

Supporting Grandfamilies



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Providing Legal Support to the
Aging Advocacy Network

- <http://www.nlrc.aoa.gov/>
- Collaboration developed by the Administration for Community Living/Administration on Aging between the National Consumer Law Center, Justice in Aging, American Bar Association Commission on Law and Aging, Center for Elder Rights Advocacy, and the Center for Social Gerontology
- See upcoming trainings, conferences, and webinars
- Request a training
- Request consulting
- Request technical assistance
- Access articles and resources





Presenter – Ana Beltran

- Ana is an attorney at Generations United. Prior to moving to the West Coast, she served as the Director of the National Center on Grandfamilies. She is a national expert on Grandfamilies, authoring several Generations United publications on the subject and publishing articles in various publications and academic journals.
- Ana has spoken extensively about relatives raising children at national, state, and local conferences. As someone who was raised in part by her grandmother, Ana has a personal commitment to the families.



Generations United (GU) National Center on Grandfamilies

- Generations United is a national membership organization focused solely on improving the lives of children, youth, and older people through intergenerational collaboration, public policies, and programs for the enduring benefit of all.
- For well over a decade, Generations United's National Center on Grandfamilies has been at the forefront of national efforts to support grandfamilies through federal and state legislative testimony and briefings, publications, training, and technical assistance.
- For more information, visit www.gu.org





Moderator – Jerry Battle

- Jerry is a staff attorney at the National Consumer Law Center and author and contributor to several NCLC publications.
- Previously, he was a staff attorney with Northeast New Jersey Legal Services where he focused on predatory mortgage lending and public benefits cases, and managing attorney with New Jersey Protection and Advocacy, Inc., where he concentrated on disability rights issues.
- He earned a B.A. with high honors from Rutgers University and a J.D. from Rutgers School of Law – Newark.



Agenda

- Background
- Federal Laws
- Model Family Foster Home Licensing Standards
- Legal Continuum: Care and Custody
- Resources and Services



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BACKGROUND



The GRAND SUCCESS



Grandparents live with their grandchildren



Grandparents who live with their grandchildren are the head of the household

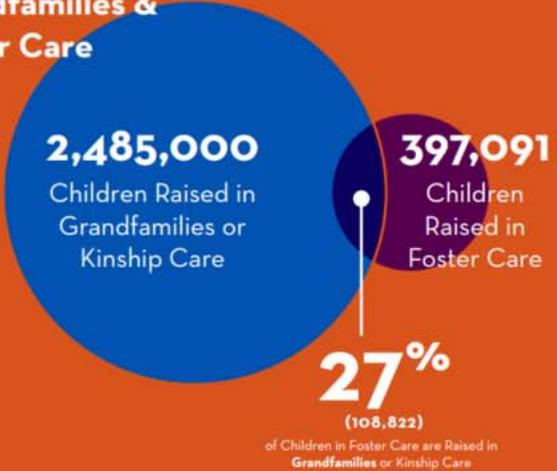


amount **grandparents** and other relatives save taxpayers each year by raising children and keeping them out of foster care

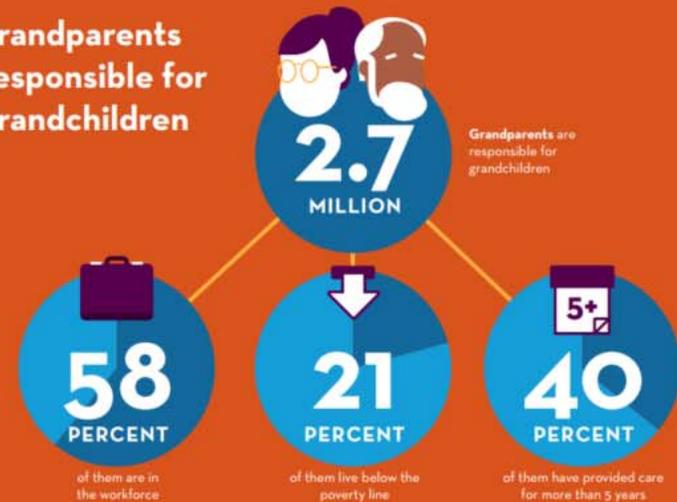


Children live in grandfamilies, where grandparents or other relatives are the householders

Grandfamilies & Foster Care



Grandparents Responsible for Grandchildren



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Causal Factors

- Substance abuse
- Death of a parent
- Child abuse and/or neglect
- Teenage pregnancy
- HIV/AIDS
- Military deployment
- Unemployment
- Incarceration
- Divorce
- Mental health problems
- Family violence
- Poverty

Children Fare Well

- Relative foster placements tend to be more stable placements and can:
 - Reinforce safety, stability, well-being
 - Reduce trauma
 - Reinforce child's sense of identity
 - Help keep siblings together
 - Honor family and cultural ties
 - Expand permanency options
 - Can reduce racial disproportionality*



**Is Kinship Care Good for Kids?*, Tiffany Conway and Rutledge Q. Hutson, Center for Law and Social Policy, March 2007

Types of Kinship Care

- **Formal Kinship Care**
 - child in state/county custody
 - Unlicensed kinship foster care
 - Licensed kinship foster care
- **Informal Kinship Care**
 - No formal government involvement
 - Some relatives may receive public benefits
 - Caring for child with or without legal custody/guardianship
 - Often arranged by parents



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FEDERAL LAWS

Fostering Connections to Success and Increasing Adoptions Act

- *The Fostering Connections Act* was unanimously passed by Congress and signed into law in October 2008 - it acknowledges and supports the important role of relatives in children's lives
- Some provisions are optional for the states and others are mandatory
 - 30 day relative identification and notification and sibling placement provisions are mandatory
 - Guardianship assistance program (GAP) is optional

Fostering Connections Act: Identification and Notification Requirement

- Requires state child welfare agencies to use *due diligence* to identify and notify all adult relatives
- Notice within 30 days of removal from parents' custody:
 - Specify the child has been or is being removed from parent's custody
 - Explain options to participate in care and/or placement
 - Describe requirements to become foster parents and outline available services and supports
 - Describe kinship guardianship assistance, if state has chosen this option

Fostering Connections Act: Sibling Placement

- States must make reasonable efforts to place siblings together in foster, kinship and adoptive homes unless contrary to the safety or well-being of a child
- If siblings not placed together, states must document:
 - that contact would be contrary to safety or well-being
 - reasonable efforts to provide frequent visitation or other on-going contact

Fostering Connections Act: Guardianship Assistance Program (GAP)

- Adoption and reunification are not appropriate options for the child
- Child must be Title IV-E eligible and live with a licensed relative foster parent for six consecutive months prior to guardianship
 - Eligible = child not necessarily receiving Title IV-E
 - Consecutive = child can be absent up to 14 days in a month
- Ineligible siblings can qualify if a sibling in the same home is eligible
 - Federal law does not define “sibling”
 - Federal law allows states to define sibling, but most don’t

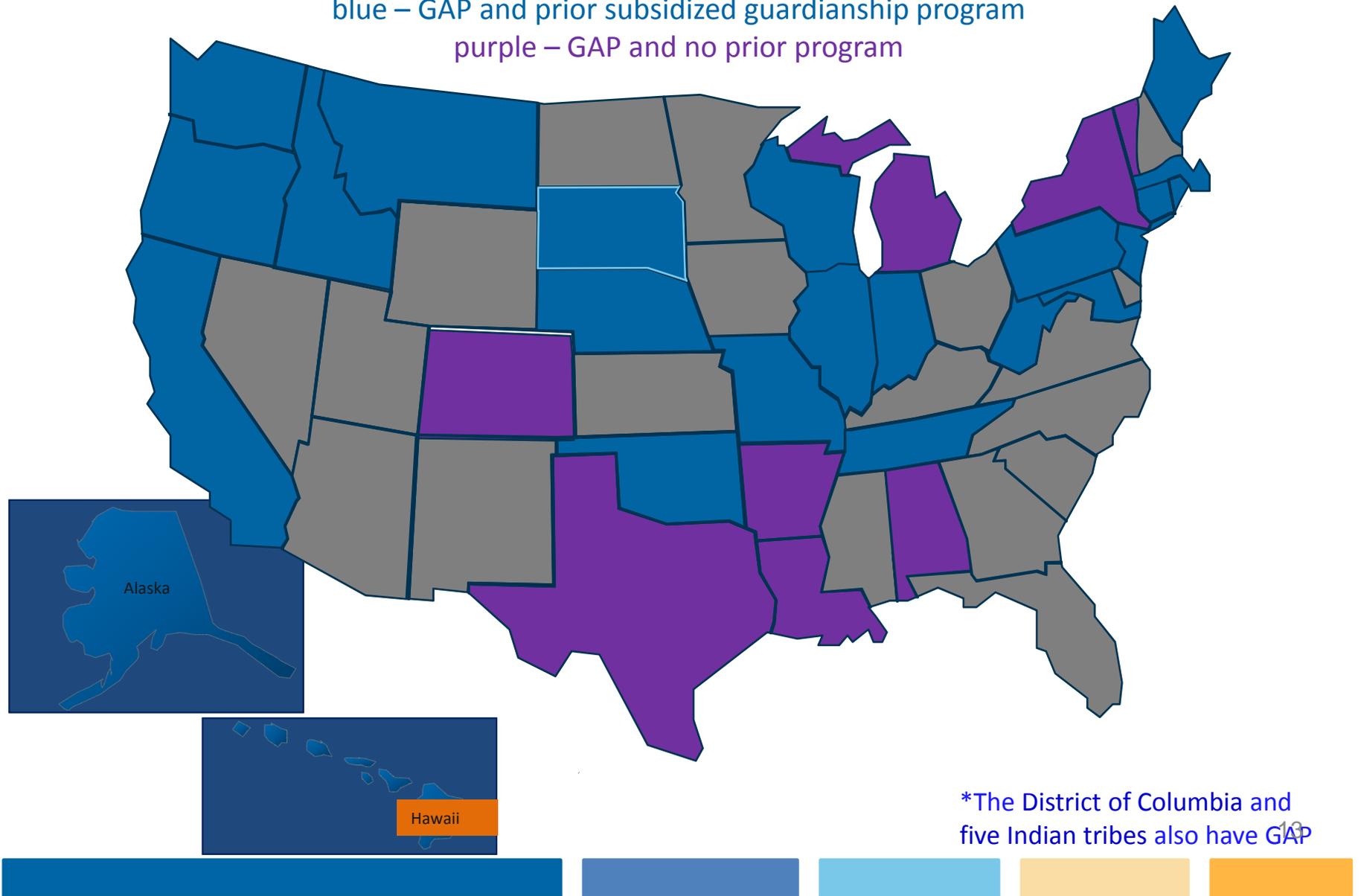
GAP

- Children are categorically eligible for Medicaid
- States must share, under the federal match, the total cost of nonrecurring expenses of legal guardianship (e.g., legal fees) of a child up to \$2,000
- If a child is eligible for federal adoption assistance when placed with a guardian, the child continues to be eligible if the guardian wants to adopt the child later
- The guardianship assistance agreement must be negotiated before the guardianship is awarded by the court and the agreement remains in effect even if the guardian moves to another state

31 States with GAP

blue – GAP and prior subsidized guardianship program

purple – GAP and no prior program



Preventing Sex Trafficking and Strengthening Families Act

- October 2014 - President Obama signed H.R. 4980 into law
- Provisions on:
 - Identifying and Protecting Children and Youth at Risk of Sex Trafficking
 - Establishing a National Advisory Committee on the Sex Trafficking of Children and Youth
 - Improving Opportunities for Children in Foster Care and Supporting Permanency
 - Improving Adoption Incentive Payments and Extending Family Connections Grants

Preventing Sex Trafficking and Strengthening Families Act

- **Reasonable and prudent parent standard**
 - States must implement a “reasonable and prudent parent standard” to allow foster parents (including licensed kinship caregivers) more autonomy to make decisions concerning the child and activities
- **Guardianship assistance for successor guardians**
 - Guardianship assistance payments for children may be transferred to the care of another named “successor” guardian
- **Notification and placement with siblings**
 - Agencies must notify parents of a child’s siblings when the child is removed

Relative Placement Preference

- **42 U.S.C.A. § 671(a)(19)**: Federal preference for placement with a relative.
- This has been the law since 1996
 - Requires states to consider giving preference to an adult relative over a non-relative when determining placement for a child
 - No federal definition of “relative”
 - Each state must define relative for this purpose: relationship by blood, marriage or adoption only or include fictive kin (people with a significant or family-like relationship)

Federal Licensing Requirements

Federal law says little about the actual licensing of foster homes:

- States must designate a state authority responsible for standards.
- States have broad flexibility so long as those standards *“are reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes...”*
- *“a waiver of any such standard may be made only on a case-by-case basis for non-safety standards (**as determined by the State**) in relative foster family homes for specific children in care.”*

42 U.S.C. § 671(a)(10).

- States must periodically review their licensing standards.

42 U.S.C. § 671 (a)(11).

Federal Licensing Requirements

- The federal Adam Walsh Act also requires states to conduct criminal background and child abuse registry checks. 42 U.S.C. § 671(a)(20)(A).
- Finally, Federal law prohibits a two-tiered system of licensing, one for relatives and another for non-relatives. Final rule to the Adoption and Safe Families Act (ASFA).





+ MODEL FAMILY FOSTER HOME
LICENSING STANDARDS

Origins of Project

- Project started in 2011 with the Annie E. Casey Foundation bringing together nonprofits, universities and others to look at family foster home licensing.
- We began knowing that many children in foster care are in the unlicensed care of their relatives. These children and their relative caregivers are part of the child welfare system and, as such, are subject to rules and restrictions, but they have limited or no support.
- With a license (“approval” or “certification” in some states):
 - monthly financial assistance
 - support services
 - access to GAP in 31 states, DC and 5 tribes
 - court and caseworker oversight

State Licensing Standards

- Anecdotally, we collectively knew that one of the biggest barriers to not being licensed was due to state licensing standards.
- Also knew these standards didn't always lead to safe and appropriate placements in the best interests of the children.



Research

- Generations United and the ABA Center on Children and the Law conducted 50 state and DC survey of family foster home licensing standards
- Purpose: identify trends, problematic standards, and barriers specific to relatives
- Paper summarizing findings: *Improving Foster Care Licensing Standards around the United States: Using Research Findings to Effect Change*
- Paper and research available at www.grandfamilies.org



Research Findings

- **Problematic standards** like requiring that applicants be no older than 65, own a car or speak English.
- **Varying standards** for the same type of requirements that should not vary significantly from jurisdiction to jurisdiction. Requirements like capacity standards and criminal background checks.
- **Model language** that was used to develop our model standards.



Draft Model Standards

- Used model language from states
- Examined language from agencies like the Child Welfare League of America and the Council on Accreditation
- Covers family foster home licensing
- Does not cover:
 - licensing processes or procedures
 - care of children after placement in a licensed home
 - other post-licensing requirements like foster parent recordkeeping and reporting
- Model standards, along with package of materials, available free of charge on homepage of www.grandfamilies.org

Purpose Statement - Summary

- To fulfill the public policy intent behind licensing standards, which is to ensure that children in foster care have safe and appropriate placements.
- To fill the previous void in “national standards” by creating clear, practical, common standards that work to ensure that children, regardless of the state in which they live, will be placed in homes that have met the same safety standards.
- To facilitate the licensing of additional relative and non-relative homes by recognizing and respecting related and non-related foster parents as caregivers who are performing an invaluable service.
- To reflect community standards and be flexible so children in out of home care are placed in the best homes for them.



Categories Covered by Model Standards

- Definitions
- Basic Eligibility
- Physical and Mental Health
- Home Study
- Capacity
- Sleeping
- Other living space
- Fire safety/evacuation
- Additional health & safety
- Criminal history records check
- Abuse and neglect records check
- Assurances
- Pre-license training
- Emergency placement

For Example – “Eligibility”

- All the model standards are pulled from state examples with an eye towards not excluding applicants based on socioeconomic or cultural biases
- Consider “Eligibility”:
 - Require functional literacy
 - Ability to communicate with child in his/her language
 - Ability to communicate with service providers and agency (can occur through translators)
 - “Income or resources to make timely payments for shelter, food, utility costs, clothing, and other household expenses prior to the addition of a child in foster care”



QUESTIONS?





+ LEGAL CONTINUUM:
CARE AND CUSTODY

Adoption

- Before pursuing adoption, caregivers should understand all of the legal ramifications and consider other options like legal custody or guardianship as part of the process. WA chart on next two slides as example of document to share with families.
- 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, a grandma would become mom and the mom would become sister
- At least 30 states have open adoption laws to allow post-adoption contact between birth parents & child or siblings & child.



Permanency Planning Benefits and Limitations

	OBJECTIVE	LEGAL STATUS	LEGAL CUSTODY AND CAREGIVER RESPONSIBILITY AFTER PERMANENT PLAN ACHIEVED	BIRTH/ADOPTIVE PARENT RIGHTS/ RESPONSIBILITY	FINANCIAL SERVICES AVAILABLE/ MONTHLY SUBSIDY	MEDICAL	EDUCATIONAL SERVICES	SERVICES POST 18
Reunification Note: CA does not provide ongoing services or supervision.	Preferred option: When safety threats are mitigated or aggravated circumstances do not exist. Maintains family connections and provides permanency beyond age 18.	Parental rights remain with birth/adoptive parent.	The dependency is dismissed and all care and custody is returned to the parents.	Full parental rights and responsibility.	May be eligible for benefits and services through DSHS agencies. Individuals must qualify for specific programs.	Responsibility of the family.	May be eligible for limited services dependent upon age youth returned home and individual program requirements.	N/A
Adoption Note: CA does not provide ongoing supervision. Post Adoption Services based upon child's need and family circumstances.	Provides permanency for a child by becoming a permanent and legal member of a family with all the legal rights of a birth child. Adoption is a lifelong legal relationship.	Parental rights of parents must be terminated unless it is a customary adoption established through Tribal court.	Upon entry of adoption decree, child becomes legal child of adoptive parents. The adoptive parents have all care, custody and legal rights to make decisions on the child's behalf. Child has inheritance rights.	Adoptive parents assume full parental rights. Birth parents have no parental rights after termination. Birth and adoptive parent may have ongoing contact under an open communication agreement.	Adoptive parents may be eligible for a monthly subsidy, and/or reimbursement of finalization costs by applying for assistance through the Adoption Support Program (AS), as specified in the AS agreement. Residential placement is not covered by Adoption Support.	Medical coverage as specified in the adoption support agreement (AS). Medical & Dental Services under State's Medicaid program. Pre-Authorized Counseling or as specified in the (AS) agreement.	Some youth may be eligible for post-high school grants and scholarships. Additional information can be found at: http://independence.wa.gov/ Training may be available per your AS Agreement.	Adoption support benefits will automatically stop on the youth's 18 th birthday. Adoption Support may continue if the youth meets eligibility requirements and the parent(s) have provided documentation of the youth's continuation in high school prior to the 18 th birthday.

Washington State chart comparing legal options



Permanency Planning Benefits and Limitations

	OBJECTIVE	LEGAL STATUS	LEGAL CUSTODY AND CAREGIVER RESPONSIBILITY AFTER PERMANENT PLAN ACHIEVED	BIRTH/ADOPTIVE PARENT RIGHTS/ RESPONSIBILITY	FINANCIAL SERVICES AVAILABLE/ MONTHLY SUBSIDY	MEDICAL	EDUCATIONAL SERVICES	SERVICES POST 18
<p>Title 13 Guardianship</p> <p>Note: CA does not provide ongoing services or supervision.</p> <p>*Children in guardianships are not considered foster children.</p>	<p>Provides permanency for a child with an approved adult when returned home and adoption has been determined not to be in the child's best interest.</p> <p>Legal relationship ends on the child's 18th birthday.</p>	<p>Parental rights are not required to be terminated.</p> <p>Although the parent continues to be the legal parent the guardian has full care, custody, and control of the child.</p> <p>The dependency is dismissed.</p>	<p>The legal guardian maintains physical and legal custody with full responsibility for care, custody, and the right to make decisions regarding the child.</p> <p>The guardian can choose whether or not to provide an inheritance to a child; it is not a right for the child.</p>	<p>The guardianship order may include visits. All visits are the responsibility of the guardian.</p> <p>The court may continue to order that the birth parent is still responsible for child support.</p>	<p>A subsidized Guardianship may be available to licensed relatives that meet the requirements of the Relative Guardianship Assistance Program.</p> <p>Or</p> <p>Guardians may apply for financial support (TANF) through local Community Service Offices, however; their household income will be reviewed to determine eligibility.</p>	<p>Medical coverage for the child is provided as specified in the R-GAP agreement.</p> <p>Or</p> <p>Guardians may apply for Medical for the child through local Community Service Offices or put the child on their own insurance.</p> <p>Youth age 19 and 20 who are receiving SFA are not eligible for medical assistance.</p>	<p>Youth generally do not qualify for secondary education scholarships or grants that are designated for youth in foster care.</p> <p>Youth eligibility into post high school educational programs is dependent upon program requirements. Refer to Educational Resources. Additional information can be found at: http://independence.wa.gov/</p>	<p>Guardianship subsidy automatically ends on the youth's 18th birthday. If the guardianship was established after the youth turned 16, and is enrolled in high school or a GED program, the subsidy may continue. Please check with your gatekeeper.</p> <p>A youth may be eligible to apply for TANF or SFA if s/he is under age 19 and is participating in secondary education program full-time, progressing toward completion, and meets the eligibility requirements for cash but no medical benefits. WAC 388-404-0005.</p>
<p>Third Party Custody</p> <p>Note: CA does not provide ongoing services or supervision.</p>	<p>Provides permanency for a child with a court appointed non-parent custodian.</p> <p>Legal relationship ends on the child's 18th birthday.</p>	<p>Parental rights remain intact.</p> <p>Although the parent continues to be the legal parent the guardian has full care, custody or control of the child.</p> <p>Any dependency action will be dismissed.</p>	<p>The third party custodian becomes legal guardian with full responsibility for care, custody and the right to make decisions regarding the child.</p>	<p>Birth Parent remains the legal parent and is responsible for child support.</p> <p>Custody orders may include visits. Modification of custody orders may occur if a substantial change has occurred</p>	<p>May apply for financial support through other DSHS agencies. Eligibility for medical, financial and food voucher programs is dependent upon program requirements. Guardians income will be reviewed to determine eligibility.</p>	<p>May apply for Medical through the local community service office.</p>	<p>Youth generally do not qualify for secondary education scholarships or grants designated for youth in foster care. However, if a youth was in foster care for at least 30 days after turning 15, youth may be eligible dependent upon program requirements.</p>	<p>A youth may eligible to apply for TANF or SFA if s/he is under age 19 and is participating in secondary education program full-time, progressing toward completion and meets the eligibility requirements for cash but no medical benefits. WAC 388-404-0005.</p>

Guardianship and its Subtypes

- **Guardianship by Probate Court** – will names guardian and court appoints him/her upon death of parent
- **Standby Guardianship** – pre-appointed guardian steps in after triggering event
- **Joint Guardianship** – caregiver shares guardianship with parent
- **Temporary or Short Term Guardianship** – parent appoints person to have temporary control of child
- **Limited Guardianship**– powers limited in order of appointment
- **Guardianship by Family or Dependency Court** – created to be used for subsidized guardianships and GAP

Legal Custody and a Subtype

- Legal custodians usually have similar rights and responsibilities as legal guardians
- Some states only have guardians; others only have legal custodians
- **De Facto Custody** –
 - person who has been primary caregiver for some 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
 - At least 10 states have these laws

Power of Attorney

- Documents that generally confer all powers over the care of a child, with the notable exceptions of the powers to consent to marriage or adoption
- Some states specifically allow caregivers to use power of attorney to confer school-related and medical decision-making
- Generally last six months to a year, so it may not be the best option for long term caregivers
- Can easily be revoked by parents



Educational and Health Care Consent or Authorization Laws

- State-level “consent laws” or “authorization laws” allow a caregiver without legal custody or guardianship to access:
 - school enrollment and school services
 - medical care and dental care
 - mental health care and/or
 - developmental treatment services for children
- Generally, these laws allow an “informal” caregiver to complete an affidavit stating that he or she is the primary caregiver for the child and the child lives with him or her
- About half the states have health care consent laws and about 17 have educational consent laws.

New Resource on Consent Laws

- Policy brief and summary on *State Educational and Health Care Consent Laws* available at both www.gu.org and www.grandfamilies.org
- Educational and health care access challenges and responses
- Essential elements of responsive consent laws, using language and examples from states with existing laws
- Certain elements to avoid in responsive consent laws
- Reasons some states may lack consent laws
- Tools and strategies to enact consent laws





+ RESOURCES AND
SERVICES

Resources and Services: Depend on System Involvement and Legal Relationship

The resources and services that are available to a kinship family:

- Always depend on whether informal or formal kinship care
- Sometimes depend on what type of legal relationship the caregiver has to the child



Formal Kinship Care

- Caseworker connects family to school services, health care, etc.
- Financial assistance is also available:
 - **Foster care maintenance payments** – average about \$511 per month/per child
 - **Guardianship assistance (GAP)** – monthly financial assistance up to the foster care rate
 - **Adoption assistance** – monthly financial assistance up to the foster care rate for those children adopted from the child welfare system with special needs



Informal Kinship Care

- Many relatives raising children do so “informally” - without a legal relationship
- Legal process can be emotionally exhausting and damaging to relationships
- It’s hard to find and afford lawyers
- Caregivers may hope that child will ultimately return to parents’ care
- Without a legal relationship, families often face more barriers



Resources can be hard to find and vary dramatically

- “Kinship care” is in silos – have to look at services and resources provided through various agencies/systems: children, aging, economic security, health care, agriculture, education, housing, social security, and revenue.
- Not much coordination at federal level, and state level coordination is also often not good.



Starting Points

- www.grandfactsheets.org - fact sheets for each state and DC containing specific state information, including resources and services
- www.grandfamilies.org - state laws, publications and many other kinship resources



Support Group Network

- The Brookdale Foundation's Relatives As Parents Program (RAPP) is a national network of support groups and services for the families. They have grantees in almost all states, Puerto Rico, and the District of Columbia.
- For more information, go to www.brookdalefoundation.org



Benefits Online Tool

- The AARP Foundation Benefits QuickLINK website www.aarp.org/quicklink helps people find and apply for programs that pay for food, increase income, and cover home and health care for older adults and children.



*“We might be hungry but we still have the family together – and family is everything.”
– grandparent raising grandchildren*

“Aging”: National Family Caregiver Support Program (NFCSP)

- Successful program that began in 2000 as part of the Older Americans Act (OAA).
- Provides 5 types of supportive services to family caregivers and relatives age 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) provide these services or contract for their provision.

NFCSP (cont.)

- AAAs sometimes use additional funding sources to try to reach the majority of caregivers who are under age 55.
- Only up to 10% of NFCSP funds can be used for relatives raising children.
- AAAs listed at www.n4a.org



“Economic Security”: TANF Grants

- **Child-only grants**
 - Usually not sufficient to meet child’s needs
 - National average of \$249 per month for one child with only slight increases for additional children
- **Family grants**
 - Larger than child-only grants
 - Subject to federal work requirements and time limits - some states make exemptions
- Policy brief, summary, and caregiver fact sheet available at www.gu.org and www.grandfamilies.org



“Health Care:” Medicaid and CHIP

- As with children being raised by parents, children being raised by relatives should be able to access public health insurance.
- Varying degrees of difficulty based on the state.
- *Grand Resources: A Grandparent’s and Other Relative’s Guide to Raising Children with Disabilities*, www.grandfamilies.org/Portals/0/Grand%20Resources.pdf



Key Affordable Care Act Provisions

- A few key provisions impacting grandfamilies:
 - Children cannot be excluded from private health care coverage based on pre-existing conditions.
 - Children can stay on their “parent’s” private insurance until age 26.
 - Expands income eligibility to cover more individuals under Medicaid.
 - Requires states to provide Medicaid to foster youth who have left or are leaving foster care until they reach age 26.
 - Ensures that children aging out of foster care have information about having a health care power of attorney or proxy. Can also get help to prepare such a document.
- Summary of the law: <http://kff.org/healthreform/upload/8061.pdf>

“Agriculture”: Food and Nutrition Programs

- **Supplemental Nutrition Assistance Program (SNAP)** (formerly known as “Food Stamps”) Relative caregivers do not need legal custody or guardianship of the children to apply.
www.fns.usda.gov/snap/
- **Women, Infants and Children (WIC) Program** can help eligible relative caregivers meet nutrition needs of children they raise under age 5. Children must have certain types of health conditions to qualify. Again, relative caregivers do not need legal custody or guardianship of the children. www.fns.usda.gov/wic/
- **National School Breakfast and Lunch Programs** provide free or low-cost meals to eligible students. Relative caregivers do not need legal custody or guardianship. Ask the child’s school teacher or principal for an application.

“Education”

- With a legal relationship to the child, caregivers should be able to enroll children tuition free in public school. Without a legal relationship, will depend on state and locality.
- For special education benefits, should not be required to have legal custody or become a “surrogate parent.”
- Generations United has a fact sheet, *Access to Education* at www.gu.org.



“Housing”: Family Unification Program

- The Family Unification Program (FUP) is a U.S. Department of Housing and Urban Development program.
- Provides Public Housing Authorities with funding to provide Section 8 housing vouchers for families who the child welfare agency has "certified" have 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.
- More information available at http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/family

Affordable housing for grandfamilies with services onsite: GrandParent Family Apartments

- Opened in 2005 in the South Bronx, New York
- First ground up high rise for grandparents raising grandchildren
- 50 units of two and three bedrooms
- Wide variety of services on site for all age groups



LEGACY's Provisions

- Law passed in 2003 with three provisions:
 - (1) Report to Congress, *Intergenerational Housing Needs and HUD Program Options* at www.huduser.org/Publications/pdf/intergenerational.pdf
 - (2) Training of HUD staff
 - (3) 2-4 intergenerational housing demonstrations
- \$4 million specifically appropriated in 2005



Two LEGACY Grantees

- **Roseland Grandfamily Apartments** owned by NHS Redevelopment Corporation in Chicago
 - 10 units of three and four bedrooms
- **Fiddler's Annex** owned by Fiddlers Manor, Inc. in Smithville, Tennessee (a rural Appalachian area)
 - 9 units of two bedrooms



“Social Security”: Old-Age Survivors and Disability Insurance

- Children being raised by grandparents 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
- The child may qualify based on a grandparent’s work record. www.socialsecurity.gov/people/kids/#a0=3&ht=1
- See also Generations United’s fact sheet, *The Benefits of Social Security for Grandfamilies* at www.gu.org



Supplemental Security Income

- Program administered by the U.S. Social Security Administration There's a screening tool to find out if an individual qualifies at www.ssa.gov/d&s1.htm.
- 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.



“Revenue”:

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)
 - 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/Credits-&-Deductions/Individuals/Earned-Income-Tax-Credit

Adoption Tax Credit

- Credit for qualifying expenses to adopt eligible children from in and outside the foster care system.
- The Fostering Connections Act requires states to inform all people who are adopting or considering adoption of a child in state custody about their potential eligibility for this tax credit.
- The Affordable Care Act made the credit refundable for 2010 and 2011.
- As of the tax year 2012, the credit has reverted to being nonrefundable, with a maximum amount of \$12,650 per child.
- www.irs.gov/taxtopics/tc607.html

Child Tax Credit

- For caregivers with children under 17 who they can claim as dependent on their tax return...they can get up to \$1,000 per child.
- Not a refundable tax credit.
- www.irs.gov/newsroom/article/0%2C%2Cid=106182%2C00.html



Additional Child Tax Credit

- This credit is for people who get less than the full amount of the child tax credit because they do not owe enough taxes to offset.
- Unlike the child tax credit, this tax credit is refundable.

www.irs.gov/publications/p972/ar02.html#en_US_2012_publink100012090

- All of these tax credits are not counted as income and will not jeopardize other benefits.



**generations
united**

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QUESTIONS?

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Supporting Grandfamilies



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May 28 – **“Part II: Litigating on Behalf of Reverse Mortgage Surviving Spouses”**

