



Agency Recommendation Summary

The Department of Children, Youth and Families (DCYF) requests \$1,263,000 General Fund-State in the 2023-25 biennium to support kinship caregivers to become legal guardians for children in foster care by expanding eligibility for the Relative Guardianship Assistance Program (R-GAP). DCYF has a goal to dramatically reduce the number of children in foster care by helping them to achieve permanency with relatives. This proposal will support more children to exit to the foster care system to supportive and nurturing placements with relatives through legal guardianship.

Program Recommendation Summary

010 - Children and Families Services

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090 - Program Support

The Department of Children, Youth and Families (DCYF) requests \$1,263,000 General Fund-State in the 2023-25 biennium to support kinship caregivers to become legal guardians for children in foster care by expanding eligibility for the Relative Guardianship Assistance Program (R-GAP). DCYF has a goal to dramatically reduce the number of children in foster care by helping them to achieve permanency with relatives. This proposal will support more children to exit to the foster care system to supportive and nurturing placements with relatives through legal guardianship.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	0.8	2.5	1.65	3.8	4.5	4.15
Operating Expenditures						
Fund 001 - 1	\$211	\$989	\$1,200	\$2,128	\$3,241	\$5,369
Fund 001 - 1	\$14	\$41	\$55	\$63	\$74	\$137
Fund 001 - A	\$2	\$6	\$8	\$9	\$11	\$20
Total Expenditures	\$227	\$1,036	\$1,263	\$2,200	\$3,326	\$5,526
Revenue						
001 - 0393	\$2	\$6	\$8	\$9	\$11	\$20
Total Revenue	\$2	\$6	\$8	\$9	\$11	\$20

Decision Package Description

Agency request legislation will be introduced to amend RCW 13.36.090 and RCW 74.13.062 to expand eligibility for the Relative Guardianship Assistance Program (RGAP) in order to support guardianship with relatives as a permanency option when children and youth in foster care cannot be safely reunified with their parents.

Research has shown that children who are placed with relatives have better outcomes compared to those placed in non-relative foster care. Relative placement promotes stability, decreased likelihood of re-abuse and institutional abuse, and better behavioral and mental health outcomes. When reunification is not possible, achieving permanency with relatives keeps them connected to family and racial, ethnic and faith communities. This kind of “relational permanence” is crucial for the well-being of children impacted by trauma. As the State Supreme Court noted in *In the Matter of the Dependency of K.W.*, “relational permanence is particularly critical for Black, Indigenous, and other children of Color, who are disproportionately affected by the trauma of child welfare and other legal systems.”

However, kinship caregivers are twice as likely to live in poverty than non-relative caregivers. In order to be long term placements for children and youth, many kinship caregivers need the financial support offered by the Relative Guardianship Assistance Program (R-GAP).

R-GAP provides financial assistance payments to the guardian on behalf of a child when a relative becomes legal guardians for children exiting foster care under RCW 11.130 or RCW 13.36. However, guardianships established by tribal governments are not eligible. In addition, a relative must be a licensed foster home and the child must have been placed with the relative for at least six consecutive months prior to the guardianship being finalized. Once a guardianship agreement is reached, the department pays 80-95% of the foster care maintenance payment until the child is age 18-21.

However, to be eligible under the R-GAP, currently, the relative must be caring for a child who meets Title IV-E eligibility requirements and therefore, the child’s cost of care is allowable for federal Title IV-E reimbursement. Unfortunately, fewer than 2 in 5 children and youth in out-of-home placement are Title IV-E eligible. This is largely due to Title IV-E eligibility requirements, in which one of the eligibility requirements is an income test based on if the child’s removal home would have qualified for Aid for Families with Dependent Children as it existed in 1996. Given federal law doesn’t allow the Title IV-E income test to be adjusted from 1996 AFDC standards based on cost of living for inflation, as minimum wage increases, fewer kids in care are Title IV-E eligible and therefore, the current R-GAP is available for less children year over year. As a result, many licensed kinship caregivers who want to be a permanent placement for a child have only two options: 1. Give up receiving foster care payments to become guardians; or 2. Pursue termination of parental rights against their relative and seek adoption in order to receive adoption assistance payments.

DCYF is proposing agency request legislation to expand eligibility for R-GAP to include situations in which the child is not Title IV-E eligible and therefore, not allowable for federal reimbursement. This legislation will also allow for DCYF to make guardianship assistance payments for Indian children when the guardianship is established by a tribal government and all the other eligibility requirements are met.

DCYF requests \$1,263,000 to fund this eligibility expansion in order to ensure that relatives that wish to become legal guardians have financial supports regardless of IV-E status. DCYF projects that expanding R-GAP eligibility will result in a 46% increase in the growth of the R-GAP caseload resulting in an increased cost of \$1,263,000. DCYF will require 1.7 Social and Health Program Consultant 2s to manage the increased caseload and to attend case planning meetings to discuss guardianship (and R-GAP supports) as a permanency option.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

This decision package requests to provide state funded R-GAP payments to support a child’s care with a qualified licensed relative guardian when the child is not Title IV-E eligible and therefore does not qualify for federally funded R-GAP payments.

Detailed Assumptions: Children and youth who are Black, Indigenous and other children of Color are disproportionately represented in the child welfare system. BIPOC children are also more likely than white children to be placed with relatives as opposed to a non-relative family foster home. As the State Supreme Court noted in *In the Matter of the Dependency of K.W.*, “relational permanence is particularly critical for Black, Indigenous, and other children of Color, who are disproportionately affected by the trauma of child welfare and other legal systems.” This proposal will support more BIPOC children to achieve relational permanence through legal guardianship with kin. For the cost of this proposal, DCYF will continue receiving R-GAP payments until the child turns 18. Because guardianships can last a long time and continue receiving payments throughout the guardianship, the numbers of active guardianships receiving payments continues to stack year after year. Average monthly relative guardianship assistance payments are approximately \$729 per month.

Currently there are approximately 290 guardianships started per year, including tribal guardianships with tribes who have met Title IV-E qualifications and tribes licensed by DCYF as Child Placement Agencies (CPAs). Only licensed kin can qualify for R-GAP and currently only

20% of guardianships are licensed, however this number is expected to grow significantly based on the department issuing initial licenses (HB1227) and an increased departmental focus on support of kin. The department anticipates that 40% of unlicensed kin placements will become licensed scaled in over the course of the next biennium, with a continued increase in the following biennium.

Based on an increased number of guardianships qualifying for R-GAP payments we assume discharges to guardianship will increase from 10.5% of all discharges to 14.5% of all discharges over the next biennium as guardianships become an attractive alternative to adoptions and continuing foster care. There are approximately 1,100 adoptions each year so this would represent only 10% of all adoptions switching to guardianships. This increase in the guardianship population is assumed to be entirely funded based on the state funded R-GAP as it is likely that guardianship would have been pursued in these cases had they been Title IV-E eligible.

The majority of current guardianships with licensed kin are eligible to receive Title IV-E R-GAP payments (88%). This is because the department generally only encourages guardianships in cases where an individual would be eligible for R-GAP. This 88% federal R-GAP qualifying number is assumed to remain consistent as the number of licensed kin increases, meaning that the increase in the licensed population would be primarily federally funded rather than state funded. 12% of the currently licensed kin, 12% of the increase in licensed kin, and all projected new guardianships were added together to estimate the total number of guardianships that would receive the state funded R-GAP:

FY24: 168 months * \$729 average R-GAP per month = \$122,504

FY25: 989 months * \$729 average R-GAP per month = \$721,171

FY26: 2,364 months * \$729 average R-GAP per month = \$1,723,810

FY27: 3,784 months * \$729 average R-GAP per month = \$2,759,263

Full detailed calculations can be found in the R-GAP Payments Estimation spreadsheet.

Workforce Assumptions:

R-GAP Specialists total costs are \$420,000 (\$412,000 GF-S) and 1.7 FTEs in the 23-25 Biennium and scaled to increase to support the increase in R-Gap caseload support needed.

Each region has R-GAP specialists who work with proposed guardians, reviewing case files, creating an R-GAP agreement, and establishing a subsidy. Based on the increase in guardianships receiving R-GAP payments, new specialists would be required to handle the increased caseload. This increase in caseload represents only state funded R-GAP payments. Each new guardianship on their caseload takes approximately 44 hours in upfront work. Established caseloads require on average 1 hour per guardianship per month:

FY24: 36 new guardianships * 44 hr + 132 months guardianship * 1 hr = 1,716 / 2,080 = 0.83 FTE

FY25: 99 new guardianships * 44 hr + 890 months guardianship * 1 hr = 5,246 / 2,080 = 2.52 FTE

FY26: 129 new guardianships * 44 hr + 2,235 months guardianship * 1 hr = 7,911 / 2,080 = 3.80 FTE

FY27: 131 new guardianships * 44 hr + 3,653 months guardianship * 1 hr = 9,417 / 2,080 = 4.53 FTE

Full detailed calculations can be found in the R-GAP Payments Estimation spreadsheet.

These positions are classified as Social and Health Program Consultants 2 (SHPC2). Including \$1,800 per year in goods and services and \$2,400 per year in travel total costs for these FTEs are as follows:

FY24: 0.83 FTE \$88,306

FY25: 2.52 FTE \$268,109

FY26: 3.80 FTE \$404,291

FY27: 4.53 FTE \$481,957

A 18.43% admin support rate is applied to all FTE costs to fund program support functions that scale with additional FTEs such as HR, IT, and Fiscal. This cost is represented in object T of this decision package. 13% of this admin support rate is funded via Title IV-E.

FY24: \$15,632

FY25: \$47,462

FY26: \$71,569

FY27: \$85,318

Strategic and Performance Outcomes

Strategic Framework:

DCYF's strategic plan calls for reducing the number of children in out of home care by half. Placing children with relatives and supporting relatives to become permanent placement options when children cannot return home is a crucial element of achieving this strategic planning goal.

Performance Outcomes:

DCYF expects that the number of children exiting foster care to termination of parental rights and adoption will decline and the number of children exiting to guardianship will increase.

Equity Impacts

Community outreach and engagement:

Children and youth who are Black, Indigenous and other children of Color are disproportionately represented in the child welfare system. BIPOC children are also more likely than white children to be placed with relatives as opposed to a non-relative family foster home. As the State Supreme Court noted in *In the Matter of the Dependency of K.W.*, “relational permanence is particularly critical for Black, Indigenous, and other children of Color, who are disproportionately affected by the trauma of child welfare and other legal systems.” This proposal will support more BIPOC children to achieve relational permanence through legal guardianship with kin.

DCYF met with multiple stakeholders including the Keeping Families Together Coalition, Child Welfare Advocacy Coalition, the Kinship Caregiver Oversight Committee, and the ICW Subcommittee of the Tribal Policy Advisory Committee to develop this proposal.

Disproportional Impact Considerations:

Black, Indigenous and other children of color are disproportionately represented in the child welfare system and are more likely than white children to be placed with kinship caregivers. Kinship caregivers disproportionately experience poverty. This proposal will support more BIPOC children to achieve permanency with relatives and support their households to have economic stability.

Target Populations or Communities:

Children and youth in foster care and kinship caregivers. Indian children and their relative caregivers.

Children and youth who are Black, Indigenous and other children of Color are disproportionately represented in the child welfare system. BIPOC children are also more likely than white children to be placed with relatives as opposed to a non-relative family foster home. As the State Supreme Court noted in *In the Matter of the Dependency of K.W.*, “relational permanence is particularly critical for Black, Indigenous, and other children of Color, who are disproportionately affected by the trauma of child welfare and other legal systems.” This proposal will support more BIPOC children to achieve relational permanence through legal guardianship with kin.

Other Collateral Connections

Puget Sound Recovery:

Not applicable

State Workforce Impacts:

Not applicable

Intergovernmental:

This proposal will allow many guardianships established by Washington state tribal governments to qualify for R-GAP subsidies. Washington state tribes prioritize relative guardianships over termination of parental rights and adoption as a key strategy to support relational permanency.

Stakeholder Response:

DCYF has strong support from the following stakeholder groups for this proposal:

- Keeping Families Together Coalition
- Child Welfare Advocacy Coalition
- Partners for Our Children
- Children's Home Society

Based on conversations with DCYF's Tribal Policy Advisory Committee's ICW Subcommittee, DCYF believes this proposal will have support from tribal governments in Washington. Their feedback has been incorporated to allow for tribal guardianships to qualify for R-GAP subsidies.

State Facilities Impacts:

Not applicable

Changes from Current Law:

- Amends RCW 13.36.090 establish eligibility in statute and expand eligibility for R-GAP to "suitable persons" as defined in RCW 74.15.020 and to non-IV-E cases.
- Amends RCW 74.3.062 to allow for the expenditure of state funds and expand eligibility to children in the care of relative guardians where the guardianship was established by federally recognized tribe located in Washington.
- Amends RCW 74.13.031 to:
 - Update reporting requirements to reflect prioritizing relative placements and supporting relative caregivers.
 - Authorize voluntary placement agreements and allowing placement with suitable persons
 - Authorizing the department to provide R-GAP subsidies to guardianships established by federally recognized tribes located in Washington.

Legal or Administrative Mandates:

Not applicable.

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$62	\$189	\$251	\$285	\$340	\$625
Obj. B	\$22	\$68	\$90	\$103	\$123	\$226
Obj. E	\$2	\$5	\$7	\$7	\$8	\$15
Obj. G	\$2	\$6	\$8	\$9	\$11	\$20
Obj. N	\$123	\$721	\$844	\$1,724	\$2,759	\$4,483
Obj. T	\$16	\$47	\$63	\$72	\$85	\$157

Agency Contact Information

Keogh Kevin
(360) 628-2652
kevin.keogh@dcyf.wa.gov