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New Legislation Will Help California Foster Youth Find Permanent Homes with Relatives

AB 298 Supports Grandparents and Other Relatives Who Become Legal Guardians.

LOS ANGELES - New legislation in California will help more foster children find permanent, loving homes with relatives through legal guardianship. AB 298, sponsored by the Children's Law Center of Los Angeles, has been signed by Governor Schwarzenegger and will go into effect January 1, 2008. This bill ensures that a child living with a committed and loving relative who prefers guardianship rather than adoption will not be unnecessarily removed from the relative's home.

Grandparents, aunts and uncles, and other relatives are often willing to provide a permanent home for a child who cannot be reunified with his or her parents, but are reluctant to adopt the child for important reasons including family dynamics and cultural factors. Legal guardianship provides a way to permanently care for the child without severing ties to the birth parents and other relatives.

Studies have shown that there is no substantial difference in permanency or sense of well-being for the child between relative guardianships and adoptions. Foster children who are placed with relative caregivers experience more stability while in foster care and are more likely to remain with their brothers and sisters than youth in non-relative foster homes.

"Relatives are a lifeline for children in foster care, giving them stability and security," said Leslie Starr Heimov, Executive Director of the Children's Law Center. "We need to do everything we can to support these families in establishing the nurturing homes all children deserve."

In the past, barriers have been placed on relative guardianships by an apparent preference for adoptive placements with non-relatives rather than legal guardianships by current relative caregivers. Current law requires the juvenile court to find a "compelling" reason not to terminate parental rights and seek an adoptive placement, even when a relative caregiver wants to become the legal guardian.

Under AB 298, child welfare agencies would still have incentives to find adoptive homes for foster children who need them, but courts and agencies would be discouraged from inappropriately pressuring relatives into adopting or removing children from stable placements with relatives to place them for adoption. In addition, the court will be able to provide family reunification and supportive family maintenance services to legal guardians. AB 298 will ensure that relative caregivers are equally valued as a permanent placement plan for the youth in their charge.

The importance of supporting relative caregivers who become legal guardians of children in foster care has also been recognized nationally. Bipartisan legislation recently introduced in Congress, the Kinship Caregivers Support Act (HR 2188 and S 661), would link relative caregivers to services and supports to help them meet the needs of the children in their care and would give states the option

to use federal funds for subsidized guardianship payments to relative caregivers. Roughly one fourth of all children in foster care in the U.S. live in the homes of relatives.

Children's Law Center of Los Angeles is a nonprofit, public interest legal services organization that provides representation to the majority of children and youth who come under the protection of the Los Angeles County Juvenile Dependency Court system. For more information about the Children's Law Center of Los Angeles, visit www.clcla.org <<http://www.clcla.org>>.