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DAVID STOCKFORD

STATE OF MAINE

TASK FORCE ON KINSHIP FAMILIES

MEETING NOTES, SEPTEMBER 7, 2010

1. The second meeting of the Task Force on Kinship on Kinship Families convened on Tuesday, September 7th. Present were Senator Margaret Craven, Senator Richard Rosen, Representative Patricia Jones, Representative David Webster, Representative Sara Stevens, Dr. Joanna Dotts, Diana Loranger, Barbara Kates, David Stockford, Judge Joseph Mazziotti, and Virginia Marriner represented the Department of Health and Human Services (DHHS) in James Beougher's absence. Also present were staff Jane Orbeton and Karen Nadeau-Drillen from the Office of Policy and Legal Analysis.

2. Department of Education

David Stockford, Policy Director and Team Leader – Special Services, from the Department of Education (DOE) and task force member introduced DOE and Department of Health and Human Services staff who spoke about their roles and responsibilities relating to educational services for youth in kinship care.

Surrogate Parent Program:

Cliff McHatten, Consultant for Exceptional Children, and Debbie Violette, Office Associate, with DOE presented information about the department's Surrogate Parent Program. The Surrogate Parent Program was established to provide surrogate parents to children with disabilities whenever the biological parents or guardian of a child with a disability cannot be identified or located, or when the child is in the custody of the State.

Keeping Maine's Children Connected initiative:

Susan Lieberman, Director of Keeping Maine's Children Connected (KMCC) – a Maine Children's Cabinet Initiative, spoke about her work. The mission of her organization is to promote success for youth who experience a disruption in their educational program. KMCC is a collaboration of the Department of Corrections, the Department of Labor, the Department of Justice, DOE and DHHS. The program establishes and trains liaisons in each school district, state agency and in-patient psychiatric facility. The liaisons in consultation with the youth and family help decide who the most appropriate people are to assist in a plan to support a child in transition. There are currently 179 liaisons in Maine.

Nancy Connolly with DOE spoke about recent legislation relating to general residency requirements for school districts. The legislation aligned State law with the educational stability provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008. Title 20-A of the Maine Revised Statutes Annotated (MRSA) section 5205, subsection 3-A provides that a student, placed by DHHS with an adult who is not the child's parent or legal guardian in accordance with the educational stability provisions of the federal Fostering Connections Act (FCA) is considered a resident of either school administrative unit (SAU) where the student resides during the placement or the SAU where the unit resided prior to the placement based on the best interest of the student. DHHS shall determine which of the two units is appropriate and notify the unit in writing of its determination.

Possible task force recommendation and legislation proposal:

*Suggestions for amending Title 20-A, section 5205, subsection 3-A (new law on school enrollment for children placed by DHHS in foster care) to extend it to children placed with kin in order to protect the child's safety and well-being. (Nancy Connolly, DOE and Ginny Marriner, DHHS and Karen and Jane, OPLA) - **Number 4** on Information Requests document*

David Stockford of DOE talked about a family's ability to appeal a decision of a school district superintendent – appeal is often related to enrollment or special education. The family submits an appeal to the Commissioner of DOE. Currently, approximately one-third of the appeals are submitted by grandparents.

Information requests:

Information on education decisions regarding children in kinship care made by superintendents and are may be appealed to the Commissioner of Education:

A. What types of decisions are these?

B. Can the law be changed to provide clearer or firmer standards for the superintendents in order to decrease the number of appeals to the Commissioner?

(David Stockford, DOE)

***Number 5** on Information Requests document*

*Suggestions for getting superintendents to recognize power of attorney forms for enrolling children in school. (David Stockford, DOE) - **Number 6** on Information Requests document*

3. National Conference of State Legislatures (NCSL)

Nina Williams-Mbengue with the Children and Families Program at NCSL presented via phone and spoke about initiatives and approaches in other states relating to kinship care. Background information presented included the types of kinship care, numbers of children in kinship care and outcomes for children in kinship care. She also provided a brief overview of the federal Fostering Connections Act (FCA) of 2008. She also presented information about federal Child and Family Services Reviews (CFSRs), which are congressionally authorized reviews of state performance in three areas of child welfare: safety, permanency, and child and family well-being.

Ms. Williams-Mbengue is available for an on-site visit at the third meeting of the task force on September 28th.

Information requests:

*Have changes in adoption subsidy levels changed the rates of adoption in other states and in Maine?
(Nina Williams-Mbengue, NCSL and Ginny Marriner, DHHS)*

Number 2 on Information Requests document

How to balance the parents' fundamental right to raise their child and the best interests of the child:

- A. How do the best interests of the child interact with the parents' wishes and rights?*
- B. What time should be allowed for rehabilitation and reunification?*
- C. When should the parents' visitation with the child be limited?*
- D. Are there standards or benchmarks for the time periods for protective care, guardianship and adoption?*

(Nina Williams-Mbengue, NCSL) - Number 3 on Information Requests document

4. University of Maine Center on Aging

Jennifer Crittenden, Research Association, University of Maine Center on Aging (UMCoA) provided an overview of her organization's kinship family initiatives and research – particularly the Relatives as Parents Programming (RAPP) project, which was established through a grant in 2002. UMCoA, in partnership with Families and Children Together (FACT), Health Access Network, Adoptive and Foster Families of Maine and Casey Family Services, has been establishing a framework for statewide collaboration among child welfare, aging and other human service organizations and professionals to address mental health and support issues for older adults who have assumed kinship roles.

Ms. Crittenden also directed task force members to a policy white paper, "Supporting Maine's Families: Recommendations from Maine's Relatives as Parents Project." Many of the recommendations in the January 2005 report have not been implemented; she encouraged the task force to review and consider these recommendations.

Ms. Crittenden said that grandfamilies in the informal system need more financial support. However, recognizing the current economic climate, she suggested that the task force look at legislative changes with little or no fiscal impact that would reduce barriers for grand families.

5. Presentations by grandparents raising grandchildren

A panel of three women talked about their experiences assuming the role as primary caregivers for their grandchildren. One of the caregivers, Diane Loranger, is a member of the task force.

The grandparent panel suggested the following:

- Less time for rehabilitation of the unfit biological parent and reunification efforts;
- Biological parent visitation with the children should be limited;
- Limit the ability of biological parents to submit motions to amend – this puts children at further risk; and
- More financial assistance for grand families – both in formal and informal systems.

One grandparent noted that it is very difficult to consider adoption as she does not want to take away parental rights and hope for her son, who is struggling with drug addiction. Senator Craven asked about the feasibility of establishing a timetable for the biological parents. Judge Mazziotti said that the standard is "what is in the best interest of the child" and it is not easy to develop an objective standard. One suggestion was to impose on the biological parents a showing – prima facie evidence?

Information requests:

With regard to financial assistance or medical coverage for kinship families:

- A. If the child qualifies for MaineCare does an adult in the household automatically qualify?*
- B. What is the “granny grant”? What is the child-only TANF grant?*
- C. Are there possibilities for financial assistance with General Fund and non-General Fund monies? For low-income families? For middle-income families?*
- D. How to provide more financial help for middle class kinship families?*
- E. Do staff in the Office of Integrated Access and Support need additional training regarding consideration of the adults’ assets and income?*

*(Ginny Marriner, DHHS and Jane, OPLA) – **Number 7** on Information Requests document*

*With regard to information resources for kinship families in the informal system, how can we more widely disseminate information? (Ginny Marriner, DHHS, Barbara Kates) – **Number 8** on Information Requests document*

6. Legal processes and issues

Janice Stuver, Assistant Attorney General, was in attendance and asked to share some of her observations. She noted that DOE indicated that there is a decrease in enrollment in Maine’s schools yet there an increase in the numbers of students in the Surrogate Parent Program.

Ms. Stuver offered as an idea a potential project under the Office of the Attorney General legal advice for grandparents or relatives as caregivers. Ms. Stuver indicated that support for children in kinship care is best achieved in the formal system – not necessarily in State custody, but also in the court system.

Virginia Marriner of DHHS described the Child Protective Services case flow and legal process for children in the child welfare system (hand-out provided). Barbara Kates from Maine Kids-Kin described the various options for legal or custodial relationships (hand-out provided).

Information requests:

Once a guardianship has been ordered, suggestions for:

- A. The legal standard for modifying a guardianship?*
- B. The legal standard for terminating a guardianship?*
- C. Requirements/limits on filing motions to amend or terminate a guardianship?*
- D. A recognized timeline that should be followed or considered by the Courts?*
- E. Mechanisms for decreasing the uncertainty in kinship care situations, increasing the likelihood of the child staying with the kinship care provider?*

(Judge Mazziotti, Janice Stuver, AAG, Ginny Marriner, DHHS, Barbara Kates)

***Number 11** on Information Requests document*

12. How can Maine provide more legal representation for kinship families in the informal system?

- A. Who qualifies for assistance now?*
- B. Who funds the assistance?*
- C. If legal representation were more uniformly provided would total costs decrease?*
- D. How would savings be calculated and recognized?*

*(Ginny Marriner, DHHS, Barbara Kates, Sen. Craven regarding Volunteers of America idea, Judge Mazziotti) – **Number 12** on Information Requests document*

Suggested legislation:

*Suggestions for amending Title 22, section 4038-C and section 4038-D to remove the requirement that a child eligible for a guardianship subsidy have special needs, conforming Maine law to federal law? (Ginny Marriner, DHHS) – **Number 9** on Information Requests document*

Information request:

*Suggestions for reducing the threshold for terminating parental rights, making it easier to terminate. (Ginny Marriner, DHHS, Janice Stuver, AAG, Judge Mazziotti) – **Number 10** on Information Requests document*

Information request/potential legislation:

*Suggestions for legislation on reinstatement of parental rights. (Ginny Marriner, DHHS) – **Number 13** on Information Requests document.*

7. Possible agenda items for meeting #3 include:

- Report back on various information requests;
- Nina Williams-Mbengue of NCSL to come back with various information requests and to serve as resource for work session;
- Report back on Annie E. Casey Foundation meeting in Pittsburg (Senator Craven and Virginia Marriner) - **Number 1** on Information Requests document;
- Work session – development of findings, recommendations and suggestions for legislation.

Possible recommendations:

The Chairs of the task force would like the task force members to review and consider recommendations made by the panel of grandparents who testified at the September 7th meeting and recommendations in the January 2005 policy white paper, “Supporting Maine’s Families: Recommendations from Maine’s Relatives as Parents Project” when developing their own recommendations for the final report of the Task Force on Kinship Families.

8. The next meeting of the task force is scheduled for Tuesday, September 28th at 10 a.m. in Room 209 of the Cross State Office Building in Augusta