



SPONSOR: Sen. Buckson & Rep. K. Williams  
Sens. Hansen, Hocker, Huxtable, Lawson, Mantzavinos,  
Pettyjohn, Richardson, Sokola, Wilson; Reps. Bush,  
Harris, K. Johnson, Osienski

DELAWARE STATE SENATE  
152nd GENERAL ASSEMBLY

SENATE JOINT RESOLUTION NO. 1

DIRECTING THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH & THEIR FAMILIES TO EXPLORE PARTICIPATING IN THE FEDERAL IV-E GUARDIANSHIP ASSISTANCE PROGRAM.

1           WHEREAS, in 2008, Congress passed the Fostering Connections to Success and Increasing Adoptions Act to  
2 incentivize the use of relative guardianships to help children in foster care achieve permanency; and

3           WHEREAS, the Fostering Connections Act established the title IV-E Guardianship Assistance Program (GAP),  
4 which is a formula grant that helps states provide guardianship assistance payments for the care of children by relatives who  
5 have assumed legal guardianship of children for whom they previously cared as foster parents; and

6           WHEREAS, to be eligible for these payments, the relative guardian's home must either be licensed or approved as  
7 meeting the licensure requirements as a foster family home and the state must determine that specific criteria have been  
8 met, including that the relative guardian has a strong commitment to caring permanently for the child, the child  
9 demonstrates a strong attachment to the relative, and for children who have attained the age of 14, that the child has been  
10 consulted regarding the kinship guardianship arrangement; and

11           WHEREAS, federal assistance is available to states for payments to a relative guardian made in accordance with a  
12 kinship guardianship agreement that is in writing, negotiated, and binding; and

13           WHEREAS, though programs and eligibility vary, as of June 2021, 40 states, the District of Columbia, Puerto  
14 Rico and the Virgin Islands, and 10 Native American Tribes participate in GAP; and

15           WHEREAS, according to the Child Welfare Information Gateway, Delaware is 1 of only 10 states that do not  
16 participate in GAP; and

17           WHEREAS, several of the other 9 states that have elected not to participate in GAP offer some form of state  
18 subsidized funding for relative guardians caring for children in foster care; and

19           WHEREAS, one of the most pressing goals of public child welfare services is to ensure that children rapidly and  
20 safely achieve family permanency; and

21           WHEREAS, for many children, reunification with parents is the primary goal, however, when reunification is not  
22 in the child's best interest, adoption or legal guardianship are the primary alternatives; and

23 WHEREAS, placement of children with relatives has become a preferred option for many child welfare systems,  
24 and federal law is clear that relative care is preferred when children are placed into foster care; and

25 WHEREAS, in a National Analysis of Federal and State Policies and Programs conducted by Casey Family  
26 Programs in 2018 (Casey Analysis), states report that using GAP to fund their guardianship assistance programs provides  
27 funding flexibility for identified populations of children, such as adolescents and children with special needs, helps their  
28 state's poorest families, and helps move identified populations of children to permanency more quickly; and

29 WHEREAS, Delaware's Division of Family Services (DFS) received 21,579 reports of abuse, neglect, and  
30 dependency in fiscal year 2020 and of all cases investigated, 863, or 20% were substantiated; and

31 WHEREAS, there were 902 children who spent at least 1 day in foster care in Delaware during fiscal year 2020,  
32 with 267 entering initial placement and 380 exiting placement; and

33 WHEREAS, of the Delaware youth exiting care in 2020, 21% were placed with guardians, 34% had custody  
34 rescinded to original custodian, 30% were adopted, and 15% reached age of majority; and

35 WHEREAS, DFS, Prevent Child Abuse Delaware, and Comprehensive Induction Program hosted a stakeholder  
36 meeting in September of 2019 that included representatives from the Department of Services for Children, Youth and Their  
37 Families, Department of Health and Human Services, Department of Justice, foster parents, various community service  
38 agencies, and the Nanticoke Indian Association; and

39 WHEREAS, the participants at this September 2019 meeting listed strengths and weaknesses of Delaware's child  
40 welfare service continuum, by vote, and kinship support was among the primary gaps identified; and

41 WHEREAS, the Casey Analysis provides a series of recommendations derived from reviewing state statutes and  
42 administrative codes, surveying 50 state child welfare and guardianship assistance experts, and reviewing the guardianship  
43 and child welfare literature; and

44 WHEREAS, among the recommendations in the Casey Analysis is a recommendation that states develop written  
45 policies and protocols reflecting the needs of children and families with respect to guardianship assistance, ensuring that  
46 caseworkers, supervisors, judges, guardians ad litem, parent counsel, and others are informed about the benefits and  
47 availability of subsidized guardianship as a permanency option; and

48 WHEREAS, the General Assembly finds that providing financial support to relative guardians who commit to  
49 caring permanently for children in foster care is good public policy because it will increase the availability of support to  
50 relative guardians and facilitate permanency solutions for Delaware youth in foster care.

51 NOW, THEREFORE:

52 BE IT RESOLVED by the Senate and House of Representatives of the 152nd General Assembly of the State of  
53 Delaware, with the approval of the Governor, that the Department of Services for Children, Youth and Their Families  
54 (DSCYF) is directed to explore participating in the federal title IV-E Guardianship Assistance Program (GAP) to receive  
55 federal funding to provide guardianship assistance payments for the care of children by relatives who have assumed legal  
56 guardianship of children for whom they previously cared as foster parents.

57 BE IT FURTHER RESOLVED that no later than November 30, 2023, DSCYF must submit a final report  
58 containing a summary of the analysis performed, including findings and recommendations, and if participating in GAP is  
59 recommended, a proposed implementation plan, to the President Pro Tempore of the Senate and the Speaker of the House  
60 of Representatives, with copies to all members of the General Assembly, the Governor, the Controller General, the Director  
61 and the Librarian of the Division of Research of Legislative Council, and the Delaware Public Archives.

#### SYNOPSIS

This Senate Joint Resolution directs the Department of Services for Children, Youth & Their Families to explore participating in the federal title IV-E Guardianship Assistance Program to increase support to relative guardians and facilitate permanency solutions for Delaware youth in foster care.

Author: Senator Buckson