

## WISCONSIN SUBSIDIZED GUARDIANSHIP

An innovative, common sense program that keeps kids facing foster care safer, allows the state to spend money more effectively, supports and strengthens the role of extended family and gets government out of family life.

### MILWAUKEE COUNTY

**3,300** children in out-of-home placement

**400** children, whose cases remain open in foster care but have had guardianship previously awarded, could immediately benefit

Another **750** children over the 5 year waiver period that would benefit from a permanent guardianship option

*(minus those assigned to the control group or are ineligible for other reasons)*

### STATEWIDE EFFECTS

The program which will start in Milwaukee County could later expand to additional counties. If expanded to the entire state, it could benefit many of the 3,500 children in out-of-home care in other counties.

### WHAT IS GUARDIANSHIP?

Permanent guardianship transfers to the relative all the rights and duties of a parent, but stops short of terminating parental rights.

### WHY IS GUARDIANSHIP PREFERRED OVER FOSTER CARE?

Foster care requires monthly case manager visits and quarterly court hearings. Families in permanent guardianship arrangements are subject to less monitoring. As guardians they are able to do things such as take the children to the doctor for routine check-ups, or sign them up for school activities without prior approval and other paperwork.

Seven states (Delaware, Illinois, Maryland, Montana, New Mexico, North Carolina and Oregon) have implemented experimental programs to provide subsidies to relatives and foster parents who become the legal guardian of children in the custody of the child welfare agency. A new report "Family Ties: Supporting Permanence for Children in Safe and Stable Foster Care with Relatives" shows that all states could move more children out of long-term, foster care and into permanent and safe homes, if the federal government increased its support of legal guardianship by relatives.<sup>1</sup>

### WHEN IS GUARDIANSHIP PREFERRED OVER ADOPTION?

Guardianship offers a permanency option in cases where adoption may not be appropriate, or wanted, but still moves the child towards a stable placement. Some families may choose guardianship over adoption to avoid permanently changing the family structure (e.g., turning granny into mommy). Some children and adolescents simply may not want to permanently terminate their legal relationships with their parents. Also, if the parents are disabled or ill, and have difficulty caring for their children, guardianship may be preferred over the termination of parental rights. Cultural

---

<sup>1</sup> Fostering Results

considerations may also be a factor in choosing not to terminate parental rights. Relative guardianship can provide children with a sense of well-being and belonging. It can facilitate a sense of family and still connect children to their cultural roots while separated from their birth parents.

### **GUARDIANSHIP PERMANENCY INITIATIVE - FEDERAL WAIVER PROGRAM**

*"From a policy standpoint, it makes sense to open the guardianship option to more families," From the standpoint of kids who need safe, loving homes, it makes even more sense."*<sup>2</sup>

- Governor Jim Doyle

In September, 2004, Wisconsin received a waiver of federal child welfare rules that allows the Bureau of Milwaukee Child Welfare to move hundreds of licensed relative foster care cases to subsidized guardianship. Many of these cases remain open because the care provider needs a foster care payment to financially support the child, not because they need monitoring. Children eligible for the guardianship subsidy payments must have been in licensed out-of-home care for at least one year and successfully placed with the prospective guardian for at least six months to demonstrate the stability of the placement. This five year demonstration project is targeted for implementation in July, 2005. The program is expected to be cost neutral.

Currently, licensed relatives receive a foster care maintenance payment which ranges from \$302 to 391 a month depending on the age of the child.<sup>3</sup> When they move to guardianship caretakers will continue to receive a payment equivalent to the foster care payment.

### **PUBLIC POLICY THAT MAKES SENSE FOR KIDS**

With the waiver, Wisconsin can increase permanency for children in stable placements with relatives and receive federal financial support for these families. It makes policy sense and is good for children. Unfortunately, Wisconsin had to wait for nearly two years for the approval to start this initiative which has already been proven in other states to increase permanency for children. The federal child welfare financing rules should be changed to make proven good policy easier to implement.

### **KRISTINE'S STORY**

*For two years Kristine and her husband had been taking care of her sister's children, Anna (13) and Eric (15). Kristine's sister, Tammy, had been struggling with substance abuse and mental illness. Every few months Tammy would try and get help for her addiction in the hopes of maintaining a stable relationship with her children. However, she would experience relapses, which is not uncommon on the road to recovery. Kristine and her husband had become licensed foster parents to be able to better provide for Eric and Anna. Yet, they and the children were tired of the constant meetings and continual monitoring by the child welfare system. However, no one wanted to permanently terminate Tammy's parental rights.*

*Anna and Eric still loved their mother and wanted to see her get better. Kristine did not want to permanently alter the family structure and also relied on the monthly foster care payment to provide for the children. The answer for them was subsidized guardianship. Kristine and her husband could continue to provide for Eric and Anna in a way that would still be supportive of Tammy. In addition, they would still receive a payment that was equivalent to their foster care payment, so they would not suffer financially. This arrangement worked for this family as they hoped that Tammy, with help, would eventually be a stable part of their lives.*

<sup>2</sup> Milwaukee Journal Sentinel. "Waiver Will Help Relatives Who Adopt Foster Kids." <http://www.jsonline.com/news/state/sep04/257763.asp> (September 9, 2004)

<sup>3</sup> In addition to these rates the foster parents may receive supplemental amounts to help meet the special needs of the child.