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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE:

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

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

Ssynopsis

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