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How can guardianship support permanency and well-being?

Tania had never met her niece, Naomi, when she found out the 4-year-old had been placed in foster care.¹ A single mother with one adult son, Tania recently had accepted a promotion at work and was not anticipating raising another child — yet she felt a calling to support Naomi. The pair bonded instantly and Tania soon became more than Naomi’s aunt.

She became her foster parent and, in time, her permanent guardian.

Naomi, now 11, is one of about [nearly 2.5 million children](#) who live with grandparents, aunts and uncles, other relatives, or close family friends (collectively referred to as *kin*). The vast majority of these kin support their families outside of the child welfare system and, as a result, receive very little — if any — outside support despite providing a safe and stable home for children who need it.

The federal Children’s Bureau articulates two [primary goals](#) for improving the well-being of children: (1) focus on prevention as a means to reduce the need for formal involvement with the child welfare system, and (2) keep children connected to their extended families and communities when removal from the home cannot be avoided.

Guardianship, as part of a strong [kin-first](#) continuum, can support both of these goals. This Casey Family Programs strategy brief provides an overview of guardianship arrangements, describes benefits of placing children with guardians, and offers considerations for improving the use of guardianship as a permanent placement option for children.²

Varying definitions of guardianship

When children must be removed from their families, federal law requires they be placed in the least restrictive, most family-like setting possible, and placement with kin is considered less restrictive than non-kin foster care. Many placements with kin occur within the context of guardianships. Whether guardianship

is secured formally as an exit from child welfare or without system involvement, its policy is complex, rife with inconsistent definitions and practices across the country.

Definitions of guardianship and terms of orders [vary by state](#). Most states use the term *guardianship*, while others use the term *legal custody*, and some use both, depending on circumstances.

At a minimum, guardians in all states provide care and protection, and are able to make decisions on behalf the child regarding schooling and routine medical care. A child needs to have been living with a licensed kinship foster parent for six months before guardianship can be considered a permanent placement. Guardianships secured as a form of permanency for a child are eligible to receive monthly assistance through the federal Title IV-E Guardianship Assistance Programs (GAP).³

[Monthly subsidies](#) to guardians and policies on who can be considered a guardian vary from state to state. As of 2018 (the most recent year for which comprehensive information is available), 11 states did not include fictive kin in their definition of kin for purposes of GAP (*fictive kin* are close family friends who are not related by blood).

Positive impacts

Guardianship provides many vital benefits to children and families, including:

Permanency. While more research is needed, evidence suggests that subsidized guardianship (families are receiving GAP benefits) leads to improved permanency. An [evaluation](#) of a federal subsidized guardianship waiver demonstration project in Illinois (conducted before GAP became a federally funded option for all states) found that subsidized guardianship not only increased the percentage of children achieving permanency, it also sped up the rate of permanency, particularly for children ages 6 to 13.

Well-being. The vast majority (92%) of children in subsidized guardianship in Illinois felt “like part of the family” most or all of the time. [Another evaluation](#) of subsidized guardianship demonstrations found that children in guardianship increased stability, appreciated “shedding the social stigma” of being in foster care, and experienced greater freedom to participate in normal childhood activities.

Guardianship as a prevention strategy

For every one child in foster care living with a relative, [18 children](#) live with relatives without any formal child welfare involvement. Kin who care for children outside of the child welfare system — even those who are court-ordered guardians — receive relatively few supports. More resources should be directed to kinship caregivers and guardians, given their important role in keeping children safe and preventing them from experiencing the trauma of entering foster care.

Washington, D.C.’s [Grandparent Caregivers and Close Relatives Programs](#) provide monthly subsidies to low-income residents who are raising grandchildren, great-grandchildren, great nieces, great nephews, siblings, nieces, nephews, and cousins. These programs, which fall under the D.C. Child and Family Agency’s [Four Pillars](#) strategy to safely keep children from entering foster care, is specifically for families without child welfare involvement. The Grandfamilies & Kinship Support Network, a national technical assistance center for those who serve grandfamilies and kinship caregiver families, graded it an [exemplary program](#).

Louisiana’s [Kinship Care Subsidy Program](#), funded by the state’s Temporary Assistance for Needy Families (TANF) block grant, provides monthly cash assistance to relatives taking care of children. Within one year of being certified as eligible for the program, the relative must be granted legal custody or guardianship by a court or provisional custody by the child’s parent.

[overlooked](#). The Grandfamilies & Kinship Support Network has created a [kin-finding toolkit](#) with 22 promising practices to assist in identifying kin.

“I wish there was more thinking outside of the box in terms of guardianship,” said divina cordeiro, an alumna of foster care. “I was aware that I had family members but my social worker would say, ‘I left a voicemail,’ and that was the end of the pursuit for that connection or that placement.”

In Tania’s case, the child welfare system did not reach out to her as an aunt of Naomi. Instead, she reached out to caseworkers when she learned from another family member about Naomi’s removal from home and potential placement in foster care.

Provide information to families

Guardians caring for children need to understand all of their options. [Kinship navigator programs](#) increase social support, improve family resources, and improve child safety and placement stability by providing prospective guardians assistance in applying for supports.^{5,6} The [Family First Prevention Services Act of 2018](#) provides federal funding for evidence-based kinship navigator programs. As of November 2024, [six states](#) — Arizona, Colorado, Florida, Nevada, Ohio, and Washington — have programs that meet the quality standards of the Title IV-E Clearinghouse.

In addition, caseworkers need to be transparent in informing prospective guardians about the backgrounds and experiences of the children coming into their care, as well as the benefits and requirements of various legal options, including what would happen to the children in the event they were no longer able to care for them.⁷ Caseworkers must begin these conversations early to ensure that caregivers’ decisions are well-informed, which can minimize placement instability. Some states have created [resource guides for kin caregivers](#), including [New Hampshire](#), [New York](#), [Ohio](#), and [Wisconsin](#).

“I knew nothing about the system. The social workers didn’t tell me anything about the system. I just knew this was my niece. I figured they were telling me everything I needed. They were not.”

—Tania, Kinship Guardian

Ongoing support

Proactive services should be provided both before and after guardianship is established to [support families](#), and the Children’s Bureau recommends that all children exiting foster care and their guardians access post-guardianship services. Services include providing support groups; helping children cope with separation, loss, and trauma; understanding how to meet children’s challenges and needs (behavioral, emotional, developmental, intellectual, and physical); providing information and training for birth parents and caregivers; and helping meet financial and material needs.

The [Statewide Adoption and Permanency Network](#) in **Pennsylvania** provides critical post-permanency support for guardians, including assessment, case advocacy (including connections to local resources for mental health and educational services), respite, and support groups. Similarly, the [Adoption and Guardianship Enhanced Support intervention](#) in **Wisconsin** provides assessment, planning, and other services to families dealing with post-permanency issues.

Child protection agencies typically do not track the well-being of children and families who have exited foster care. Jurisdictions relying on administrative data to identify families in need of additional support may be overlooking those at risk of post-permanency challenges. A survey of caregivers in four states found that families reached through broad, universal outreach reported more child behavior problems and higher levels of caregiver strain than families identified based on specific risk factors noted in administrative data.⁸ This suggests broad outreach is needed to identify and support guardianship families.

Supports also need to be put in place after the child reaches legal adulthood. “A lot of children have special needs that are not going to go away when they turn 18,” said Lynn Urvina, a kinship caregiver and kinship navigator.

Guardians should be educated about eligible services for older youth, such as the [John H. Chafee Foster Care Program for Successful Transition to Adulthood](#) and educational training vouchers. Foster care alumna divina cordeiro recalled: “In terms of preparing for adulthood after child welfare involvement, in terms of having connections and having community, I think they kind of give up once you turn 18.”

“Continue to support families and children and you’re going to end up with children who have lifetime permanency — not just permanency until they’re 18, but lifelong permanency and lifelong connections with their relatives.”

—Lindsay Wood, Program and Policy Analyst, Wisconsin Department of Children and Families

Navigate family relationships

Guardians can benefit from extra support navigating family relationships, particularly given that biological parents still have rights. “Legal guardianship is the muddiest of waters,” Tania explained. “Now that my niece is 11, I have to balance her emotions with her parents’ ability to engage as they please. It’s rewarding, but it can be tough. You have to stretch yourself beyond what you would normally do to bridge that gap and maintain as healthy a relationship between the parents and the child as you can.”

Kinship caregiver Lynn Urvina added: “It would have been really helpful if somebody was trying harder to be the liaison between the parent and me. We just looked at the world through different eyes. It’s not necessarily that one was right and one was wrong. The little one was 5 years old and she was caught in the middle. Sometimes the way systems are built pits people against each other, whether that’s the intention or not.”

Wisconsin’s approach to guardianship

Wisconsin has made a concerted effort statewide to support guardians through [subsidized guardianship](#), with a focus on placing children with relatives and close family friends. About [42% of children](#) in out-of-home care in Wisconsin were placed with relatives in 2022 (compared to [34% nationwide](#)). In 2010, Wisconsin implemented its [Level of Care](#) initiative, which requires court-ordered kinship care providers to go through the licensing process. Although they are not required to become licensed, going through the licensing process opens up permanency options for children in their care, including GAP. Kinship caregivers receive monthly payments even if the family is not licensed. In 2024, new legislation defined the term “like-kin” and expanded eligibility for the kinship care subsidy to [like-kin caregivers](#).

Caseworker attitudes and training

Advancing a [kin-first approach requires a cultural shift](#). Agency leaders in **Westmoreland County, Pa.**, worked closely with the [American Bar Association’s Permanency Barriers Project](#) to revise agency policies in order to elevate the importance of kinship care. Between 2009 and 2019, the use of kinship care in Westmoreland County increased 281% while the use of traditional foster care decreased 30%. The achievements of Westmoreland County, along with nine other jurisdictions, were instrumental in developing a [tool for kinship care](#) designed to nurture the development of kin-first cultures across the child welfare system.

Judicial attitudes and training

Since guardianships allow parents to retain legal rights, judges are key players. In about half of the states, however, the courts that manage child guardianships are staffed by judges and clerks who [do not have](#)

[expertise in family law](#). Training specific to guardianship should be provided for all people who interact with families in the judicial system, including judges, clerks, guardian ad litem, and court appointed special advocates (CASAs).

Court orders also can be ambiguous about details such as parental visitation rights. Only 11 states have statutes authorizing or requiring judges to specify biological parents' roles and responsibilities in guardianship orders.

Tania said that the judge in her case has been problematic: “We say we’re doing things in the best interest of the child, but we’re not. My niece has to miss a birthday party tomorrow because of a five-hour visit with her mom and we don’t even know if her mom will show up. Her grades have dropped. We do have representation (from a guardian ad litem), but if the judge is not willing to intentionally and purposefully listen and take into consideration the voice of the child, it’s no good for us. It doesn’t feel like I have a voice anymore.”

Consistent and equitable funding

Guardians should receive payments on par with foster parents. Yet foster parents who become guardians receive lower monthly subsidies compared to their foster care maintenance payments in 16 of 36 states that responded to a 2017 survey.⁹ Further, children who are not eligible for Title IV-E therefore are not eligible for subsidized guardianship through GAP, although most states have parallel programs for children who are not eligible for Title IV-E. This is despite evidence that [providing financial assistance to guardians](#) increases the likelihood of permanency and improves school outcomes.

Tania, who lives in North Carolina, had been receiving \$600 a month as a foster parent for Naomi before becoming her legal guardian. Her family was not offered the same monthly subsidy through GAP, however, since North Carolina [restricts GAP eligibility to older youth](#) exclusively. Tania therefore receives \$181 a month through TANF to help her raise Naomi. As a benefits-receiving, disabled veteran who also earns a salary through her steady job, Tania is able to provide for Naomi without the extra subsidy — but many kinship care providers are not in a financial position to do so.

“Everybody admits that the child will be better off with the family in most cases, but the money has yet to follow the research,” Urvina said.

Evaluation

Few studies have examined how guardianship policies and practices (including post-permanency supports) impact families and how they could be improved. The field would benefit from better tracking of the impacts of GAP on children and families and better ways of [tracking children’s well-being and stability](#). Only a small number of states track program implementation and conduct evaluations.

“Naomi is resilient. I love her. I’m not in this just to give her a bed and hot meals. There’s so much potential there. I’m in it to make this child better. I can’t even imagine not having her.”

—Tania, Kinship Guardian

Additional resources

- [Kinship Guardianship as a Permanency Option](#) provides information about guardians’ rights and responsibilities, processes for establishing or modifying a guardianship order, kinship guardianship assistance, and state-specific regulations and policies (current as of July 2018).

- The [Adoption and Guardianship for Children in Kinship Foster Care: National Comparison Chart](#) reports differences between adoption and guardianship in terms of rights and responsibilities, financial and legal assistance, public benefits, health insurance, federal and state tax credits, caregiver successor planning and death benefits for children, and college and independent living. Other resources offer [state-specific charts](#) and a database of [state-specific laws](#).
- [Grandfamilies.org](#) has additional resources, including a [brief on adoption and guardianship for children in kinship foster care](#), [state fact sheets](#), [financial assistance](#), and [subsidized guardianship](#).
- The [Grandfamilies & Kinship Support Network](#), operated through [Generations United](#), provides technical assistance, a resource library, webinars and learning communities (including the [Kin Mobilization Learning Collaborative](#)), and it maintains a list of [exemplary policies, practices, and programs](#) supporting kinship families.
- The [Quality Improvement Center for Adoption and Guardianship Support and Preservation's Permanency Continuum Framework](#) is a guide for proactively addressing and responding to needs that arise in planning for and maintaining adoption and guardianship to ensure stability and well-being.
- Produced by the School of Social Work at University of Illinois Urbana-Champaign, [Exploring the Role of Guardianship in Effective and Equitable Permanency](#) describes lessons learned from a study of guardianship in Illinois, describing experiences of professionals and caregivers and making recommendations for policy, practice, and future research.

¹ Tania and Naomi are not the actual names of the aunt and niece featured in this brief. The names were changed in order to respect the family's privacy.

² This strategy brief, first published in June 2021, is based on interviews with: Ana Beltran, Co-Director, Generations United's National Center on Grandfamilies, Heidi Redlich Epstein, Director of Kinship Policy, ABA Center on Children and the Law, Steven Olender, Senior Policy Associate, Child Welfare and Mental Health, Children's Defense Fund, and Stefanie Sprow, Director of Child Welfare Policy, Children's Defense Fund, September 14, 2020; Pam Bookhart, Social Worker Supervisor, Catawba County Government, N.C., Debbie Dunn, Program Administrator, Child Welfare, Catawba County, Crissy Triplett, Program Manager, Child Welfare, Catawba County, October 14, 2020; Diane Pluck, Fiscal Officer, Westmoreland County Children's Bureau, Shara Saveikis, Executive Director, Westmoreland County Children's Bureau, November 17, 2020; Kari Brock, Program and Policy Analyst, Wisconsin Department of Children and Families (DCF), Emily Erickson, Child Welfare Program and Policy Section Chief, Wisconsin DCF, Moe Green, Social Worker, Wisconsin DCF, Holly Telfer, Kinship Care Specialist, Wisconsin DCF, and Lindsay Wood, Program and Policy Analyst, Wisconsin DCF, December 9, 2020; Tania Scott, Kinship Guardian, North Carolina, January 7, 2021. Content of this brief has been further informed by members of the Knowledge Management Lived Experience Advisory Board. This team includes youth, parents, kinship caregivers, and foster parents with lived experience in the child welfare system who serve as strategic partners with Family Voices United, a collaboration between FosterClub, Generations United, the Children's Trust Fund Alliance, and Casey Family Programs. Members who contributed to this brief include divina cordeiro, Genia Newkirk, and Lynn Urvina.

³ State-funded GAP programs, while not required to follow federal guidelines, generally do so.

⁴ Adoption and Foster Care Analysis and Reporting Data (AFCARS) made available by the National Data Archive on Child Abuse and Neglect Data and analyzed by Casey Family Programs staff, November 27, 2024.

⁵ Littlewood, K. (2015). Kinship Service Network Program: Five year evaluation of family support and case management for informal kinship families. *Children and Youth Services Review*, 52, 184-191.

⁶ Littlewood, K., Cooper, L., & Pandey, A. (2020). Kinship and placement stability for the Children's Home Network kinship navigator program. *Child Abuse and Neglect*, 106, 104506.

⁷ Ocasio, K., Rolock, N., Blakey, J., Diamant-Wilson, R., Bass, F., Brom, J., Budzinski, A., Hermes, R., Karnopp, D., Sepnieski, K., Zhang, L., Fong, R., Faulkner, M., & Marra, L. (2024). [A Pilot Study of the Adoption and Guardianship Enhanced Support \(AGES\) Program: Preventing Discontinuity by Walking Alongside Adoptive and Guardianship Families Who are Struggling](#). *Journal of Evidence-Based Social Work*, 21(1), 50-74.

⁸ Rolock, N., Ocasio, K., White, K., Cho, Y., Fong, R., Marra, L., & Faulkner, M. (2021). [Identifying families who may be struggling after adoption or guardianship](#). *Journal of Public Child Welfare*, 15(1), 78-104.

⁹ Johnson, A., Speigman, R., Mauldon, J., Grimm, B., and Perry, M. (February 2018). [Promoting Permanency for Teens A 50 State Review of Law and Policy](#) (p. 34).

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P 800.228.3559

P 206.282.7300

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casey.org | KMResources@casey.org



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