

Senate Memorial 92

Taskforce on Grandparents Raising Grandchildren: Recommendations for Increasing Resources and Assistance

I. Process:

The 2017 Senate Memorial 92 renewed the taskforce originally created by House Memorial 8 in 2015 and continued by Senate Memorial 1 in 2016. So far this year, the Taskforce has met four times. In addition to advocates and community-based organizations, we have had participation by Children, Youth & Families Department, the Aging & Long Term Services Department, Public Education Department, and the Attorney General's Office.

The SM 92 Taskforce was called upon to

...study and recommend concrete policy changes that could be implemented in order to expand the availability of resources and assistance to grandparents raising grandchildren, including financial resources and, particularly, the provision of maintenance payments for the care and support of children placed in the care of a kinship caregiver; legal services; food and housing assistance; and programs relating to medical care, child care, transportation and education;

This is essentially what the previous Memorials had stated with the addition of the language that asks the Taskforce to look into “the provision of maintenance payments for the care and support of children placed in the care of a kinship caregiver....”

This report will provide information on what other states are doing with regard to maintenance payments for the care and support of children placed in the care of a kinship caregiver and review the recommendations previously made and with updates on what has and has not happened as the result of the Taskforce's work.

II. Maintenance Payments for the care and support of children placed with kinship caregivers

It is generally accepted that grandparents raising grandchildren, and other kinship caregivers, save state and federal governments millions of dollars by keeping children out

of foster care. Many advocates believe that state or federal government should provide grandparents raising grandchildren with cash assistance to reimburse them for the service they provide to the state. To date, however, neither the federal government or any of the fifty states have created a program that would provide grandparents raising grandchildren maintenance payments over and above what any eligible parent or guardian can receive through Temporary Assistance to Needy Families (TANF). Indeed, some advocates for families believe that, rather than put government resources toward supporting children living with kinship caregivers, government should be doing more to support families before the need arises for children to be placed outside their homes.

Although no state has moved to provide maintenance payments to kinship caregivers, many states provide a range of supports. Almost all states allow kinship caregivers to receive public benefits such as TANF¹, Medicaid, SNAP, and WIC. Several states also provide funding for statewide helplines, a network of support groups, respite care, and other supports. New York State has a Kinship Navigator program that helps kinship caregivers navigate the various systems and supports they need to access to provide adequately for the children in their care.

The trend nationwide is to recognize the key role that kinship caregivers play in keeping children out of foster care and in their families and communities because research shows that children fare much better when kept in their families of origin. Although maintenance payments for kinship caregivers would undoubtedly make a difference in the lives of children and their caregivers, New Mexico is not outside the mainstream in not having taken that step. At the same time, as our research has shown, and as recommended in our reports of the last several years, there are many steps New Mexico could take to ensure that children living with grandparents and other kinship caregivers have the support they need to enjoy a healthy childhood and to develop into productive and contributing members of our society.

III. Recommendations:

A. Support services

1. Appropriate funds to develop an array of supportive services including:

¹ Eligibility requirements vary from state to state.

a) *general support services, parent training, support groups, case management, social activities, and enrichment activities for children.*

A bill introduced in the 2017 Regular Session was not passed.

b) *A website, or webpage on an existing website, with information for grandparents raising grandchildren on available resources and assistance. This information should also be available through a telephone help-line for those who do not have access to the internet.*

The Taskforce is working with the ALTSD's Aging & Disability Resource Center (ADRC) and NewMexicoKids Resource and Referral to see if these functions could be incorporate into their existing programming.

B. Childcare

1. Fully fund subsidized childcare through CYFD to ensure that grandparents raising grandchildren have access to affordable, quality childcare.

New Mexico's ongoing budgetary problems make it difficult to make progress on this recommendation.

2. Ensure that grandparents raising grandchildren can enroll their grandchildren in early intervention services, day care, Headstart, preschool, or K-12 school even when they do not have legal guardianship or custody.

This recommendation was accepted by the Legislature when HB394 was passed during the 2017 Session. Thanks to Rudolfo "Rudy" S. Martinez, Javier Martinez, Linda M. Trujillo, and Derrick J. Lente for sponsoring this legislation.

3. Amend the New Mexico Administrative Code to allow grandparents raising grandchildren to obtain child care assistance benefits without regard to their income and without regard to their status as legal guardian of the child.

The Taskforce believes this recommendation could be implemented with minimal fiscal impact because current law requires kinship caregivers to apply for TANF cash assistance in order to receive subsidized childcare without regard to income. If kinship caregivers could apply for subsidized childcare directly without regard to income, the state would save money in the cash assistance program.

C. Housing

1. Ensure that when grandparents take grandchildren into their homes they are not threatened with eviction from public housing authorities.

The Taskforce has been investigating this issue and plans to continue its work on this issue if the Taskforce is continued.

D. Behavioral Health

1. Make respite services available to grandparents raising grandchildren through Medicaid Behavioral Respite.

The Taskforce has been investigating this issue and plans to continue its work on this issue if the Taskforce is continued.

2. Make Medicaid case management services available to grandparents raising grandchildren.

New Mexico's ongoing budgetary problems coupled with the uncertainty about the future of Medicaid make it unlikely that progress can be made on this recommendation in the near future. The members of the Taskforce feel strongly, however, that case management services would significantly improve outcomes for children raised in kinship care families.

E. Education

1. Insert the requirements of the McKinney-Vento Act into state law to ensure that no children or youth who qualify under the Act are prevented from enrolling in school and participating in all school activities in a timely manner.

Some progress was made on this issue in 2017 with the passage of HB 301, which codifies several requirements of the McKinney-Vento Act with regard to ensuring that children who have experienced disruption in their education because of placement with a kinship caregiver family are able to participate in all school activities in a timely manner. HB 301 does not make it clear, however, that children placed with kinship caregivers have the right to enroll in school without authorization from their parent or legal guardian.

2. Require that all public schools have information posted, and detailed information available, about the rights of children and youth under the McKinney-Vento Act at all locations where students enroll in school.

The Taskforce has learned that schools are required by the McKinney-Vento Act to post information about the rights of children and youth under the McKinney-Vento Act at locations where homeless students (including those living with kinship caregivers) might see it. However, it appears that few, if any, New Mexico schools are doing so.

3. Appropriate state funds to supplement funds received through the federal McKinney-Vento Act to ensure school personnel receive comprehensive training annually with a specific focus on the rights of children being raised by grandparents and unaccompanied youth.

No progress has been made on this recommendation.

3. Appropriate state funds to create an office at the Public Education Department to promote and support access to education for children and youth who qualify as homeless under the McKinney-Vento Act.

No progress has been made on this recommendation.

F. Legal Services

1. Ensure grandparents raising grandchildren have access to legal services by increasing the current appropriation to the Department of Aging & Long Term Services by an additional \$185,000.

No progress has been made on this recommendation.

G. Benefits

1. Ensure that ISD case workers are trained on the eligibility of grandparents raising grandchildren and the grandchildren themselves for public benefits.
2. Each ISD office to have an identified expert on the eligibility of grandparents raising grandchildren, and the grandchildren themselves, for public benefits.

To date, the Taskforce's efforts to work with the ISD on these issues have not been fruitful. The Taskforce recommends that this issue be addressed through a memorial when a new administration takes office in 2019.

H. Children, Youth & Families Department

1. Create a workgroup composed of CYFD personnel, grandparents, and legal and community advocates, to develop recommendations for:
 - a) Improving CYFD's response to family members of children who come to its attention.
 - b) Supported diversion of children placed with kin.
 - c) Addressing the gap between the child welfare system and the Kinship Guardianship Act.

CYFD took a significant step this year by making it possible for relative caregivers to receive a Title IVE subsidy when they become legal guardians of children in foster care. Previously, this subsidy was only available if the child was adopted.

CYFD is also working closely with the Center for States In identifying strategies to support connections between foster children, their siblings and other relatives. The 2018 Foster parent mandated training will focus on these subjects. Curriculum was developed and protective services-placement staff are trained as trainers to be able to offer the training to all relative and non relative foster parents.

Nevertheless, more work needs to be done.

IV. Conclusion

The members of the Taskforce feel strongly that, if implemented, the recommendations they made in their 2016 report would make a big difference in the lives of grandparents raising grandchildren, the grandchildren themselves, as well as those of other care givers and the children in their care. Progress has been slow in large part because the State does not have the resources to implement many of the Taskforce's recommendations. The advocates working on these issues will continue to do so, finding ways to make progress with existing resources and hoping for better economic and budgetary times to come.

V. Participants

Liz McGrath, Co-Chair
Executive Director, Pegasus Legal Services for Children

Rosaisela Burciaga, Co-Chair
Foster Care & Adoptions Bureau Chief, NM Children Youth & Families Department

Ella Brown, MSW
Pegasus Legal Services for Children

Connie Compton
Grandparent

Rex Davidson
Executive Director, Las Cumbres Community Services

Brenda Garcia
Family Specialist, NewMexicoKids Resource and Referral

Bill Jordan

NM Voices for Children

Deborah Lucas
Social Worker

Dana Malone
McKinney-Vento Coordinator, New Mexico Public Education Department

Delfinia Romero
Family Education Services, Las Cumbres Community Services

Jennifer Romero
Staff Attorney, Pegasus Legal Services for Children

Melinda Shulz
Program Manager, Grandparents Raising Grandchildren

Bob Stice
New Mexico Attorney General's Office

Gary Williams
Associate State Director, AARP

Tracy Wohl
Office of Alzheimer's and Dementia Care, NM Aging and Long Term Services Department

Kimberly York
MCH, Las Cruces