



April 17, 2023

Kathleen McHugh
Director, Policy Division
U.S. Department of Health and Human Services
Administration for Children and Families (ACF)
Mary E. Switzer Building
330 C Street, SW
Washington, DC 20201

Submitted via: cbcomments@acf.hhs.gov

Re: Notice for Public Comment
Proposed Separate Licensing Standards for Relative or Kinship Foster Family Homes
Document Number: 2023-03005
RIN: 0970-AC91

Dear Director McHugh:

AARP, on behalf of our nearly 38 million members and all older Americans nationwide, appreciates the opportunity to provide written comments in support of the proposed rule to allow title IV-E agencies to adopt separate licensing standards for relative or kinship foster family homes.

There are many unique challenges for grandparents or older relatives who step in as primary caregivers for children. Grandparents and other kin providing care to children should have access to support for their economic security and well-being. We appreciate the opportunity to provide the following comments on this critical issue.

Prevalence and Documented Benefits of “Grandfamilies”

According to recent reports, nearly 3 million children are currently being raised by “grandfamilies” or “kinship families,” in which they are raised by grandparents or other extended family members rather than by their parents. Nearly 34 percent of children in foster care are being raised in grandfamilies, and more than 62 percent of children raised in grandfamilies are

living in households led by grandparents.^{1 2 3} While grandparents have long stepped-up to raise their grandchildren when parents were not able, the trend has increased in recent years. This is partially due to the opioid epidemic and COVID-19 pandemic crises; according to a 2021 study, nearly 170,000 children in the United States lost parents or in-home caregivers to COVID-19.⁴ Such crises increase the need for grandfamilies.

Research shows that grandparents and other relative caregivers can serve as a positive influence in times of crisis or uncertainty. According to a 2016 report by Generations United, children raised by family members (as compared to non-kin foster parents) have better behavioral and mental health outcomes, rate their situation more favorably, and are more likely to report feeling loved.⁵ These children are also more likely to stay in touch with siblings, preserve their cultural heritage, and maintain community ties.

Challenges for Grandfamilies

Despite the significant positive impact grandparents can have as caregivers, the responsibilities can often pose additional challenges for older adults. Without appropriate support and resources, unexpected kinship care arrangements can lead to social isolation, financial challenges, and negative physical and emotional health.⁶

Research indicates that children in grandfamilies who receive services and supports experience better outcomes than those not receiving services.⁷ Unfortunately, many existing systems that help families in times of crisis – including those related to housing, education, and health care – were not designed with grandfamilies in mind. Because existing foster licensure and approval requirements can create barriers for grandfamilies, and because many resources are limited to licensed or approved foster parents, hundreds of thousands of children may be missing access to these vital resources and supports. Of the estimated 137,356 children in foster care raised by relatives, 108,426 – over three-fourths – did not receive a foster maintenance payment because

¹ Generations United. (2021). State of grandfamilies Report 2021: Reinforcing a strong foundation: Equitable supports for basic needs of grandfamilies. https://www.gu.org/app/uploads/2022/02/2021-Grandfamilies-Report_V14.pdf

² U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2021). The AFCARS report, Preliminary FY 2020 estimates (No. 28): <https://www.acf.hhs.gov/sites/default/files/documents/cb/afcarsreport28.pdf>

³ U.S. Government Accountability Office. (2020). Report to The Special Committee on Aging, U.S. Senate: Child Welfare and Aging Programs, HHS Could Enhance Support for Grandparents and Other Relative Caregivers. GAO-20-434. <https://www.gao.gov/assets/gao-20-434.pdf>

⁴ COVID Collaborative. (2021). Hidden Paid: Children who lost a parent or Caregiver to COVID-19 and What the Nation Can Do to Help Them: <https://www.covidcollaborative.us/initiatives/hidden-pain>

⁵ Generations United. (2016). Children Thrive in Grandfamilies: www.grandfamilies.org/Portals/0/16-Children-Thrive-inGrandfamilies.pdf

⁶ AARP. (2022). When Children Suffer COVID-19 Losses, Grandparents Fill the Gap: <https://www.aarp.org/home-family/friends-family/info-2022/grandparents-as-family-caregivers.html>

⁷ Generations United. (2016). Children Thrive in Grandfamilies: www.grandfamilies.org/Portals/0/16-Children-Thrive-inGrandfamilies.pdf

their caregivers are not fully licensed.^{8 9} Further estimates suggest the issue is even more prevalent: one study shows that for every child raised by kin in foster care, 18 children are raised by kin outside of foster care.¹⁰

Furthermore, some systems may also discourage formal guardianship agreements or granting legal authority for grandparents and other family caregivers, which can result in significant hurdles for grandparents and other family caregivers to enroll children in school or access medical treatment.

While people of all races, ethnicities, and socioeconomic backgrounds live in kinship families and grandfamilies, the associated challenges can be more significant for grandparents living in poverty or with a disability, and the impacts are more prevalent in communities of color. Black/African American, American Indian, and Alaska Native children are more likely to live in grandfamilies than the general population. For example, while 14 percent of children in the U.S. are Black/African American, 23 percent of children in foster care and 25 percent living in grandfamilies are Black/African American; while one percent of children in the U.S. are American Indian and Alaska Native, eight percent of children in grandfamilies and two percent of children in foster care are American Indian and Alaska Native.¹¹

Proposed Rule and Next Steps to Improving the System

Improving family friendly licensing standards and easing unnecessary requirements for kinship families is a positive step to improving the child welfare system. The proposed rule recognizes the realities of kinship family care, which frequently requires grandparents and other relatives to bring children into homes that would not meet traditional licensing standards designed for non-kinship foster families, but which studies show are often better for the stability and well-being of the children. Allowing states to set different licensing requirements for grandfamilies, as well as ensuring they have equitable access to financial resources, will increase access to necessary supports for the thousands of families who need them, without sacrificing safety. This, in turn, will contribute to the overall well-being of many children and increase opportunities for those children to remain close to family when they might otherwise be removed from their families or communities and placed in non-kinship foster care.

These new standards are an important addition to the evolution of kinship care policy and inter-generational cooperation. Grandparents and other kin should have the legal authority to make decisions for the children in their care. While many grandparents or other relatives have partial or total responsibility for grandchildren or other minors, unless they have been appointed formally as guardians, they generally do not have the legal authority to make certain necessary

⁸ U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2021). The AFCARS report, Preliminary FY 2020 estimates (No. 28): <https://www.acf.hhs.gov/sites/default/files/documents/cb/afcarsreport28.pdf>

⁹ The Imprint. (2019). Who Cares: A National Count of Foster Homes and Families: <https://www.fostercarecapacity.com/stories/who-cares-2019-executive-summary>

¹⁰ Generations United. (2021). State of grandfamilies Report 2021: Reinforcing a strong foundation: Equitable supports for basic needs of grandfamilies. https://www.gu.org/app/uploads/2022/02/2021-Grandfamilies-Report_V14.pdf

¹¹ Ibid.

decisions. Without this authority, they may not be able to enroll a child in school, obtain medical treatment for the child, or petition for visitation rights – limiting their ability to provide the full scope of care, potentially leading to worse outcomes for the children in their care.

Continuing to improve the services and resources available to grandfamilies can ensure they are able to provide vital stability and support to the children in their care, especially during times of crisis and uncertainty.

AARP appreciates the opportunity to share our comments and looks forward to working with you on this important issue. We thank you for your ongoing commitment to equitably support all children in foster care and the adults who care for them. If you have any questions, please feel free to contact me or Lauren Ryan, AARP Government Affairs Director, at (202) 434-0351 or lryan@aarp.org.

Sincerely,

A handwritten signature in black ink, appearing to read "David Certner", with a stylized flourish extending to the right.

David Certner
Legislative Counsel and Legislative Policy Director
Government Affairs