



November 2020

Basic Needs

Support Ohio children by funding kinship care

Children placed with relatives deserve more

Will Petrik

Introduction

Ohio's future depends on all our children thriving. Children need love, and a safe, stable environment that supports healthy growth and development. Yet poverty, racism and the ongoing opiate addiction crisis have resulted in many Ohio children enduring the trauma of separation from their family of origin. Now, the pandemic and recession are placing new pressures on families with low income, further increasing the need for alternative placements for children in Ohio.¹

Ohio's child welfare system treats children differently, depending on where they are placed. The state provides far more financial support for children placed in foster care than for children placed with a relative or family friend, known as kinship care. The state also offers more training and support to non-kin foster care providers than kinship caregivers.

Children are also treated differently depending on the color of their skin. Studies have found racial bias among people who report children to the child welfare system and among caseworkers who assess whether to remove a child from their home. Black children are overrepresented in Ohio's foster care system and white children are underrepresented. Nationally, Black children are almost twice as likely as white children in the child welfare system to be placed with kin.²

Children should not be penalized for their race or for being placed with an aunt or grandfather rather than a foster family. Studies show that children placed with family members or close family friends have better behavioral and mental health outcomes than children placed in foster care.³

This paper outlines the growing need in Ohio, the disparities between Black and white children in the child welfare system, the disparities between how the state treats children placed with kin and children placed in foster care, and disparate funding depending on placement. Our analysis shows that children who are placed with kin in Ohio receive far less public financial support compared to children placed in a licensed foster care setting.

A federal court decision was supposed change that in Ohio, but it hasn't. Nearly four years after the ruling, Ohio remains in violation of federal law. We describe what state lawmakers must do to comply with the court order and federal law, and how they can help provide stability for children during an unstable and traumatic time in their life.

After going through the trauma of being removed from their parents, most children want to be cared for by people they know and trust. Many family members and family friends want to help their loved ones get through a difficult time. Ohio policymakers can give children separated from their parents a better chance at succeeding in life by making it easier for relatives and family friends to step up and help a child they love.

¹ "Foster Hope for Ohio's Children: Children's Continuum of Care Reform Plan," Overview, Public Children Services Association of Ohio (PCSAO), May 2019, <https://bit.ly/3kuPZZ7>.

² Houshyar, Shadi, "A Critical Resource at Risk: Supporting Kinship Care During the COVID-19 Pandemic and Beyond," Center for the Study of Social Policy, May 2020, <https://bit.ly/2ltoshs>.

³ "Stepping up for Kids: What Governments and Communities Should do to Support Kinship Families," Annie E. Casey Foundation, January 2012, <https://bit.ly/3ndvqXv>.

More children need stable homes

Thousands of children in Ohio are separated from their parents. On a given day in July 2020, Ohio county public children service agencies (PCSAs) had custody of over 16,500 children who were removed from their family of origin.⁴ Children may be removed from their home due to neglect, substance abuse, or physical or sexual abuse, but too often children are removed from their parents for issues more related to poverty than to abuse or neglect.

When a judge authorizes a child's removal and parents temporarily lose custody of their child, a caseworker from the county PCSA asks the child's extended family (aunts, uncles, grandparents, etc.) to step in to care for the child.⁵ This is known as kinship care. If the caseworker can't find a relative willing to serve as a caregiver for the child, they then attempt to place the child with a family friend (referred to as "fictive kin") who are also considered kinship caregivers. If the PCSA caseworker can't find a family member or family friend, the caseworker places the child in a licensed foster care setting, such as a foster family, group home, or residential treatment center.⁶

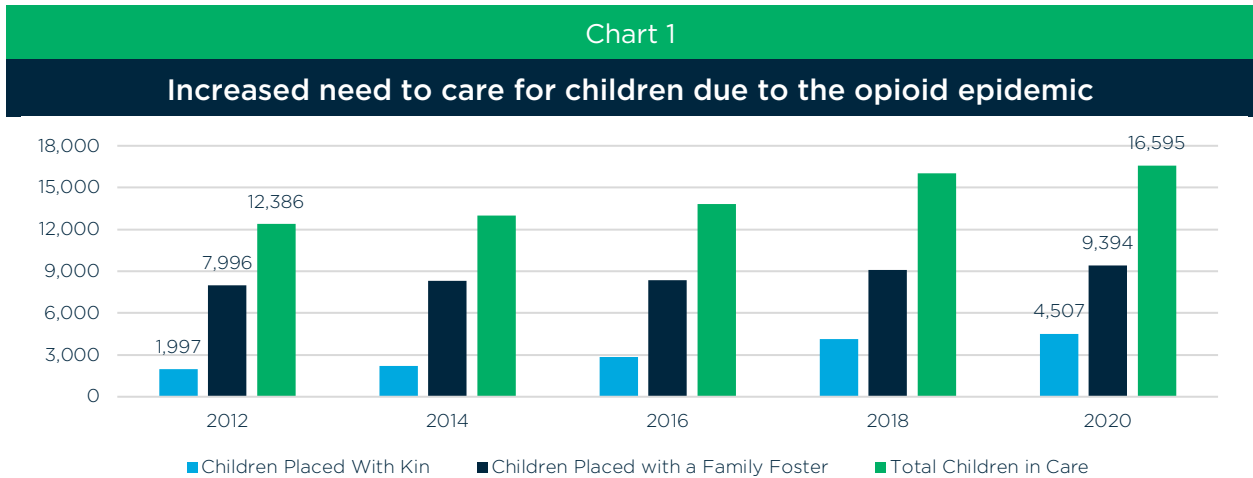
An increasing number of children have been removed from their home and placed in custody with the county PCSAs since 2012, in part due to the ongoing opiate addiction crisis. Chart 1 shows that county PCSAs placed 126% more children with approved kinship caregivers in FY 2020 compared to 2012 — rising from just under 2,000 to just above 4,500.⁷ Over the same period, the children in out-of-home placements reached 16,595, an increase of 34%.

⁴ Ohio Department of Job and Family Services, Data Dashboard, point in time count of children in care, filtered by month, July 2020, <https://bit.ly/2GKnaB8>.

⁵ Child welfare programs are administered by county public children services agencies (PCSAs). The Ohio Department of Job & Family Services (ODJFS) supervises the administration of these programs, sends funds to local agencies, and ensures state and federal compliance. PCSAs work to place children (in PCSA custody) in an appropriate setting based on their needs. Placement settings include kinship care, foster care, independent living, residential centers, group homes, detention facilities or other congregate care settings. Blaine, Nicholas J., Greenbook, "Legislative Budget Office (LBO) Analysis of Enacted Budget, Department of Job and Family Services," August 2019, <https://bit.ly/33Ba4HL>.

⁶ Blaine, Nicholas J., Greenbook, "LBO Analysis of Enacted Budget, Department of Job and Family Services," C2:3 Foster and Substitute Care, August 2019, <https://bit.ly/3iEakGJ>.

⁷ "Approved kinship caregivers" refers only to approved kinship care placements. Children in approved kinship care placements have been removed from their home by a county family or juvenile court and are in PCSA custody. These figures do not include children who are placed with kin who are granted legal custody.



Source: Policy Matters Ohio, based on Ohio Department of Job and Family Services, Data Dashboard, point in time count of children in care, accessed on Nov. 12, 2020, filtered by State Fiscal Year, 2012, 2014, 2016, 2018, and 2020, <https://bit.ly/2GKngB8>.

The crisis is worse in some places than others. In August 2020, Governor DeWine highlighted the ongoing challenge in Scioto County, saying, “We have kids who are born addicted ... We’ve seen the foster care in Scioto County more than double, which is staggering.”⁸

Many children do better when they can live with a family member

Research suggests that children do better when they are placed with extended family, grandparents or close family friends, instead of in foster care. When children experience a traumatic moment, like separating from their birth parent(s), it is important for them be connected to someone they know and trust. Kinship care helps the child maintain their identity and stay connected to their family and support network. Children in the child welfare system who are placed with kin have fewer placement changes and better behavioral and mental health outcomes.⁹ They are better able to adjust to a new living environment and less likely to experience behavioral challenges at school compared to children in non-relative foster care.¹⁰

The way the child protective services system was designed and currently operates means families of color are more likely than white families to be separated, and children of color are more likely than white children to experience the long-term trauma that results from separation.¹¹ Chart 2 shows the overrepresentation of Black children in the foster care system compared to the general population of Black children, as well as the underrepresentation of white children in the foster care system in Ohio.¹²

⁸ Keck, Patrk, “Commissioners encourage residents to become foster parents,” Portsmouth Daily Times, August 2, 2020, <https://bit.ly/3iFTxYD>.

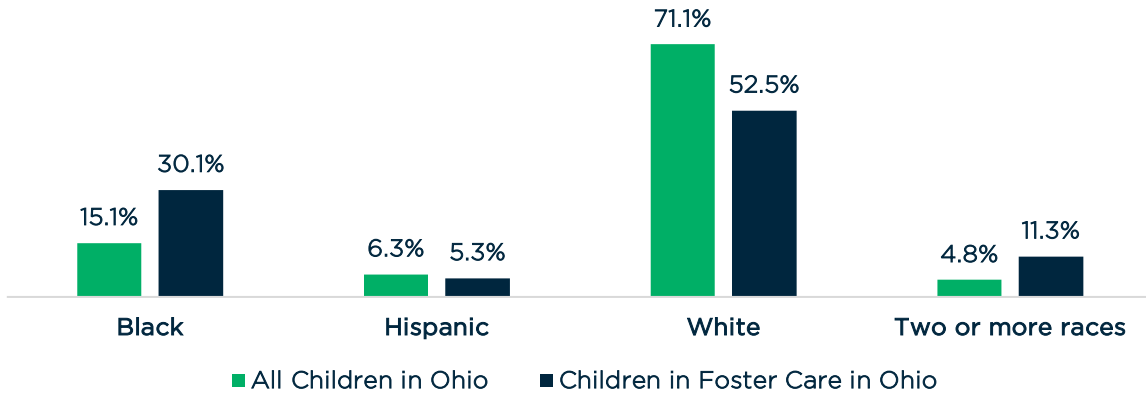
⁹ Houshyar, “A Critical Resource at Risk: Supporting Kinship Care During the COVID-19 Pandemic and Beyond.”

¹⁰ “Stepping up for Kids: What Governments and Communities Should do to Support Kinship Families,” Annie E. Casey Foundation, January 2012, <https://bit.ly/3ndvgXy>.

¹¹ Minoff, Elisa, “Entangled Roots: The Role of Race in Policies that Separate Families,” Center for the Study of Social Policy, November 2018, <https://bit.ly/2lwnf4Q>.

¹² This is known as disproportionality, which refers to the underrepresentation or overrepresentation of a racial or ethnic group compared with its percentage of the general population.

Chart 2
Overrepresentation of Black children in foster care in Ohio, 2018



Source: Child Welfare Outcomes Report Data: Data by State, Ohio, Children’s Bureau, Administration for Children and Families, U.S. Department of Health & Human Services, 2018 data, accessed on Nov. 1, 2020, <https://bit.ly/3eYwSVX>

One reason for this is racial bias within the child welfare system. Studies have found racial bias among people who report children to the child welfare system and among caseworkers who assess whether to remove a child from their home.¹³ Structural racism also deprives Black families of the resources and supports they need through jobs that pay low wages, unequal treatment by the criminal justice system and less access to financing and housing opportunities.

Kinship caregivers face several challenges

Caring for and raising a child can be an extremely meaningful experience, but kinship care also comes with challenges. While foster parents make a choice and plan to become caregivers, kinship caregivers are often abruptly asked to make a dramatic, unexpected change in their life and take on a major new commitment.

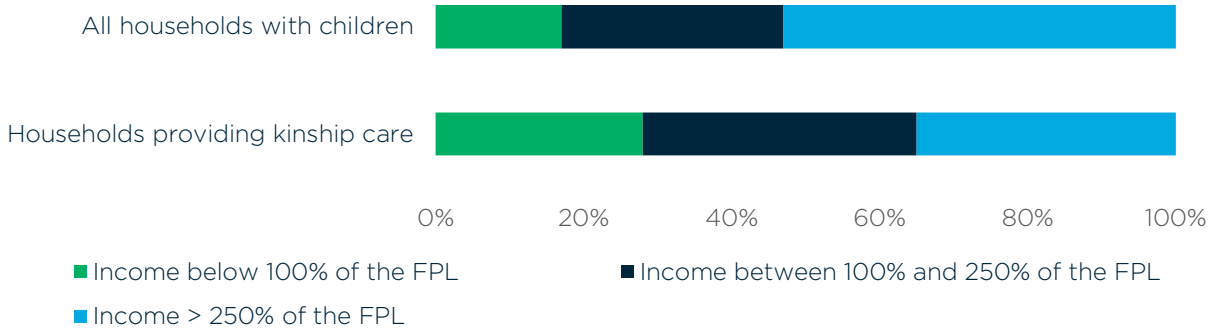
Many kinship caregivers struggle to pay for food, child care, clothing, and other needs of the child in their care. Chart 3 shows how children who live in kinship care are more likely to live below the federal poverty level compared to the general child population in the US. Kinship caregivers are often grandparents who are on a fixed income. Research suggests that grandparents raising grandchildren are more likely to have lower levels of education and health challenges.¹⁴

¹³ Ibid.

¹⁴ Houshyar, “A Critical Resource at Risk: Supporting Kinship Care During the COVID-19 Pandemic and Beyond.”

Chart 3

Nationally, kids in kinship households are more likely to live with low incomes



Source: Boyle, Conor F., "Characteristics of Children Living in Kinship Care," Memorandum, Figure 4. Children by ratio of family income to federal poverty threshold, three-year average (2016-2018), Congressional Research Service, Nov 1, 2019.

The financial stress can cause many grandparents to rejoin the workforce to take care of their grandchildren.¹⁵ The pandemic has caused even more stress for grandparents and relative caregivers. Many kinship caregivers are older and at higher risk for exposure and negative impacts of COVID-19. Caregivers are also facing day-to-day challenges of school and child care closures.¹⁶

Children placed with kin get less public support than children placed in foster care

Approved kinship caregivers in Ohio receive far less support to provide for a child in their care than licensed foster care providers. Approved kinship caregivers are eligible for monthly financial assistance through Ohio Works First (OWF) child-only payments.¹⁷ The OWF child-only payment provides \$302 for one child each month. If a grandparent is caring for two siblings, the OWF child-only payment is \$412 a month.¹⁸ For comparison, a licensed foster parent in Scioto County receives a minimum of \$836 per month and a maximum of \$4,258 per month for one child.

Foster care payment rates vary by county and are based on the age and needs of the child.¹⁹ Table 1 highlights the difference between support foster families and kinship families receive in a sample of Ohio counties.

¹⁵ "Family Challenges," ODJFS, Foster, Adoption, and Kinship Care, June 6, 2019, <https://bit.ly/3d9ICE1>

¹⁶ Houshyar "A Critical Resource at Risk: Supporting Kinship Care During the COVID-19 Pandemic and Beyond."

¹⁷ Approved kinship caregivers do not have a special stream of local, state, or federal funding. They can access support through the Temporary Assistance for Needy Families (TANF) program for payments related solely to the child or children in their care. This is called "child-only." Payments are made through the Ohio Works First (OWF) child-only cash assistance program, Blaine, Nicholas J., Greenbook, "LBO Analysis of Enacted Budget, Department of Job and Family Services," C1:1 Temporary Assistance for Needy Families, August 2019, <https://bit.ly/3nPsOLO>

¹⁸ This chart from ODJFS outlines the OWF cash assistance payments by assistance group size (AG Size), "Cash/SNAP and child care program standards," ODJFS, August 2020, <https://bit.ly/2SSNWT3>.

¹⁹ See Appendix C, State Fiscal Year 2020 Foster Care per diem rates (county by county)

Table 1

Kids placed with kin get less state support than kids in foster care

| Number of Children | County | Monthly Support for Approved Kin Caregivers (OWF child-only payment) | Minimum Monthly Support for Licensed Foster Care Providers | Maximum Monthly Support for Licensed Foster Care Providers |
|--------------------|----------|--|--|--|
| 1 | Butler | \$302 | \$734 | \$4,563 |
| 2 | Butler | \$412 | \$1,468 | \$9,126 |
| 1 | Cuyahoga | \$302 | \$624 | \$2,619 |
| 2 | Cuyahoga | \$412 | \$1,248 | \$5,238 |
| 1 | Licking | \$302 | \$608 | \$3,481 |
| 2 | Licking | \$412 | \$1,216 | \$6,962 |
| 1 | Scioto | \$302 | \$836 | \$4,258 |
| 2 | Scioto | \$412 | \$1,672 | \$8,516 |
| 1 | Summit | \$302 | \$776 | \$3,596 |
| 2 | Summit | \$412 | \$1,552 | \$7,192 |

Source: Monthly support for approved kinship caregivers is based on Ohio Works First (OWF) payment standards as of January 1, 2020, ODJFS, <https://bit.ly/2SSNWT3>. Minimum and maximum monthly support for licensed foster care providers are estimates based on SFY 2020 foster care per diem rates. State fiscal year 2020 foster care per diem rates were provided by Bret Crow, the Office of Communications of ODJFS. The monthly minimum and maximum support amounts were calculated by multiplying the per diem rate by 365 days and dividing by 12 months. We did not include other foster care payment supports in our calculations, such as special and intensive needs supplemental payments. For more details on per diem rates by county, see Appendix C.

Foster parents receive a per diem rate (a daily allowance) for each foster child in their home. Foster care per diem payments help pay for food, clothing, rent (or mortgage) payments, daily supervision, school supplies and other costs to care for the child.

Unlike foster care rates, OWF child-only payments are not linked to the needs of the child and the amount of support does not change to address the child’s needs. In fact, children and approved kinship caregivers receive less support per child if more than one child is placed in their care. This means if a group of siblings, whether it’s two or six siblings, are removed from their home, they get less and less support per child as the number of children in the “assistance group” increases. Table 2 shows the payment amounts and the amount of support provided per child through the OWF child-only program.

Table 2

More children placed in kinship care means less financial support per child.

OWF Child-only Payments

| Number of Children | Payment to Kinship Caregiver | Amount of Support Per Child |
|--------------------|------------------------------|-----------------------------|
| 1 | \$302 | \$302 |
| 2 | \$412 | \$206 |
| 3 | \$505 | \$168 |

Source: “Cash/SNAP and child care program standards,” ODJFS, August 2020, <https://bit.ly/2SSNWT3>.

The state of Ohio provides far more financial support for children placed in foster care than children placed with a relative or family friend. Nationally, Black children are almost twice as likely as white children in the child welfare system to be placed with kinship caregivers. National research shows that kinship caregivers are offered and receive fewer resources, training and support from child welfare agencies as compared to non-kin foster care providers.²⁰ This is a concrete example of a structural racism within the child welfare system: Black children and families are disproportionately provided less resources and support.

Children, no matter their race or ZIP code, should not be penalized for being placed with a relative rather than a foster family. Kinship caregivers need far more support to provide a safe, stable, and supportive home for the children in their care.²¹ This is why Ohio must provide more resources and support to kinship caregivers.

The Glisson case and Ohio

A court case in Kentucky should move Ohio in this direction. Two young brothers were separated after entering Kentucky's child welfare system. Child welfare administrators placed one brother in kinship care with his great-aunt. Because the great-aunt couldn't afford to care for them both, administrators placed the younger brother, who was a toddler at the time, in a foster home. Richard Dawahare, the children's court-appointed attorney (the Guardian ad Litem), challenged the state of Kentucky's failure to make the same foster care maintenance payments to approved relative caregivers as it did to licensed non-relative foster caregivers.

The lawsuit resulted in the landmark Sixth Circuit Court of Appeals ruling on January 27, 2017 in *D.O. v. Glisson*, confirming that children in state custody placed with approved kinship foster caregivers have a right to foster care maintenance payments at the same rate as children placed in licensed, non-relative foster homes.²² After the U.S. Supreme Court refused to hear Kentucky's appeal, the *D.O. v. Glisson* ruling became the law in Kentucky, Michigan, Ohio, and Tennessee.²³ While Michigan announced in early 2019 that it will offer additional subsidies to "all relatives caring for children in foster care, regardless of whether they are licensed or not," Ohio remains in violation of what is now federal law.²⁴

While the federal court ruled over three years ago, Ohio lawmakers have not yet provided the mandatory foster care maintenance payments necessary to support children placed with approved kinship caregivers at the same level as children placed with licensed foster parents. State leaders have not provided details on how they interpret the ruling or when and how they plan to take action. Late last year, Kimberly Hall, the Director of the Ohio Department of Job and Family Services (ODJFS), acknowledged that kinship caregivers "are just as valuable in our system of support as foster parents and any others who have critical roles in informing

²⁰ Houshyar, "A Critical Resource at Risk: Supporting Kinship Care During the COVID-19 Pandemic and Beyond."

²¹ Ohio has expanded its kinship navigator program, which is intended to provide resources and support to kinship caregivers and connect them to different forms of assistance.

²² "D.O. v. Glisson, No. 16-6561 (6th Cir. 2017)," JUSTIA US Law, <https://bit.ly/3lu4JZ8>.

²³ The United States Court of Appeals for the Sixth Circuit has jurisdiction over federal appeals arising from the states of Kentucky, Michigan, Ohio and Tennessee. Thus, decisions from the Sixth Circuit impact those states. "Glisson v. D.O." SCOTUS Blog, <https://bit.ly/3iVQYSE>.

²⁴ Sankaran, Vivek, "Michigan quietly embraces unlicensed kinship caregivers," The Imprint: Youth & Family News, February 2, 2019, <https://bit.ly/3lun3Rw>.

and impacting a child's trajectory."²⁵ However, in practice, state policymakers are not treating kinship caregivers with equal value and worth as foster parents. In January of this year, ODJFS said it continues "to deliberate carefully on a plan to comply with the Glisson ruling."²⁶ Ten months later, in the midst of increasing need, there is still no plan.

While ODJFS doesn't have a concrete plan, the state is working to get feedback from children and families in the foster care system. In the fall of 2019, Governor DeWine launched the Children's Services Transformation Advisory Council to review the foster care system in Ohio and develop recommendations to improve the experience of children and families in the system. The council identified the following kinship care needs in the initial findings report:

- Financial, medical, and food assistance.
- Stronger communication between kinship caregivers and county agencies and more opportunities for kinship caregivers to be heard and informed.
- Legal assistance, including a streamlined process to obtain legal custody.
- Training opportunities for relative caregivers.²⁷

Who would *D.O. v. Glisson* impact in Ohio?

An estimated 227,862 children under 18 live with their grandparent(s) or other relatives in Ohio and 124,000 children live with a relative with no parent present.²⁸ While tens of thousands of relatives step in to care for children through informal arrangements (meaning no formal court or PCSA involvement), the *D.O. v. Glisson* decision narrowly defines who is entitled to additional financial support.

Table 3 shows a variety of categories of kinship settings, including kinship foster care, approved kinship care, kin with legal custody or legal guardianship, and informal kinship care settings. Only the roughly 4,500 children in approved kinship care settings are entitled to additional support under the *D.O. v. Glisson* decision.

²⁵ Welsh-Huggins, Andrew, "Ohio plans to increase payments to relatives caring for kids," Associated Press / WOSU Public Media, October 23, 2019. <https://bit.ly/2GCAX5u>.

²⁶ Price, Rita, "Ohio slow to comply with court order to pay kinship caregivers," The Columbus Dispatch, January 19, 2020, <https://bit.ly/2lbod6k>.

²⁷ "Office of Children's Services Transformation: Initial Findings Report," Ohio Governor's Children's Initiative, Feb 2020, <https://bit.ly/33Fi7rf>.

²⁸ "Ohio Kinship and Adoption Navigator Program: Subcommittee Updates," Kinnect and ODJFS presentation, May 2019, <https://bit.ly/36sSTZi>.

Table 3

Children in approved kinship care settings have right to additional support

| | Licensed foster care | Approved kinship care | Kin with legal custody / guardianship | Voluntary kinship care (informal) |
|---|-----------------------------------|---|---|---------------------------------------|
| Number of children | 9,394 | 4,507 | unknown | unknown |
| Status of child | In PCSA custody | In PCSA custody | Not in PCSA custody | Not in PCSA custody |
| Status of caregiver | Licensed as foster care provider | Approved as kinship caregiver | Permanent legal custody or legal guardianship | No formal status |
| Court involvement | Yes | Yes | Yes | No formal court involvement |
| PCSA or ODJFS involvement | ODJFS licenses foster caregivers* | <u>PCSA conducts kinship approval process</u> | Possible PCSA involvement in current or past case | No formal county or state involvement |
| Public financial support available | Foster care maintenance payment | OWF child-only payment | OWF child-only payment / Kinship Permanency Incentive Program** | OWF child-only payment |
| Does D.O. v. Glisson apply? | No | Yes | No | No |

Source: Number of children based on ODJFS, Data Dashboard, point in time count of children in care, filtered by State Fiscal Year, July 2020, Placement Type, Family Foster Care and Kinship Care, <https://bit.ly/2GKngB8>.

* Adults interested in becoming licensed foster parents have the option to prepare for foster care licensure with a PCSA or a private foster licensing agency.

** Kin with legal custody or legal guardianship are eligible for all the services approved and informal kinship caregivers receive. Kin with custody or legal guardianship are also eligible for the Kinship Permanency Incentive Program (KPIP) if their gross income is at or below 300% of the federal poverty level. KPIP offers resources to defray costs of the initial placement and support the stability of the child in the home. More details about KPIP are included in Appendix B.

Funding foster & kinship care in Ohio

How does Ohio pay for foster care?

The largest source of federal funding for child welfare in Ohio is Title IV-E of the Social Security Act. Title IV-E provides funding to support safe and stable care for children who have been removed from their home of origin due to abuse, neglect, or some other harm. These funds primarily support foster care and adoption assistance.²⁹ In state fiscal years 2020 and 2021, the state budget appropriated roughly \$281 million annually in Title IV-E federal funds toward foster care placement costs.³⁰

While the federal government provides substantial funding (the federal share) for foster care through Title IV-E funds, the counties must provide the non-federal share through a historically small state allocation of general revenue funds or local funds generated through county levies.³¹

²⁹ Title IV-E funds are also used to help current and former foster care youth age 16 and older to help with education, employment, housing, financial stability, and emotional support.

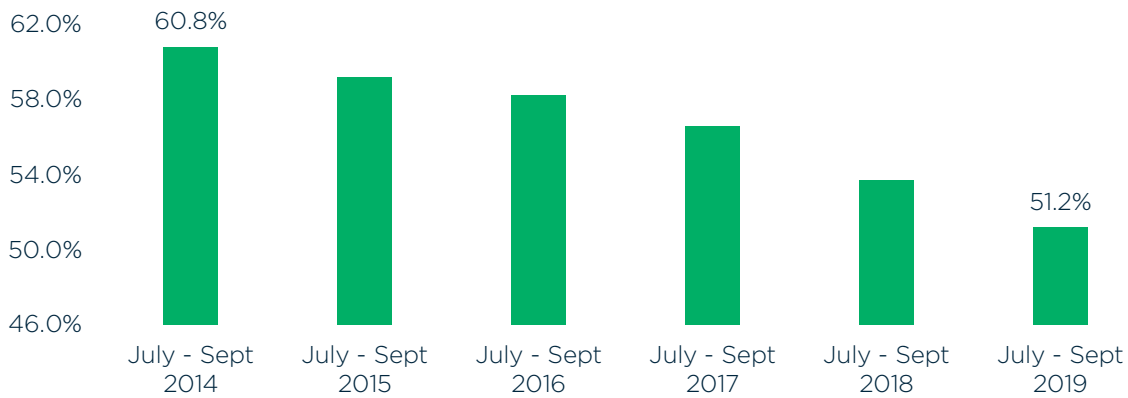
³⁰ Blaine, Nicholas J., Greenbook, "LBO Analysis of Enacted Budget, Department of Job and Family Services," Foster Care Program - Federal, August 2019, <https://bit.ly/2GzAFMV>.

³¹ "5101:9-6-28. Title IV-E funding," Ohio Administrative Code >> 5101:9. ODJFS Practices >> Chapter 5101:9-6. Allocations, accessed on November 3, 2020, <https://bit.ly/2GYsAS4>; the historically small allocation is highlighted in the Public Children Association of Ohio (PCSAO) Factbook, 14th Edition 2019. It highlights the state allocation of 10% of total child welfare

In Ohio, the federal share of foster care maintenance payments is based on the Federal Medical Assistance Percentage (FMAP), which is 63.63% in fiscal year 2021.³² The counties (the PCSAs) are responsible for the non-federal share of Title IV-E foster care placement costs, which is 36.37%. When children who are placed in foster care are not eligible for Title IV-E federal funds, the counties are responsible for 100% of foster care placement costs. As more children enter the child welfare system, counties are paying more for foster care placement costs over time.

Another reason counties are paying more is due to an outdated Title IV-E eligibility standard. Eligibility for Title IV-E foster care is tied to the 1996 Aid to Families with Dependent Children (AFDC) eligibility standard. This means a child placed in foster care from a family of three making more than \$950 a month is ineligible for Title IV-E funds. In other words, if a child’s mother works 25 hours a week at \$10 an hour, she makes too much (roughly \$1,000 a month) for her child to be eligible for the federal match.³³ Again, the county would be responsible for 100% of the foster care placement costs for this child.

Chart 4
Fewer children in foster care placements are eligible for federal Title IV-E funds over time



Source: McGormley, Karen, ODJFS, based on a table from an email highlighting the Title IV-E eligibility ratio (number of foster care placement days for IV-E program reimbursable children divided by the total number of placement days for all children placed in foster care), October 20, 2020.

Because of this dated eligibility standard, fewer and fewer children entering foster care are being supported with federal dollars. Chart 4 shows that over time, the number of children eligible for the Title IV-E federal funds has declined from 60.8% in 2014 to 51.2% in 2019. Federal support should be based on the needs of children who have experienced abuse and neglect, regardless of their parents’ income. The next Congress should pass the Family First Transition and Support Act, which removes the income test from the Title IV-E foster

spending in 2018, <https://bit.ly/3f4URmA>. The most recent state budget more than doubled Ohio’s investment in children’s services. See Ortega, Sandra, Jo Ellen Simonsen, Shelly Bell, Sally Fitch, Jasmine Barfield, Michelle Coakley, “Linking Systems of Care for Ohio’s Youth: Needs Assessment and Gap Analysis,” Ohio Attorney General’s Office, December 2019, <https://bit.ly/38G7and>

³² The split between federal funds is based on the same formula as the split in Medicaid funding. The federal share of Medicaid is determined by a formula set in statute that is based on a state’s per capita income. The formula is designed so that the federal government pays a larger share of program costs in poorer states. “Federal Matching Shares for Medicaid, October 1, 2020 through September 30, 2021, Ohio FMAP, Federal Register, December 3, 2019, <https://bit.ly/3neK2kD>.

³³ In addition to need-based eligibility, there are other requirements which include a judicial finding that staying in their own home would be “contrary to the welfare” of the child, a judicial finding that “reasonable efforts to prevent removal” were made by the PCSA, and a requirement that the child is in a licensed foster care setting.

eligibility criteria. This would mean more Title IV-E federal funds to support Ohio’s children in need; it could also free up state and local resources to support kinship caregivers.

How does Ohio pay for approved kinship care?

While there are several programs that support kinship care providers, there is no specific state budget line item dedicated to direct financial support for children in approved kinship care settings. The main source of direct financial support for approved kinship caregivers is Ohio Works First (OWF), which is part of the Temporary Assistance for Needy Families (TANF) program.³⁴ Ohio Works First child-only funds are used to help grandparents and other approved kinship caregivers with the costs of caring for and raising children.

Table 4 shows an estimate of TANF expenditures in state fiscal year 2020 to support children in approved kinship care settings. We estimate the total support for children in approved kinship care settings at less than \$12 million in state fiscal year 2020, based on the average OWF monthly payment of \$211 per child.³⁵

| Table 4 | | | |
|---|------------------------------------|---|--|
| TANF – Ohio Works First (OWF) Payments (SFY 2020) | | | |
| Total cash assistance issued | Average monthly payment per person | Number of children in approved kinship care placement | Estimate of state spending on children in approved kin placements (through OWF child-only) |
| \$237,680,254 | \$211 | 4,507 | \$11,411,724 |

Source: Policy Matters Ohio, based on Public Assistance Monthly Statistics (PAMS) Report from ODJFS, July 2019 through June 2020 monthly reports, estimates based on average monthly payment and the number of children in kinship care based on ODJFS, Data Dashboard, point in time count of children in care, State Fiscal Year, July 2020, <https://bit.ly/2GKAr5k>

Approved kinship caregivers are also eligible for the “Kinship Caregiver Program,” which offers stabilization and child care services. The last state budget allocated \$15 million in state fiscal year 2020 and 2021 to the Kinship Caregiver Program annually through the TANF program.³⁶ Counties set the benefit level, so support for kinship caregivers varies widely by county.³⁷ For instance, Sandusky County Job and Family Services provides a maximum one-time payment of \$400 per child (for up to three children) and Franklin County provides up to \$1,500 per child to cover the costs of child care, respite care, and other costs incurred when taking on the responsibility of caring for a new child.³⁸

³⁴ TANF is a federal block grant that provides funding to states to provide stability and security for children and families. States are permitted to use a portion of their TANF allocation on child welfare services.

³⁵ Data from July 2019 through June 2020 Public Assistance Monthly Statistics (PAMS) Reports indicate an average of 84,313 children in receipt of OWF child-only payments each month. This highlights the large number of children who are likely residing in informal kinship care settings.

³⁶ Blaine, Nicholas J., Greenbook, “LBO Analysis of Enacted Budget, Department of Job and Family Services,” Kinship Caregiver Program, August 2019, <https://bit.ly/3iHF7Yd>.

³⁷ Counties run the Kinship Caregiver Program through the Prevention, Retention, and Contingency (PRC) Program. This allows counties some level of flexibility in the support level / benefit amount.

³⁸ “Sandusky County Prevention, Retention, and Contingency Plan,” Kinship Caregiver Payment, Sandusky County Department of Job and Family Services, <https://bit.ly/3iJLQAC>. “Franklin County Kinship Caregiver Program – Program Overview,” Franklin County Children Services, <https://bit.ly/2SArFcA>.

Recommendations & conclusion

When children are cared for by relatives instead of foster parents, they generally do better. Children who live with a relative tend to have more stability and better behavioral health and mental health outcomes. While the research is clear that children are better off with family members or family friends, too many children who have been separated from their parents are being raised in institutions or by foster families outside their community. Ohio needs to build a kin-first culture when children are removed from their family of origin.

Ohio policymakers must do more to support children during an unstable and traumatic time in their life. State lawmakers give away nearly \$10 billion in tax breaks each year.³⁹ At the same time, the state provides a pittance to children dealing with the trauma of separation from their biological parent(s) who are placed with relative caregivers. This is unacceptable.

Kinship caregivers change their lives out of love for their grandchildren or family member. They are asked to nurture and support children in their care the same way non-relative foster parents do, but with fewer resources, less training, more stress, and limited preparation. Moreover, the state of Ohio remains in violation of federal law and has not taken action to adequately support these children and their approved relative caregivers. The next state budget presents Governor DeWine and state lawmakers an opportunity to take corrective action and provide a basic level of security and stability for these children and their approved relative caregivers.

State lawmakers should:

- **Make sure Ohio complies with D.O. v. Glisson, which is federal law.** Children placed with approved kinship caregivers have a right to the same level of state support as children placed with foster parents. State lawmakers must provide foster care maintenance payments for all eligible foster children, regardless of whether they are placed with licensed foster parents or approved kinship caregivers, as required by federal law. The counties (PCSAs) are under increasing pressure to pick up the non-federal match for foster care maintenance payments, so state lawmakers need to step up to make sure children are supported equitably.
- **Make sure kinship caregivers understand their options and the resources available to them.** The state needs to make sure relative caregivers understand the different resources available to approved kinship caregivers and licensed foster parents, including the right of approved kinship caregivers to receive foster care maintenance payments. PCSA caseworkers and kinship navigators should provide potential caregivers a clear explanation of the different benefits, responsibilities, and challenges of approved kinship care and licensed foster care. Caseworkers and navigators also need to make sure kinship caregivers understand the legal options available, including temporary custody, permanent custody, legal guardianship, and the benefits they are eligible for depending on the legal status.

³⁹ Patton, Wendy and Zach Schiller, "Ohio's ballooning tax breaks," Policy Matters Ohio, September 5, 2019, <https://bit.ly/2SWvQPZ>.

At the federal level, **Congress must remove the Title IV-E income eligibility test**, so federal funds are based on the needs of children who have experienced abuse, neglect and separation from their parent(s) of origin.

Over 4,500 children in approved kinship care settings have a right to more support and a better shot in life. State lawmakers must provide additional resources in the next state budget to help kinship caregivers provide more stability and security for children, pay for their basic needs, and give them an opportunity to thrive. Long-term, state lawmakers and the governor must increase the monthly OWF child-only payment to meet the needs of all children and kinship families.⁴⁰ This would provide additional assistance to over 100,000 children in informal kinship care settings.

Acknowledgements

The author is grateful to external reviewers who offered critical feedback and helped shape the direction of the report. Thank you to the Kinship Committee of Northern Ohioans for Budget Legislation Equality (NOBLE), Scott Britton, Mary Wachtel, and Cassandra Freeland of Public Children Services Association of Ohio (PCSAO), Stephanie Persson of Children's Rights, Ron Browder and Barbara Turpin with the Ohio Grandparent/Kinship Coalition, Shilesha Bamberg with Sen. Sherrod Brown's office, Tim O'Hanlon, and Richard Dawahare.

Appendices

Appendix A: Methodology and source notes

Data on the amount of public support for approved kinship caregivers and licensed foster parents

The monthly support for approved kinship caregivers is based on a chart from ODJFS outlining Ohio Works First (OWF) and other public program payments and income amounts, <https://bit.ly/2la6NqJ>. The OWF child-only assistance group is based on the number of people in the assistance group. Thus, one child would receive \$302 per month and two children would receive \$412 per month.

The minimum and maximum monthly support for licensed foster care providers are based on state fiscal year 2020 foster care per diem rates from Bret Crow with the Office of Communications of ODJFS. Monthly support was calculated by multiplying the per diem rate by 365 days and dividing by 12 months. We calculated that based on minimum and maximum per diem rates. We did not include other foster care payment supports in our calculations, such as special and intensive needs supplemental payments. See the state fiscal year 2020 foster care maintenance (per diem) rates in Appendix C.

⁴⁰ States can modify the TANF cash assistance program (in Ohio, OWF) to support kinship families. Eight states have a more generous TANF child-only grant for relative caregivers. Some states have broadened the definition of "relative" to include family friends. Schwartz, Angie, Jennifer Miller and Brian Blalock, "The Kinship Care Paradox," Alliance for Children's Rights, Bay Area Legal Aid, and Child Focus, <https://bit.ly/2fVRI7>.

Appendix B: Summary of programs available to informal kinship caregivers and relative caregivers with legal custody or legal guardianship

| Table 5 | | | | |
|---|-------------------|--|--|---|
| Summary of programs available to kinship caregivers in Ohio | | | | |
| Program | Funding Source | 2020 Appropriation | Eligibility | Details |
| Kinship Permanency Incentive Program | GRF (state) | \$1 million in GRF | Must be kin with legal custody or legal guardianship (not available for approved kinship caregivers) at or below 300% of Federal Poverty Level (FPL) | The Kinship Permanency Incentive Program offers resources to defray costs of the initial placement and support the stability of the child in the home. The first payment is \$525 per child. The following payments (\$300) are distributed every six months for the next seven payments. |
| | TANF (federal) | \$4.25 million in TANF | | |
| Ohio Works First - Cash Assistance (child-only) | TANF (federal) | \$251 million | You must be related by blood or be a legal guardian or custodian to the child (until the child turns 18) in your care. | Ohio Works First child-only funds are used to help grandparents and other approved kinship caregivers with the costs of caring for and raising children. The average OWF monthly payment in FY 2020 was \$211 per child. |
| Kinship Caregiver Program | TANF (federal) | \$15 million | Stabilization services available for all receiving OWF child-only. Child care support available to kinship caregivers at or below 200% of FPL. | The Kinship Caregiver Program offers one-time stabilization expenses, such as cribs or beds for all children. The program also provides short-term reimbursement for child care for kinship caregivers. |
| Kinship Navigator Program | GRF (state) | \$8.5 million | Navigators are available to approved and informal kinship caregivers, and kin with legal custody or legal guardianship | The purpose of this program is to build and support a network of people who serve as a resource for kinship caregivers by providing information and helping them access services and assistance |
| Medicaid (healthcare) | State and federal | n/a | Children (up to age 19) are automatically eligible if receiving OWF child-only | OWF child-only provides a medical card for the child through Medicaid |
| SNAP (food assistance) | Federal | SNAP benefits are fully funded by the federal government | Gross monthly income must be at or below 130% of FPL. Household assets must also fall below certain limits, depending on if the household includes a person with a disability or an older adult. | SNAP helps kinship caregivers buy food at the grocery store and put food on the table. The benefits are approved and placed on a debit card that can be used at grocery stores across Ohio. |

Source: Blaine, Nicholas J., Greenbook, "LBO Analysis of Enacted Budget, Department of Job and Family Services," C2:3 Foster and Substitute Care, August 2019, <https://bit.ly/2H2xZra>; SNAP eligibility, "A Quick Guide to SNAP Eligibility and Benefits, Center on Budget and Policy Priorities, September 1, 2020, <https://bit.ly/3dwiaZB>.

Appendix C: Foster care maintenance rates (SFY 2020)

Table 6

Foster care per diem rates based on SFY 2020 (by county agency)

| IV-E Agency | Lowest per diem | Highest per diem | Special needs | Exceptional needs | Intensive needs |
|--|-----------------|------------------|---------------|-------------------|-----------------|
| Adams County Children Services Board | \$12.00 | \$95.00 | \$142.28 | \$178.31 | \$0.00 |
| Allen County Children Services | \$22.00 | \$122.83 | \$100.26 | \$125.33 | \$0.00 |
| Ashland County Department of JFS | \$23.00 | \$100.00 | \$152.43 | \$125.33 | \$0.00 |
| Ashtabula County Children Services Board | \$22.85 | \$81.50 | \$169.02 | \$144.51 | \$0.00 |
| Athens County Children Services Board | \$24.00 | \$511.04 | \$130.85 | \$150.00 | \$0.00 |
| Auglaize County Department of JFS | \$30.00 | \$100.00 | \$112.17 | \$125.33 | \$0.00 |
| Belmont County Department of JFS | \$22.00 | \$185.00 | \$185.00 | \$0.00 | \$0.00 |
| Brown County Department of JFS | \$12.50 | \$40.00 | \$0.00 | \$83.38 | \$0.00 |
| Butler County Children Services | \$24.14 | \$150.00 | \$162.21 | \$150.00 | \$312.00 |
| Carroll County Department of JFS | \$25.00 | \$100.00 | \$144.51 | \$100.00 | \$0.00 |
| Champaign County Department of JFS | \$25.46 | \$150.00 | \$150.00 | \$91.10 | \$0.00 |
| Clark County Department of JFS | \$21.78 | \$120.00 | \$146.83 | \$161.80 | \$0.00 |
| Clermont County Department of JFS | \$12.50 | \$90.00 | \$98.57 | \$350.00 | \$0.00 |
| Clinton County Job and Family Services-Child Protection Unit | \$27.00 | \$86.00 | \$115.54 | \$180.35 | \$0.00 |
| Columbiana County Department of JFS | \$20.00 | \$108.32 | \$119.41 | \$129.30 | \$0.00 |
| Coshocton County JFS | \$6.25 | \$110.67 | \$136.83 | \$136.99 | \$0.00 |
| Crawford County Department of JFS | \$25.00 | \$90.00 | \$82.82 | \$142.28 | \$0.00 |
| Cuyahoga County Division of Children and Family Services | \$20.51 | \$86.10 | \$363.63 | \$202.43 | \$76.14 |
| Darke County Department of JFS | \$17.00 | \$92.50 | \$116.31 | \$142.28 | \$0.00 |
| Defiance County Department of JFS | \$19.50 | \$100.00 | \$0.00 | \$0.00 | \$0.00 |
| Delaware County Department of JFS | \$17.00 | \$115.54 | \$86.50 | \$147.00 | \$0.00 |
| Erie County Department of JFS | \$30.00 | \$122.83 | \$136.99 | \$144.05 | \$0.00 |
| Fairfield County Department of JFS | \$15.00 | \$126.29 | \$135.13 | \$268.80 | \$0.00 |
| Fayette County Department of JFS | \$20.00 | \$110.00 | \$116.99 | \$137.00 | \$150.00 |
| Franklin County Children Services - NYAP | \$50.33 | \$105.03 | \$147.57 | \$190.40 | \$0.00 |
| Franklin County Children Services - PFSN | \$47.82 | \$110.69 | \$402.05 | \$318.71 | \$150.00 |
| Franklin County Children Services Board | \$15.00 | \$121.11 | \$157.50 | \$324.58 | \$0.00 |
| Fulton County Department of JFS | \$18.00 | \$125.33 | \$0.00 | \$0.00 | \$0.00 |
| Gallia County Children Services Board | \$28.00 | \$167.14 | \$60.00 | \$0.00 | \$0.00 |
| Geauga County Department of JFS | \$28.00 | \$28.00 | \$0.00 | \$122.83 | \$0.00 |
| Greene County Department of JFS | \$20.25 | \$217.00 | \$140.00 | \$150.00 | \$0.00 |
| Guernsey County Children Services Board | \$32.00 | \$185.54 | \$160.54 | \$134.68 | \$0.00 |
| Hamilton County Department of JFS | \$17.24 | \$250.00 | \$150.00 | \$153.30 | \$0.00 |
| Hancock County JFS | \$19.00 | \$122.83 | \$125.33 | \$122.83 | \$0.00 |
| Hardin County Department of JFS | \$25.00 | \$116.31 | \$0.00 | \$150.00 | \$0.00 |
| Harrison County Department of JFS | \$25.00 | \$110.67 | \$116.99 | \$124.86 | \$0.00 |
| Henry County Department of JFS | \$54.33 | \$80.00 | \$125.33 | \$0.00 | \$0.00 |
| Highland County JFS - Children Services Division | \$20.00 | \$95.00 | \$115.54 | \$142.28 | \$0.00 |
| Holmes County Department of JFS | \$25.00 | \$110.67 | \$108.32 | \$100.00 | \$0.00 |
| Huron County Department of JFS | \$26.00 | \$122.83 | \$0.00 | \$122.83 | \$0.00 |
| Jackson County Department of JFS | \$35.00 | \$86.00 | \$91.87 | \$130.00 | \$150.00 |
| Jefferson County JFS - Children Services Division | \$23.00 | \$115.00 | \$147.00 | \$0.00 | \$0.00 |
| Knox County Department of JFS | \$23.00 | \$108.32 | \$150.00 | \$149.08 | \$0.00 |
| Lake County Department of JFS | \$7.71 | \$38.00 | \$110.36 | \$169.27 | \$206.35 |
| Lawrence County Department of JFS | \$30.00 | \$90.00 | \$0.00 | \$0.00 | \$0.00 |
| Licking County Department of JFS | \$20.00 | \$114.44 | \$149.00 | \$150.00 | \$0.00 |
| Logan County Children Services Board | \$27.00 | \$160.00 | \$0.00 | \$130.00 | \$0.00 |
| Lorain County Children Services Board | \$35.00 | \$120.36 | \$174.27 | \$169.02 | \$0.00 |
| Lucas County Children Services | \$16.54 | \$150.00 | \$97.58 | \$142.28 | \$0.00 |
| Madison County Department of JFS | \$53.57 | \$78.95 | \$71.86 | \$93.98 | \$0.00 |
| Mahoning County Children Services Board | \$25.75 | \$144.51 | \$144.51 | \$169.27 | \$206.35 |
| Marion County Children Services Board | \$22.00 | \$122.83 | \$240.00 | \$178.31 | \$0.00 |



| | | | | | |
|---|---------|----------|----------|----------|----------|
| Medina County Department of JFS | \$30.00 | \$56.59 | \$112.57 | \$122.83 | \$0.00 |
| Meigs County Department of JFS | \$24.00 | \$68.00 | \$68.00 | \$69.71 | \$0.00 |
| Meigs County Juvenile Court | \$33.00 | \$68.00 | \$0.00 | \$0.00 | \$0.00 |
| Mercer County Department of JFS | \$26.50 | \$125.00 | \$125.33 | \$0.00 | \$0.00 |
| Miami County Department of JFS | \$23.00 | \$88.04 | \$100.00 | \$127.06 | \$0.00 |
| Monroe County Department of JFS | \$20.00 | \$95.00 | \$0.00 | \$0.00 | \$0.00 |
| Montgomery County JFS | \$20.25 | \$150.00 | \$159.00 | \$365.00 | \$135.00 |
| Morgan County Department of JFS | \$23.00 | \$105.81 | \$0.00 | \$0.00 | \$0.00 |
| Morrow County Department of JFS | \$25.00 | \$115.00 | \$128.57 | \$136.99 | \$0.00 |
| Muskingum County Children Services Board | \$32.00 | \$108.32 | \$152.43 | \$134.20 | \$150.00 |
| Noble County Department of JFS | \$25.00 | \$95.00 | \$0.00 | \$0.00 | \$0.00 |
| Ottawa County Department of JFS | \$54.33 | \$92.03 | \$0.00 | \$143.14 | \$0.00 |
| Paulding County Department of JFS | \$19.50 | \$116.70 | \$0.00 | \$0.00 | \$0.00 |
| Perry County Children Services Board | \$23.00 | \$92.50 | \$116.99 | \$0.00 | \$0.00 |
| Pickaway County Department of JFS | \$18.00 | \$60.50 | \$110.00 | \$103.00 | \$0.00 |
| Pike County Children Services Board | \$27.00 | \$78.00 | \$0.00 | \$0.00 | \$0.00 |
| Portage County Department of JFS | \$28.47 | \$122.83 | \$123.58 | \$144.51 | \$176.09 |
| Preble County Department of JFS | \$15.00 | \$122.83 | \$91.10 | \$78.64 | \$0.00 |
| Putnam County Department of JFS | \$75.00 | \$85.00 | \$0.00 | \$110.00 | \$0.00 |
| Richland County Children Services Board | \$26.00 | \$99.00 | \$135.06 | \$152.43 | \$0.00 |
| Sandusky County Department of JFS | \$17.55 | \$97.00 | \$0.00 | \$0.00 | \$0.00 |
| Scioto County Children Services Board | \$27.50 | \$140.00 | \$151.00 | \$48.00 | \$0.00 |
| Seneca County Department of JFS | \$20.00 | \$100.00 | \$0.00 | \$97.80 | \$0.00 |
| Shelby County Department of JFS | \$23.00 | \$95.00 | \$116.31 | \$0.00 | \$0.00 |
| South Central Ohio JFS - Hocking | \$22.00 | \$83.00 | \$115.54 | \$123.45 | \$0.00 |
| South Central Ohio JFS - Vinton | \$22.00 | \$58.00 | \$71.00 | \$123.45 | \$0.00 |
| South Central Ohio JFS - Ross | \$22.00 | \$95.00 | \$115.54 | \$188.20 | \$0.00 |
| Stark County JFS | \$22.50 | \$85.42 | \$193.63 | \$142.35 | \$0.00 |
| Summit County Children Services | \$25.50 | \$118.21 | \$135.57 | \$194.02 | \$118.43 |
| Trumbull County Children Services Board | \$29.50 | \$140.25 | \$193.63 | \$169.27 | \$131.72 |
| Tuscarawas County JFS | \$28.00 | \$101.50 | \$146.83 | \$144.51 | \$0.00 |
| Union County Department of JFS | \$25.00 | \$150.79 | \$0.00 | \$0.00 | \$0.00 |
| Van Wert County Department of JFS | \$35.00 | \$75.00 | \$0.00 | \$122.83 | \$0.00 |
| Warren County Children Services | \$23.00 | \$82.00 | \$127.00 | \$94.24 | \$150.00 |
| Washington County Children Services Board | \$20.00 | \$142.28 | \$110.55 | \$85.00 | \$0.00 |
| Wayne County Children Services Board | \$19.05 | \$81.50 | \$147.00 | \$217.28 | \$0.00 |
| Williams County Department of JFS | \$54.33 | \$120.00 | \$92.03 | \$138.14 | \$0.00 |
| Wood County Department of JFS | \$15.00 | \$438.00 | \$0.00 | \$0.00 | \$0.00 |
| Wyandot County Department of JFS | \$25.00 | \$122.83 | \$0.00 | \$0.00 | \$0.00 |

Source: Based on 2020 foster care per diem rates, from Bret Crow with the Office of Communications, ODJFS.