



MAY 2005 SPOTLIGHT:

Refugee Children without Their Parents: Guardianship, Kinship Care and Foster Care

My name is Thomas. I was born in 1987, in Monrovia, Liberia. When I was about six or seven years old, while living in San Pedro in the Ivory Coast, my mother told me that she and I had left Liberia in 1990 because of the ongoing war there...In 1996, my mother had a miscarriage and was hospitalized. Then one morning when I woke up, my mother was no longer there. I was told that my mother's friend took her back to Liberia and that she had died there. I was very upset when I found this out. To this day when I think of that situation, I always feel bad that I never had the opportunity to say good-bye to my mother...My mother's boyfriend continued to take care of me there until another friend of my mother, Alli, took me to Tabou Region.

The situation of Thomas is, unfortunately, not unique. In the midst of war and conflict, many refugee children become separated from their parents due to violence, illness, or flight. Known internationally as "separated children," they may be taken in by relatives or other adults, or they may remain "unaccompanied," surviving on their own, or with other children, or cared for in refugee camps through special programs for children without caregivers.

Through the U.S. Refugee Program (USRP), approximately 10,000 separated children have been resettled in the U.S. since 1997. Once in the U.S., these children are reunified with parents or extended family members, or placed into specialized foster care programs for refugee children without family. This "Spotlight" article will discuss some programming challenges and resources for separated refugee children living in the U.S. and cared for by relatives or by foster families. (For a more detailed examination of separated children, see the BRYCS document, [Separated Refugee Children in the United States: Challenges and Opportunities.](#))

Guardianship placements

Children resettled with extended family members are often called "guardianship" cases by refugee resettlement workers, because of the Department of State requirement that such families receive information about guardianship laws and procedures in the U.S. Establishing legal guardianship ensures that relatives are able to make important decisions for a child regarding educational issues, medical care or hospitalization, and it can enable a relative to include a child on such benefits as health insurance and public or senior housing arrangements. Guardianship does not sever the parent's legal rights to their child, nor does it close the door to the future possibility of family reunification.

Some refugee populations seem to include few separated children (such as Russian and Ukrainian refugees), while other refugee groups include numerous separated children (such as Hmong, Liberian and Sudanese refugees). The nature of a particular conflict or war can determine whether or not children become separated from their parents – conflicts with significant violence are more likely to create familial separation due to death, injury, or the need to seek safety elsewhere.

Culture can also be a significant factor in whether children become separated from their families and how they are cared for. In traditional Hmong society, if a husband dies and his wife remarries into a different clan, the children from the first marriage typically remain part of the father's extended family while their mother has become part of her new husband's family, though sometimes a girl child may be allowed to remain with her mother if an arrangement is worked out between the families. For the Hmong refugees now coming to the U.S. from the Wat Tham Krabok in Thailand, such cases are being resettled as guardianship cases, even if the mother is also being resettled separately in the U.S. The traditional Hmong practice of early marriages has led to some cases of married minors (where both spouses are under age 18) and a need to examine relevant state laws (for a summary of state marriage laws, go to: http://www.law.cornell.edu/topics/Table_Marriage.htm)

In Liberian culture, children are commonly taken in by other families, whether due to parental loss, migration issues, or for access to education or other opportunities. To learn more about the treatment of separated children within Liberian culture, go to the new BRYCS document, [Liberian Refugees: Cultural Considerations for Social Service Providers.](#)

In the Hmong and Liberian situations noted above, refugee resettlement workers will be required to explain guardianship procedures here in the U.S. However, explaining guardianship procedures and laws may be the easy part; getting refugee families to follow through with the process is often the bigger challenge. Some of the difficulties can include:

- Making guardianship seem important: Newly arriving refugees are often used to addressing immediate, tangible needs, which can make it more difficult to focus on something intangible like guardianship. Establishing guardianship can seem like a kind of insurance – to prevent or address uncertain problems in the future – making it seem less urgent in the short-term.
- Making the guardianship process less intimidating: For some refugees, the prospect of going through a court or legal process, such as seeking the advice of an attorney, may be very intimidating, particularly for refugees who did not have such procedures in their home country. They may also be afraid that the government could take their children away, or they may have concerns about the possible impact on their immigration status.
- Bridging different cultural understandings of family: For refugees coming from more traditional societies, the concept of “family” includes extended family members, compared to the American concept of family as the immediate nuclear family of parents and children. Thus, some refugees may not comprehend why it is necessary to establish guardianship for a child who is culturally considered a part of their family already. In both Hmong and Liberian society, there is a cultural expectation that families will take in and care for separated children when the need arises. This cultural openness can make the care of a separated child commonplace, and this ordinariness may make it difficult for these refugees to understand why they would need to go through a legal process to establish a relationship that seems self-evident.

For refugees who have gone through the process of registration in refugee camps, it may be helpful to explain guardianship as a kind of registration with their new local government to establish that they are a family unit so that the adult relatives have the authority to make important decisions in the absence of the child’s birth parents. Discussing different cultural notions of “family” (for example, contrasting the concept of nuclear family with that of the extended family) may also be helpful.

Some refugee families, particularly those with serious health conditions, may also want to know about “standby guardianship,” a pending guardianship arrangement available in some states so that parents can name a guardian in the event that the primary caregiver dies or becomes incapacitated (for more information on this topic, go to: www.standbyguardianship.org).

BRYCS has created three resources for staff working with refugee children cared for by extended family members:

1. [Suitability Assessment Tips: Safeguarding Refugee Children Who Arrive Without Parents](#)
2. [Guardianship Fact Sheet for Staff Assisting Refugee Families](#)
3. [Guardianship Summary Sheet](#)

Kinship care and refugee families

While these cases are considered “guardianship” cases among refugee resettlement workers, they share many characteristics with “kinship care” cases within the child welfare field – essentially, children who are cared for by kin, or extended family members, rather than by parents.

Although the growing field of kinship care does not focus specifically on refugees and newcomers, the accumulating knowledge and resources regarding kinship care can assist refugees and refugee service providers. Some state child welfare programs have specialized services and benefits for kinship caregivers, including financial assistance, support groups for older caregivers, “respite” care programs to give caregivers some time off, child care subsidies, special education services, and health insurance.

The [Children’s Defense Fund \(CDF\)](#) website has a number of useful resources specifically for grandparents and other relative caregivers for children.

1. CDF has created [four guides specifically for kinship caregivers](#):
 - a. [Guide to Health Insurance for Children](#)
 - b. [Guide to Child Care and Early Education Programs](#)
 - c. [Guide to Food and Nutrition Programs for Children](#)
 - d. [Guide to Raising Children with Disabilities](#)

2. [State Fact Sheets for Grandparents and Other Relatives Raising Children](#): These give detailed descriptions of each state's programs and benefits available to relatives caring for children.

3. [Financial Assistance for Grandparents and Other Relatives Raising Children](#): This paper discusses the various avenues for financial support for relative caregivers.

4. [States' Subsidized Guardianship Laws at a Glance](#): An increasing number of states offer subsidies and services to kinship care providers. This document summarizes these programs for the participating 35 states and the District of Columbia. In recognition that subsidized guardianship programs can keep children out of the foster care system, eight of these states offer assistance to children who have not already been in state foster care (FL, KY, LA, MN, MO, NV, NJ, and RI).

[Generations United](#) is another website with resources for grandparents and other relatives raising children, including fact sheets on Housing Needs and Challenges; The National Family Caregiver Support Program; Respite Care; and others.

Refugee Children in Foster Care

Refugee children who arrive in the U.S. without any relatives are placed into [specialized refugee foster care programs](#) coordinated by Lutheran Immigration and Refugee Service (LIRS) and the U.S. Conference of Catholic Bishops (USCCB). These specialized foster care programs have developed expertise in the particular service needs of refugee children resettled without family and the importance of cultural sensitivity and cultural identity in providing for these children.

A compilation of good practices from these specialized foster care programs is summarized in the BRYCS document, ["Serving Refugee Children in Foster Care: Fundamental Considerations."](#) This document was developed as a resource for mainstream foster care programs serving foreign-born children, and it summarizes the following:

- Factors affecting refugee children's adjustment to foster care;
- Characteristics of foster families appropriate for refugee children;
- Key components of successful child welfare services for refugee children, including bicultural and culturally competent staff and foster homes; and
- The importance of ethnic identity formation, so that children maintain and integrate their new and former cultural identities.

Occasionally, refugee children who came to the U.S. with family members may require local foster care services due to abuse, abandonment or neglect. Child welfare programs in diverse urban areas, or communities with significant refugee populations, should be prepared to serve foreign-born children in need of foster care and other child welfare services.

The recruitment, training and retention of refugees as foster families is important in such situations, but this is also often overlooked. To aid public child welfare agencies with this process, BRYCS has created the document, ["Developing Refugee Foster Families: A Worthwhile Investment."](#) This document includes information on:

- Benefits in having refugee foster families among placement options;
- Differences in adjustment attributed to same-culture placements;
- Types of families best suited to fostering refugee children;
- Resources and effective outreach methods for recruiting refugee families;
- Tailoring outreach methods to specific groups;
- Training and retaining bicultural workers;
- Recruiting, training and licensing issues.

These information sheets are designed to be copied and used in trainings or discussions, in order to promote promising practices in culturally sensitive child welfare practice with foreign-born youth and children.

For refugee children separated from their parents, as with domestic children cared for by relatives or foster families, a caring and committed adult can be as important as meeting a child's basic needs. Thomas, the Liberian youth quoted at the beginning of this article, conveys the sense of despair experienced when adult concern is absent:

I stayed with Alli in the Tabou apartment until 2002. Then he had to go back to Liberia to attend a funeral for his brother, who died as a result of the war. But Alli couldn't make it back to the Ivory Coast because the war broke out in Ivory Coast and the border was closed. I was alone in the apartment and didn't have any money. I couldn't pay for the rent so the landlord evicted me.

In February 2003, the U.N. moved the Liberian refugees and me to the Tabou transit center. There were about ten of us unaccompanied refugee minor boys at the beginning. There were many girls there too, but they were all over the place. They did not hang out in a group like the boys, so I couldn't tell how many were there. The whole period of time we lived there together, I experienced that no one cared about us...I realized that all the non-governmental organizations (NGOs) were there for themselves. They do what they have to do to protect their jobs and their own interests, and not what needs to be done to help the children...In camp children are starving and dirty because they couldn't get their needs met. They are actually discouraged about their own lives because there is no sign of hope for the future, and there is no one there, trying to help them in all that they need and are praying for.

Thomas was one of the lucky ones and was resettled in the U.S. where he is now cared for by a refugee foster care program. He is doing well in school, playing and teaching soccer, and is a vocal advocate for other Liberian children and youth.

Children and youth like Thomas need the protection and concern of caring adults. Guardianship and foster care are two means of providing that safety and security for refugee children who are in the U.S. without their parents. Most importantly, these care arrangements provide a "sign of hope for the future" that someone really does care about them.

BRYCS Resources Related to Guardianship and Foster Care with Refugee Children, available on the [BRYCS Publications](#) page:

Guardianship:

1. [Guardianship Fact Sheet for Staff Assisting Refugee Families](#)
2. [Guardianship Summary Sheet](#)
3. [Separated Refugee Children in the United States: Challenges and Opportunities](#)
4. [Suitability Assessment Tips: Safeguarding Refugee Children Who Arrive Without Parents](#)

Foster Care:

1. [Caring for Muslim Minors: Guidelines for Non-Muslim Families](#)
2. [Developing Refugee Foster Families: A Worthwhile Investment](#)
3. [Foster Care: A Fact Sheet for Prospective Muslim Families](#)
4. [Foster Care at a Cultural Crossroads: Refugee Children in the Public Foster Care System, Roundtable Report](#)
5. [Foster Care for Unaccompanied Refugee Minors: Frequently Asked Questions](#)
6. [Foster Care Training Report, St. Louis](#)
7. [Serving Foreign-Born Foster Children: A Resource for Meeting the Special Needs of Refugee Youth and Children](#)
8. [Serving Refugee Children in Foster Care: Fundamental Considerations](#)