



# Will the new Foster Care Law Give Grandparents a Hand?

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The aim of a new federal law is to **reduce the number of children who end up in the troubled foster care system — the biggest reboot of the child welfare system since 1980.**

But already, the [Family First Prevention Services Act](#), signed into law by President Donald Trump in February, is generating some controversy. A key point of contention: how it will treat extended family members caring for children outside the foster care system — and whether they will be eligible for financial assistance.

“Sometimes a strict interpretation of the law might have unintended consequences,” said Dr. David Rubin, director of PolicyLab, a research arm of the Children’s Hospital of Philadelphia.

Critics of the law, mostly state and local officials in California, say it could end up diverting more children into the care of grandparents and other relatives who won’t be eligible for the same services and financial help as licensed foster parents. Others insist the law helps more “kinship caregivers.”

“The law is hammering home the importance of family connections,” said Ana Beltran, special adviser for Generations United, a Washington, D.C.-based family research and advocacy group. “It’s a huge step forward.”

**One of the intentions of the law is to address the havoc the nation’s opioid epidemic is wreaking on families.**

**Largely because of the crisis, more and more grandparents are raising their traumatized grandchildren.** For those grandparents and other extended family caring for these kids, help is often limited and can vary greatly from state to state.

“The foster care system has been struggling to meet the needs of kids, and states have had a really difficult time keeping up,” said Karen Howard, vice president of early childhood policy for First Focus, a Washington, D.C.-based child advocacy group that worked on the legislation. “They’ve been stretched to the brink.”

“A lot of details aren’t there in the law,” said Brandon Nichols, chief deputy director of the Los Angeles County Department of Children and Family Services, which, along with other local California agencies, opposed the legislation.

“There are some concerns we have,” Nichols said. “We’re hoping it doesn’t go down a road that undermines families.”

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**The federal government won’t release compliance guidelines for the new law until October, so states are still figuring it out.**

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## Catch-22

Between 2012 and 2016, the number of children in foster care **increased by 10 percent**, a jump that the U.S. Department of Health and Human Services [attributed to the opioid epidemic](#). Six states — Alaska, Georgia, Indiana, Minnesota, Montana and New Hampshire — saw more than a 50 percent jump in their foster care populations during that same period.

Meanwhile, the number of [children in the foster care system](#) who are being raised by relatives increased by 6 percent between 2008 and 2015, according to a 2017 report by Generations United.

**In 2014, more than a third of children removed from their home because of a parent’s drug or alcohol abuse were placed with relatives.**

For every child in foster care with relatives, another 20 children are being raised by grandparents and other relatives outside the foster care system, the report found.

Those are the relatives that have critics of the law most concerned.

The law formalizes the practice of diverting children into informal foster care situations where their caregivers won’t be eligible for foster care payments and the children’s welfare won’t be monitored by the court, said Angie Schwartz, policy program director for the Alliance for Children’s Rights, a California-based legal advocacy group.

“It’s just a piece of Family First, but to us, it’s a big deal,” Schwartz said. “I think it starts to shape child welfare policy, [establishing] a shadow child welfare system.”

As an example, Rubin points to a hypothetical: What happens to an 11-year-old who's acting out because he's seen and experienced too much, and his grandmother is having issues of her own? He's living with her, but if she's not licensed in the child welfare system, she's not eligible for foster care payments. It's unclear if the grandmother, as the child's guardian, will be eligible for federally funded prevention services to keep the child out of foster care.

In California, Nichols and other government officials worry the law will place a burden on extended family members. **They are concerned that more children will be diverted into a relative's care without the swath of services and financial assistance that come to children living with licensed foster parents.**

The focus on prevention services for troubled parents is great, but it potentially comes at a cost for kinship caregivers who could be forced to choose between getting help for their adult children or for their grandchildren, said Cathy Senderling-McDonald, deputy executive director of the County Welfare Directors Association of California, a nonprofit representing California's county human service directors.

**“It's such a catch-22 for these relatives,” she said.  
“It's a terrible choice we're asking them to make.”**

But other child welfare experts insist that's a misreading of the law.

“If they're eligible to become foster parents, there's nothing to keep them from moving forward,” Beltran said. “It's not either-or.”

## **Keeping Families Together**

When Trump signed the law in February as part of a stop-gap spending bill, child welfare advocates hailed the law for its focus on keeping families together and keeping kids out of foster care.

And to that end, a good chunk of the law focuses on providing at-risk families with prevention services such as parenting classes, therapy and substance abuse treatment. That's a first, and it means that prevention services will be treated as an entitlement, like Medicaid.

**“Child welfare agencies are doing a lot on a pretty thin budget, and the opioid epidemic adds a lot of pressure,”** said Hope Cooper, founding partner of True North Group, a Washington, D.C.-based public policy consultancy that advised child welfare agencies on the new law.

The new law, she says, means the federal government will give states some much-needed assistance. It also funnels federal funds into programs that work.

“That’s really important to states,” Cooper said.

Supporters also say the law provides guidance to grandparents and other relatives who step up to care for children when their parents can’t. Children fare best when they can stay with their families, research shows. And when it’s not safe for them to stay at home, grandparents are often the first and best choice. The new law recognizes that, many child welfare experts say.

Now, the federal government will fund what it calls “kinship navigator” programs to link grandparents and other relatives with counseling, housing assistance and other support services. Previously, some states offered those programs, and many did not.

Many grandparents caring for grandkids are struggling to get by on fixed incomes, hovering near the poverty line, according to Generations United. Most end up taking care of grandchildren because there’s been an emergency and they got a call in the middle of the night. Many of the children they care for need counseling and medical care for psychological and physical trauma.

The law will also make it easier for kinship caregivers to become licensed foster parents and therefore take advantage of the financial support afforded other foster parents. The law will do this by creating a model licensing standard.

“Family First helps more relatives to be licensed, if that’s what they want,” Beltran said. “You can’t have two standards for relatives and non-relatives.”

And for children who end up placed in group homes, new requirements aim to keep them in close contact with extended family members.

The family must be included in the child’s treatment plan and is given access to six months of family-based support services after the child leaves the group home.

What’s more, Congress in March appropriated an additional \$20 million this year for states, territories and Native American tribes to either establish kinship navigator programs, or to evaluate existing ones and bring them up to the new standards.

This will be a boost for kinship caregivers, said Rubin of the Children’s Hospital of Philadelphia.

“We needed to provide a resource for grandparents who are now caring for many more children than they would have expected at that point in their lives,” Rubin said.

Kinship navigator programs, he said, “position families to be as successful as possible as a unit, so these kids grow up healthy.”