

IMPROVING EQUITY IN KINSHIP BENEFITS UNDER P.L. 110-351 FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT (2008)

By Lily Ford

EXECUTIVE SUMMARY

Although the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) sought to improve permanency outcomes for youth in foster care, gaps in eligibility rules and inconsistent state implementation continue to leave many youth in guardianship placements without access to critical financial and transitional supports. These disparities undermine long-term stability and may unintentionally discourage permanency. This report recommends expanding the John H. Chafee Foster Care Program for Successful Transition to Adulthood (“Chafee”) eligibility to all youth exiting to guardianship, extending Guardianship Assistance Program (GAP) payments until 21, streamlining kinship licensing through federal technical assistance, and eliminating birth-family income requirements from GAP reimbursements.

PERSONAL REFLECTION

My family has directly experienced how eligibility rules tied to legal status and age can create unequal outcomes. My grandparents stepped in to raise my brother and me, yet we had very different outcomes despite being raised in the same household. While my grandparents received guardianship assistance for my brother, our access to transitional and educational support differed significantly. I aged out of foster care and was able to access critical support, both at the state-level and through the Chafee program, including tuition assistance, help maintaining car insurance, financial literacy education, and independent living services that eased my transition into adulthood (Children’s Bureau, 2025).

My brother, however, entered Title IV-E guardianship at age 15, just before turning 16, which made him ineligible for the same benefits. Because he entered guardianship before age 16, the guardianship assistance my grandparents receive on his behalf will end when he turns 18, rather than being eligible for extension until age 21 if permanency had been achieved after age 16. As he prepares to graduate from high school, he and my grandparents face uncertainty about his next steps without access to the financial and transitional assistance that I relied on.

PERSONAL REFLECTION (CONTINUED)

This experience highlights a fundamental gap in policy design: eligibility for supportive services is determined not by need, but by the timing and legal classification of a youth's exit from foster care. My family's experience is not unique and demonstrates how rigid eligibility thresholds can unintentionally disadvantage youth in kinship care, undermining opportunities during the transition to adulthood.

THE PROBLEM & CURRENT LAW

In 2024, approximately 44% of children in foster care living with kin were placed with unlicensed caregivers (Grandfamilies & Kinship Support Network, 2026). Historically, states have generally applied the same licensing standards to both kinship and non-kin foster placements, despite kin caregivers often stepping in under urgent and unplanned circumstances. Although 2023 federal regulations gave states the option to create more flexible licensing standards for kin caregivers, implementation remains optional, and fewer than half of states have implemented these reforms (Administration for Children and Families, n.d.). As a result, many kinship caregivers are unable to meet strict licensing standards, leading children to either remain in unlicensed arrangements or be placed with strangers. In many states, kin caregivers must also remain fully licensed foster care parents for a designated period, often six months, before qualifying for the Guardianship Assistance Program (GAP), a threshold many are unable to meet. Because unlicensed caregivers are ineligible for foster care subsidies, families often absorb the costs of care without support, limiting resources available for a child's development, well-being, and future opportunities (Generations United, 2025).

Lack of licensure also makes caregivers ineligible for subsidized guardianship through Guardianship Assistance Program (GAP). A key provision of the law, GAP, provides financial support to licensed kinship caregivers who assume legal guardianship of children exiting foster care, promoting permanency by allowing children to remain with relatives without requiring adoption and ensuring children benefit from the stability and belonging of a lifelong family connection. Supporting children through adoption or guardianship costs approximately \$10,000 per child annually, compared to \$60,000 per child in foster care (Assistant Secretary for Planning and Evaluation, 2017). Expanding and standardizing kinship support would improve consistency, strengthen permanency outcomes, and reduce overall system costs.

Because GAP is optional under federal law, states vary widely in implementation. As a result, access to GAP is inconsistent across states, with variation in eligibility requirements, benefit levels, and overall availability (Casey Family Programs, 2018). Barriers to state uptake and effective implementation of GAP stem from both federal eligibility rules and state-level policy choices. One major barrier is that federal GAP reimbursement remains tied to outdated income standards based on a child's birth family income prior to removal. While adoption assistance was delinked from requirements under the same law that established GAP, guardianship assistance remains subject to

THE PROBLEM & CURRENT LAW (CONTINUED)

them, making GAP more costly and less financially feasible for states to expand.

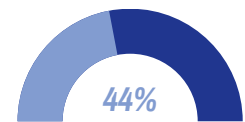
Further inequities arise from age-based eligibility rules. Youth who enter guardianship and begin receiving GAP before age 16, payments generally continue only until age 18. In contrast, if a youth enters guardianship after age 16, states have the option to extend GAP subsidies until age 21 if they are in school or working, mirroring extended foster care. This creates unequal outcomes based solely on the timing of permanency, despite similar developmental needs.

These disparities are paralleled in Chafee benefits, where youth who exit foster care to guardianship at age 16 or older remain eligible for pivotal transition services, while those who exit before 16 are excluded. Taken together, these structural barriers force kinship families to make trade-offs between achieving permanency and maintaining access to critical financial and transitional support.

POLICY RECOMMENDATIONS

To improve equity in kinship benefits, Congress should:

- **Expand Chafee Eligibility to all Youth Who Exited Foster Care to Guardianship.** States receiving Chafee funding should be required to provide services to all eligible youth who achieved permanency through guardianship placements and verify guardianship status through existing child welfare records. States should report outcomes such as educational attainment and housing stability to evaluate effectiveness. Expanding access to Chafee-funded supports would reduce disincentives to permanency and better promote successful transitions to adulthood.
- **Extend Guardianship Assistance Program Payments Until Age 21.** Amend Title IV-E to require states participating in GAP to extend guardianship subsidies until age 21 for all eligible youth, regardless of the age at which guardianship was established. Eligibility would require youth to be enrolled in school or working full-time which would be verified through monthly meetings with a caseworker and appropriate documentation. This reform would eliminate inequitable age-based distinctions and reduce disincentives that may delay permanency.



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POLICY RECOMMENDATIONS (CONTINUED)

- **Promote Implementation of 2023 Kinship Licensing Reforms.** Federal technical assistance should support states in implementing the more flexible kinship-specific licensing standards. Assistance should focus on reducing barriers related to paperwork, home inspection requirements, background checks, and lengthy approval timelines while maintaining child safety standards. Expanding these reforms would increase access to federal benefits and allow more kinship caregivers to qualify for GAP. These changes would also allow more children to remain with relatives, improving placement stability and long-term outcomes for youth in kinship care.
- **Decouple Guardianship Assistance Program Reimbursements from Birth Family Income.** Adjust federal eligibility rules to ensure guardianship caregivers are not disqualified from receiving benefits based on the income of a child's birth family. Removing this outdated requirement would expand access to support, improve equity across kinship placements, and strengthen long-term placement stability. This reform would also align GAP with adoption assistance, which was decoupled from income eligibility under Fostering Connections, the same law that established Title IV-E guardianship assistance.