

In order for subsidized guardianship to promote permanence for children of color and reduce racial/ethnic disproportionality by moving children out of the formal foster care system or preventing the need for foster care altogether, child welfare practice must ensure that this permanency option is used appropriately and in a culturally sensitive way. Families need to understand information about the pros and cons of subsidized guardianship versus other available permanency options and have access to comprehensive, easy-to-understand information.

*At first I was confused about my options. I had to find out about subsidized guardianship from other people. -- Sadiyah Rollins, Kinship Caregiver and Legal Guardian*

Frontline workers must have the information and resources needed to help families assess the various options and determine what is in the best interests of the child. Child welfare staff must also know how the various options are perceived in different cultures. Moreover, they must help relatives understand the financial and legal obligations they will be taking on in order to ensure that the special needs of the children will be effectively addressed. Families must also understand exactly what supports and services will be available to help meet the ongoing needs of their children. Finally, child welfare agencies have an obligation ensure that kinship care families receive the full range of promised supports when and where they need them.

To ensure fully-informed, culturally competent frontline practice that maximizes the potential benefits of subsidized guardianship for children and families of color, the following questions should be addressed:

- *What are the broader structural barriers (e.g., poverty bias, funding disincentives, court decisions) that negatively impact families of color in the child welfare system? How might these factors impact the use of subsidized guardianship for children and families of color?*
- *What are the best practices to ensure that relatives are valued and served at every step of the permanency continuum?*
  - *Are relatives considered as caregiving resources prior to a child's placement in foster care?*
  - *How are different permanency options (and the pros and cons of each) explained to relative caregivers? How are older youth and birth parents involved in the decision making process about what permanency options are best for the child? Are relatives caring for children encouraged to obtain legal guardianship? What support is available to help them overcome the financial and other hurdles that can sometimes make it difficult to obtain guardianship? What kind of legal assistance is available? At what point and under what circumstances should legal guardianship be subsidized (e.g., before a child enters foster care, after the child has been in foster care for a certain period of time, etc.)?*
  - *What roles should courts and attorneys play to ensure that subsidized guardianship is used to ensure permanence and support for children and families and that all permanency options have been fully explored?*

## 2. Developing Effective Policy for Fair and Effective Implementation of Subsidized Guardianship

Just as front-line child welfare workers and agency administrators must have better tools to present families with the full range of permanency options, policy makers must be educated about which national and state subsidized guardianship policies have been used most effectively. By answering the following questions, policymakers will be better able to ensure that their child welfare policies in general – and subsidized guardianship policies in particular – are fair and equitable, while also achieving the ultimate outcomes of safety, permanence, and well-being. By crafting policies with these questions in mind, leaders have the opportunity to go beyond subsidized guardianship as a strategy to get children out of foster care, towards a more ambitious agenda to honor the kinship ties that allow vulnerable children and youth of color to remain with family and go on to lead productive lives:

- *What are the opportunities to use subsidized guardianship as a strategy to keep children safely with family and to prevent unnecessary foster care placements?*
- *What current child welfare policies undermine the involvement of children, parents, and relative caregivers in supporting families of color?*
- *What is the best way to design a framework of child welfare policies that effectively and fairly respond to the needs of children and families of color?*
- *What is the best way to design a framework of subsidized guardianship policies that effectively and fairly respond to the needs of children and families of color?*
- *How can subsidized guardianship policies acknowledge the needs of young people transitioning to adulthood so that they have access to the educational and other supports needed to achieve stability and independence?*

### The Evolution of Subsidized Guardianship

In recent years, subsidized guardianship has become an increasingly viable permanency option for children in foster care for many reasons. A practical necessity for more foster homes increased the reliance on kinship foster care as a response to the crack epidemic in the early 1980s. The federal waiver program also created a policy environment that allowed a handful of states to test the effectiveness of subsidized guardianship on a broader level.

For the first time in 1997, the Adoption and Safe Families Act (ASFA), a new federal law explicitly recognized guardianship as one alternative permanency option for children in care. Based on the success and prevalence of state subsidized guardianship programs, several current federal legislative proposals include measures to allow all states to fund state subsidized guardianship programs with Title IV-E foster care funds.

As the support for subsidized guardianship grows, however, so does the discussion about how to maximize its effectiveness and reach, specifically:

- Who should be included in subsidized guardianship programs (should they include children raised by kin outside the formal child welfare system? Should they be available to non-kin foster families?)
- How should agencies appropriately and fairly evaluate a caregiver's long-term commitment to the child?
- Should legal guardianship be a requirement for a family's participation in the program?
- How can policies and programs support the goals of youth in legal guardianship, including access to scholarships, tuition waivers, housing, etc.
- What sort of assistance and continuing agency oversight should subsidized guardianship programs provide?
- Given the rate of incremental change at the federal level, what are the first priorities in establishing a federal subsidized guardianship program for the states (e.g., do we start only by serving children in the formal foster care system?)

*A lot of older kids look at subsidized guardianship as a bad deal because they lose all the great transition services they get if they stay in the system. Transition and permanence shouldn't compete with one another –*  
Leslie Cohen, Children and Family Research Center, University of Illinois at Urbana/Champaign

*Subsidized guardianship is only one of many approaches to addressing disproportionality. It won't change the fact that some of these children shouldn't have been brought into the system in the first place. -- Sandra Chipungu, Associate Professor, Morgan State University*

### 3. Filling in the Research Gaps

Research and experience have already highlighted the corrosive impact of racial/ethnic disproportionality and disparities on the child welfare system, but additional studies are still needed to determine the effectiveness of subsidized guardianship in helping to reduce the overrepresentation of children in foster care. In particular, more research is needed to determine:

- *Does the use of subsidized guardianship programs vary by race? If so, how and why?*
- *Does the impact of subsidized guardianship programs on permanence for children vary by race? How frequently are children of different races/ethnicities returned to foster care following placement in subsidized guardianship?*
- *How frequently do families in the subsidized guardianship program later decide to adopt? Are there any significant racial/ethnic differences in the rates of those adoptions?*
- *How permanent is subsidized guardianship for children? How does it compare with adoption? Do these findings vary by the race or ethnicity of the child? If so, how?*
- *What are the most effective strategies state subsidized guardianship programs are currently using to improve outcomes for children and families of color?*
- *What additional research is needed to determine how children fare in kinship foster care as compared to non-related foster care?*

### 4. Empowering Children, Young People and Families as Stakeholders

Despite progress in the development of effective subsidized guardianship programs, the stakeholders most affected by related policies and practices are often still the ones most excluded from the decision making process. When it comes to relative caregivers, young people, and birth parents in the child welfare system, lack of access to and participation in the decision making process are particularly acute, especially for families of color already disadvantaged by pervasive institutional racism.

#### Defining the Role of the Courts

As with all child welfare issues, the courts play an integral role in holding child welfare agencies accountable for ensuring permanence and equitable treatment of children and families of color. At the same time, the racial biases of judges, attorneys, court-appointed special advocates, and other court personnel can also pose additional barriers.

Some courts may also have biases against guardianship as a permanency option for children in foster care because they may be concerned that it is not as permanent for the child as adoption. That is, unlike adoption in which parental rights are terminated, guardianship leaves open the possibility that a child's parents may come back and challenge the arrangement after the child welfare agency and courts are no longer supervising the case. In other cases, some advocates argue that judges might be biased *towards* subsidized guardianship because they view it as an easy way to close a case, without a thorough exploration of the family's willingness to adopt or the family's need for ongoing support.

*Including the people who are the fundamental consumers of these services changes the dialogue. It is critically important that we keep the voices of children and families central to the equation. -- Dr. Carol Spigner, University of Pennsylvania School of Social Work*

To engage children and families in the effective implementation of subsidized guardianship programs and policies – and to identify and fill key gaps in research -- it is important to identify:

- *What roles stakeholders should play in developing effective culturally competent supports for kinship care families in terms of:*
  - *Research design*
  - *Data collection and analysis*
  - *Subsidized guardianship policies*
  - *Developing systems of accountability*
  - *Individual case decisions*
  - *Informing policy and practice*
  - *Grassroots advocacy and public will building*
- *What kind of supports and services do different groups of stakeholders need in order to maximize their role in shaping strategies to address each of these areas?*

## **5. Building Public Will**

As with any complex policy issue, efforts to improve policy and practice must also engage the broader community and the media to build public support for change. Without public support, political will falters and half-hearted measures prevail. In developing an effective strategy to educate the public about the role subsidized guardianship and relative care can play in promoting permanence for children and reducing the disproportionate representation of children of color in foster care, it is first helpful to consider the following questions:

- *What are the most important facts for the public to know about racial/ethnic disproportionality and disparities in child welfare? About kinship care? About guardianship and subsidized guardianship?*
- *How can we make the best case that kinship families are a strong and positive force for children who are at risk of placement in foster care or who are already in care?*
- *How can we address the unfounded stereotypes such as “the apple doesn’t fall far from the tree” that enter into discussions of kinship care? What facts and real life stories can we use to dispel these myths?*
- *What is the best way to make the case to the public about the range of supports that relatives need to raise children and who should provide those supports? What special arguments are needed to make the case for government financial support for relatives who are raising children and willing to care for them permanently?*

- *How do we create a sense of urgency for policy and practice improvements that will help maximize the involvement of relatives in the lives of children in the child welfare system?*
- *How can the voices of older youth, parents, and relative caregivers be most effectively mobilized to build public support for subsidized guardianship and other kinship care supports, particularly for children and families of color?*
- *Who else can be enlisted as allies in a broader effort to create ongoing public support for policies and practices that will help promote subsidized guardianship and other supports for relative caregivers at the same time it helps to reduce racial/ethnic disproportionality and disparities.*

*The public just doesn't get it. The child welfare system often removes children from their parents because of poverty, and then their grandparents go into poverty trying to take care of them – Carolyn Jackson, Grandparent Caregiver and Director, Grandparents on the Move.*

### **Next Steps: Towards a Vision for the Future**

The discussion about how to use subsidized guardianship effectively to promote permanence and reduce racial/ethnic disproportionality and disparities has raised important questions for policy makers and advocates as they develop a specific set of strategies for how to move forward. These questions form the foundation of a broader effort to shape policy, programs, and practices that truly support and improve the lives of children and families of color – families who have already been disadvantaged too long by institutional racism of the child welfare system.

As conference sponsors, participants and the broader advocacy community join together to develop a more concrete agenda to guide policy makers on these issues, they will consider a comprehensive agenda that incorporates the following principles:

- *Ensuring that subsidized guardianship is one of many ongoing efforts to reduce racial/ethnic disproportionality and disparities at all points of a child and family's involvement with the child welfare system -- from prevention to post-permanency supports.*
- *Developing culturally competent information on subsidized guardianship and other permanency options to ensure that caseworkers provide relatives caregivers with accurate information about the full range of choices available to them.*
- *Effectively supporting the voices of children and young people, caregivers and birth parents to incorporate and maximize the use of subsidized guardianship in every aspect of the permanency process.*
- *Assessing subsidized guardianship data/research gaps to identify potential limitations and areas for improvement in reducing racial/ethnic disproportionality and disparities.*
- *Addressing the legal implications and limitations of subsidized guardianship to ensure a lasting placement for children.*
- *Engaging courts as a partner in efforts to implement subsidized guardianship effectively and help to reduce overall racial/ethnic disproportionality and disparities in child welfare.*

- *Improving “messaging” and communication strategies around subsidized guardianship for a variety of audiences, including the public, policymakers, and the media.*

*The reality is that we have to find a way to move forward. The children can't wait any longer.* – MaryLee Allen, Director, Child Welfare and Mental Health Division, Children's Defense Fund

## **About the Conference Sponsors**

### **Cornerstone Consulting Group**

Cornerstone Consulting Group is a national consulting firm that specializes in human services and community development issues. The National Collaboration to Promote Permanency through Subsidized Guardianship was Cornerstone's multi-year initiative designed to provide technical assistance and educational materials to federal, state and local audiences interested in finding a safe permanent and loving home for abused and neglected children. This paper was written for Cornerstone Consulting Group by Mary Bissell and Jennifer Miller of ChildFocus, Inc., the new home for the National Collaboration to Promote Permanency through Subsidized Guardianship.

### **Casey-CSSP Alliance on Racial Equity**

In recognition of the importance of addressing the racial and ethnic disproportionality and disparity in the child welfare system, Casey Family Programs, the Annie E. Casey Foundation and Casey Family Services, the Jim Casey Youth Opportunities Initiative, the Marguerite Casey Foundation, and the Center for the Study of Social Policy have joined together to launch an intensive national “campaign” to achieve racial equity in child welfare services. The long-term goal of the Alliance is to significantly reduce racial and ethnic disproportionality and disparity in jurisdictions agreeing to partner with the Alliance by 2015 in order to improve outcomes for children and families of color involved with the child welfare system. With racial equity serving as the outcome measure for ensuring safety, permanence and well-being for all children, the mission of the Alliance is to create a child welfare system that is free of structural racism and that benefits all children, families and communities.

### **Children's Defense Fund**

The Children's Defense Fund's (CDF) Leave No Child Behind® mission is to ensure every child a *Healthy Start*, a *Head Start*, a *Fair Start*, a *Safe Start* and a *Moral Start* in life and successful passage to adulthood with the help of caring families and communities. CDF provides a strong effective voice for all children who cannot vote, lobby, or speak for themselves. It pays special attention to subsidized guardianship and other policies and programs that support children living in kinship care families as well as other child welfare concerns.

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<sup>1</sup> In this paper, the term “children of color” mainly refers to children and families from three racial/ethnic groups: African-American, Native American/American Indian, and Latino children. While Asian, Pacific-Islanders and children of other races/ethnicities are usually included in the term children of color, data regarding these children and their disproportionate representation and disparate treatment in care are not as extensive.

<sup>2</sup> National Center on Child Abuse and Neglect, Children’s Bureau. Study Findings: *National Study of the Incidence and Severity of Child Abuse and Neglect*. Washington, DC: U.S. Department of Health and Human Services, 1981. Sedlak, Andrea J. *National Incidence and Prevalence of Child Abuse and Neglect*: 1988 (revised report) Rockville, MD: Westat, 1991; Sedlak, Andrea J. and Broadhurst, Diane D. *Third National Incidence Study of Child Abuse and Neglect*. Rockville, MD: Westat 1996.

<sup>3</sup> Casey-CSSP Alliance for Racial Equity, *Race Matters Toolkit, Fact Sheet*: “Racial Disproportionality in the Child Welfare System: An Analysis of Embedded Inequities” (Baltimore: Annie E. Casey Foundation).

<sup>4</sup> Robert B. Hill PhD, Senior Researcher, Westat, *Synthesis of Research on Disproportionality in Child Welfare: An Update*. Casey-CSSP Alliance for Racial Equity in the Child Welfare System (October 2006).

<sup>5</sup> Terry L. Cross, Executive Director, National Indian Child Welfare Association, *Statement of the National Child Welfare Association regarding the Social and Economic Effects of the Methamphetamine Epidemic on America’s Child Welfare System*, submitted to the United States Senate Finance Committee, April 25, 2006.

<sup>6</sup> *Infra* at Note 3 (Casey-CSSP Alliance for Racial Equity Race Matters Tool Kit)

<sup>7</sup> From the Presentation of Dr. Robert B. Hill at the conference “Subsidized Guardianship: A Policy Solution to Address Racial Disparities in Child Welfare” sponsored by Casey-CSSP Alliance for Racial Equity, Children’s Defense Fund, and Cornerstone Consulting Group (Washington, DC: December 2, 2005).

<sup>8</sup> *Infra* at Note 3 (Casey-CSSP Alliance for Racial Equity Race Matters Tool Kit)

<sup>9</sup> Rebecca L. Hegar and Maria Scannapieco. “Kinship Care: Preservation of the Extended Family” in *Child Welfare for the 21<sup>st</sup> Century*. Edited by Gerald P. Mallon and Meg McCartt., (New York: Columbia University Press), 2005, pp. 518-535.

<sup>10</sup> Cornerstone Consulting Group, Inc., “Preventive” *Subsidized Guardianship Programs: An Emerging Option for Permanent Kinship Care* (Houston: December 2006). The following states currently have preventive subsidized guardianship programs: District of Columbia, Kansas, Kentucky, Louisiana, Nevada, New Jersey, and Ohio.