REPORT OF THE
VIRGINIA COMMISSION ON YOUTH

TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA

Definition of Kinship Caregivers

REPORT DOCUMENT 101

COMMONWEALTH OF VIRGINIA
RICHMOND
2013

COMMONWEALTH of VIRGINIA

Commission on Youth

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March 15, 2013

TO: The Honorable Robert F. McDonnell, Governor of Virginia

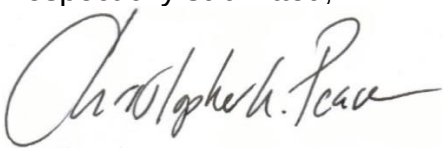
and

Members of the Virginia General Assembly

In 2012, the Commission adopted a plan to study how Virginia defines relatives for purposes of kinship care. Kinship care is defined as the full-time care, nurturing, and protection of a child by relatives, as set forth in § 63.2-100 of the *Code of Virginia*. However, in Virginia the definition of *relative* varies from program to program. The way *relative* is defined, for purposes of kinship care, is important because it influences placement, access to information, and eligibility for program benefits.

This report represents the work of many government and private agencies and individuals who provided input to the study. The Commission gratefully acknowledges their support to this effort.

Respectfully submitted,



Christopher K. Peace

MEMBERS OF THE VIRGINIA COMMISSION ON YOUTH

From the Virginia House of Delegates

Christopher K. Peace, Chair
Mamye E. BaCote
Robert H. Brink
Peter F. Farrell
Beverly Sherwood
Anne Crockett-Stark

From the Senate of Virginia

Harry B. Blevins
Stephen H. Martin
One seat is vacant.

Gubernatorial Appointments from the Commonwealth at Large

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I. Authority for Study

Section 30-174 of the *Code of Virginia* establishes the Commission on Youth and directs it to "…study and provide recommendations addressing the needs of and services to the Commonwealth's youth and their families." This section also directs the Commission to "…encourage the development of uniform policies and services to youth across the Commonwealth and provide a forum for continuing review and study of such services."

Section 30-175 of the *Code of Virginia* outlines the powers and duties of the Commission on Youth and directs it to "[u]ndertake studies and to gather information and data...and to formulate and report its recommendations to the General Assembly and the Governor."

In May 2012, the Commission adopted a plan to study how Virginia defines *relatives* for purposes of kinship care. Kinship care is defined as the full-time care, nurturing, and protection of a child by relatives, as set forth in § 63.2-100 of the *Code of Virginia*. In Virginia, the definition of *relative* varies from program to program. The way *relative* is defined, for purposes of kinship care, is important because it influences placement, access to information, and eligibility for program benefits.

II. Members Appointed to Serve

The Commission on Youth is a standing legislative commission of the Virginia General Assembly. It is comprised of twelve members: six Delegates, three Senators and three citizens appointed by the Governor.

Members of the Virginia Commission on Youth are:

Delegate Christopher K. Peace, Mechanicsville, Chair
Delegate Mamye E. BaCote, Newport News
Delegate Robert H. Brink, Arlington
Delegate Peter F. Farrell, Richmond
Delegate Beverly J. Sherwood, Winchester
Delegate Anne B. Crockett-Stark, Wytheville
Senator Harry B. Blevins, Chesapeake, Vice Chair
Senator Stephen H. Martin, Chesterfield
The Honorable Gary L. Close, Esq., Culpeper
Frank S. Royal, Jr., M.D., Richmond
Charles H. Slemp, III, Esq., Norton
One Senate seat is vacant.

III. Executive Summary

Kinship care, as set forth in § 63.2-100 of the Code of Virginia, is defined as the full-time care, nurturing, and protection of a child by relatives. The term *kin* is often used interchangeably with *relative*. The way states define *relative* for purposes of kinship care is important because it influences placement, access to information, and eligibility for program benefits.

Kinship care is the least restrictive and most family-like setting for children requiring out-of-home placement. Research has shown that children living with relatives in kinship care placements generally have a greater likelihood of being successful and not experiencing negative outcomes (e.g., dropping out of school or being incarcerated).

Like other states, Virginia has increasingly turned to kinship care as a viable placement option for children when the family is in crisis. Kinship diversion occurs when local departments of social services facilitate the placement of a child with relatives to prevent a foster care placement when the child cannot remain with their parents. In 2009, the Virginia Department of Social Services conducted

a study to measure the number of children diverted from foster care and placed with kinship caregivers. The Department calculated that the percentage of children diverted to relatives ranges from 8.3 to 11.6 percent. Applying this percentage to the total population of referrals over one year, it is estimated that local departments divert between 2,148 and 3,012 children from foster care via informal kinship placements.

Local department of social services workers are tasked with evaluating potential kinship caregivers. Federal law, regulations, and guidance provide states with some flexibility in their approaches to kinship care. However, Virginia has no standardized policy or guidance on kinship diversion. There is no guidance specifying when to conduct an assessment and which diversion cases require them. Some local department of social services' workers may conduct a preliminary check and then follow up with a federal background check. Others may place the child with a relative before conducting any checks. Local departments may use safety plans to outline the service recommendations for the parent in order to regain care of her child. However, there is confusion about the legality of the safety plan. Additionally, when parents agree to a kinship arrangement to avoid an abuse and neglect proceeding, there is no defined procedure to ensure that the child returns home or achieves permanency. While kinship policies should be flexible regarding non-safety requirements, guidance regarding assessment, case management, and safety considerations would be helpful to inform case decisions.

At its May 14, 2012 meeting, the Commission on Youth adopted a study plan to clarify the definition of kinship caregivers and to provide for an advisory group of representatives from impacted agencies and stakeholder organizations to assist in this effort.

The Commission on Youth approved the following recommendations at its December 3, 2012 meeting:

Recommendation 1
Support the Virginia Department of Social Services in the creation of guidelines for foster care diversion in early prevention that provide guidance to local department of social services workers on the role of the agency in diversion practice, safety considerations, relative notification, and the use of criminal and child protective services (CPS) checks. The Department of Social Services will report on its progress to the Commission on Youth prior to the 2014 General Assembly Session.

Recommendation 2
Support the Virginia Department of Social Services in the development of an assessment tool for the informal diversion of youth from foster care into family placements and request that the Department report on the progress on the implementation of the assessment tool to the Commission on Youth prior to the 2014 General Assembly Session.

IV. Study Goals and Objectives

At its meeting on May 14, 2012, the Commission on Youth adopted a plan to study how Virginia defines *relative* for purposes of kinship care. Findings and recommendations were reported to the Commission prior to the 2013 General Assembly Session.

A. ISSUES

Section 63.2-100 of the *Code of Virginia* defines kinship care as the full-time care, nurturing, and protection of a child by relatives. The term *kin* is used interchangeably with *relative*. However, in Virginia, the definition of *relative* varies from program to program. The way the state defines *relative* for purposes of kinship care is important because it influences placement, access to information, and eligibility for program benefits.

Examples of Virginia's varying programmatic definitions of *relative* are listed below:

- The Virginia Department of Social Services narrowed the definition of *relative* for the proposed Custody Assistance program to mean only those related by blood, marriage, or adoption.
- For purposes of adoption, a close relative is defined as "the child's grandparent, great-grandparent, adult nephew or niece, adult brother or sister, adult uncle or aunt, or adult great uncle or great aunt."
- Virginia's Temporary Aid to Needy Families (TANF) regulations specify, for eligibility purposes, that the relative with whom the child is living who is designated as the caretaker must be a relative by blood, marriage, or adoption.

Kinship care is one of the least restrictive family-like settings for children requiring out-of-home placement. Research has shown that children living with relatives in a kinship care placement generally have a greater likelihood of being successful and less likelihood of experiencing negative outcomes (e.g., dropping out of school or incarceration).[1] Virginia has increasingly turned to kinship care as a viable placement option for children when the family is in crisis. Virginia policy strives to preserve families and requires that family members be considered first when out-of home placements are sought.[2]

Both nationally and in Virginia, there has been increasing emphasis on seeking and supporting kinship placements in order to provide children with familiarity and continuity, and to mitigate the traumatic impact of abuse and/or neglect. Both state law and best practice emphasize placing children with families. Determining who constitutes family is critical component for local departments of social services.

B. STUDY ACTIVITIES

The study plan approved by the Commission on Youth on May 14, 2012 included the following activities:

- Convene Advisory Group to assist in study effort.
  - Invite representatives from the impacted groups including:
    - Virginia Department of Social Services
    - Local Departments of Social Services
    - Virginia League of Social Service Executives
    - Special Advisor to the Governor on Virginia's Children's Services System
    - Virginia Department for Aging and Rehabilitative Services
    - Juvenile Court Judges
    - Virginia Supreme Court Office of the Executive Secretary
    - Office of Comprehensive Services
    - State Executive Council (SEC)
    - State and Local Advisory Team (SLAT)
    - Local Comprehensive Services Act Coordinators
    - Family Assessment and Planning Teams (FAPT)
    - Advocacy Organizations
    - Parent Representatives
    - Private Child Placing Agencies
    - County and City Attorneys
    - CASA Representatives
    - Guardians ad Litem
- Review federal legislation/statutes
  - *The Fostering Connections to Success and Increasing Adoptions Act* (P.L. 110-351)
  - Titles IV-B and IV-E of the Social Security Act

[1] Rubin et al., Impact of Kinship Care on Behavioral Well-being for Children in Out-of-Home Care. (2008). 162 *Archives for Pediatric & Adolescent Med*. 6.
[2] Va. Code § 63.2-900. (2012).

- Temporary Assistance for Needy Families (TANF) block grant
- *The Adoption and Safe Families Acts of 1997*

➢ Review Virginia laws, regulations, and terminology
- Kinship care, adoption, and foster care statutes
- Child welfare regulations
- Statutes pertaining to relative caregivers

➢ Analyze Virginia practices and data
- Review state and local Department of Social Services' policies and practices
- Review Virginia's custody assistance guidance documents

➢ Analyze other states' practices and procedures
- State Policy Database from Casey Family Programs
- Child Welfare League of America literature on state definitions/practices

➢ Develop recommendations
- Synthesize findings
- Develop recommendations

➢ Solicit feedback to recommendations
➢ Refine findings and recommendations
➢ Present findings and recommendations to the Commission on Youth
➢ Prepare final report

V. Methodology and Objectives

The findings of the study are based on several distinct research activities.

A. RESEARCH AND ANALYSIS

Commission on Youth staff reviewed data, reports, and statutes in order to research kinship care in Virginia. Staff analyzed sections of the *Code of Virginia* pertaining to kinship care, as well as applicable regulations and policies. Federal kinship care laws, specifically the *Fostering Connections to Success and Increasing Adoptions Act of 2008,* were reviewed. Staff further analyzed data and reports presented by the Virginia Department of Social Services. Guidance documents from the National Family Caregiver Support Program, Casey Family Programs, the Child Welfare League of America, the U.S. Office of Personnel and Management and from the U.S. Department of Health and Human Services Administration for Children and Families were examined to provide a national perspective on the placement of children with relatives. Other states' definitions of kinship care, the definition of *relative* as it pertained to child welfare programs, and *fictive kin* were reviewed. Virginia's statutes on custody and standby guardianship were also examined as well as the state of Michigan's guardianship provisions. Staff also analyzed and compared kinship care definitions from ten states similar to Virginia (i.e., with child welfare systems that are state supervised and locally administered).[3] Research regarding these comparable states' definitions of *relative*, expedited relative placements, and kinship care practices was also compiled. The Virginia Department of Social Services provided data on Virginia's utilization of kinship care and the number of youth placed with relatives. Finally, staff reviewed scholarly journal articles on the utilization of kinship care.

B. ADVISORY GROUP

The Commission established an Advisory Group in order to help identify, refine and prioritize issues of the study. Members of the Advisory Group met to discuss the need to modify the definition of *relative* for kinship caregivers, to articulate findings, and to formulate recommendations.

[3] The states selected for comparison are those with state supervised/locally administered child welfare programs. These states are California, Colorado, Minnesota, Nevada, New York, North Carolina, Ohio, Pennsylvania, North Dakota, and Wisconsin. Please refer to Appendix D.

The Advisory Group established by the Commission included representatives from the following agencies and organizations:

- Catholic Charities of Eastern Virginia
- Commission on Youth
- Comprehensive Services Act Coordinators
- CASA
- FACES of Virginia Families
- The Family Foundation of Virginia
- General Assembly Members
- Guardians ad litem
- Juvenile and Domestic Relations Court Judges
- Local Departments of Social Services
- Mountain Empire Older Citizens, Inc.
- Office of Comprehensive Services
- Special Advisor to the Governor
- Supreme Court of Virginia
- United Methodist Family Services
- Virginia Child and Family Services Council
- Virginia Department for the Aging and Rehabilitative Services
- Virginia Department of Education
- Virginia Department of Social Services
- Virginia Poverty Law Center
- Voices for Virginia's Children

A complete listing of the Advisory Group membership is provided as Appendix A.

The Advisory Group met twice in 2012: August 20 and September 17. Minutes for Advisory Group meetings are provided as Appendix B.

VI. Background

This section summarizes the research and analysis conducted by Commission staff.

A. LACK OF CLARITY RELATED TO DEFINITION OF *RELATIVE* OR *KIN*

While § 63.2-100 of the *Code of Virginia* defines kinship care as the "full-time care, nurturing, and protection of a child by relatives," the definition of relative varies from program to program. This can be particularly problematic in kinship care placements, where the definition of relative can determine placement of the child. Moreover, the definition influences access to information and eligibility for program benefits. Virginia's varying definitions of relative, by program, is included as Appendix C.

The *Fostering Connections to Success and Increasing Adoptions Act* allows states to define relative for purposes of the Title IV-E Guardian Assistance Program.[4] There are two definition categories that states typically use, a broad definition or a narrow definition. A broad definition of relative includes persons related to the child but also persons not related to the child who have an established relationship with the child. This can include godparents, close friends, and neighbors. According to Casey Family Programs' 2007 Foster Care Policy Survey, thirty states used this broad definition of relative.[5] Proponents of a broad definition argue that it can be helpful in kinship care placements by allowing for case-by-case determinations when placing a child in these types of arrangements. Additionally, it allows for flexibility in different circumstances.

[4] Under the *Fostering Connections to Success and Increasing Adoptions Act of 2008*, states have the option to use federal Title IV-E funds for payments to relatives caring for children. These relatives have assumed legal guardianship of the children for whom they have cared as foster parents and have also committed to care for them on a permanent basis.

[5] ChildTrends. (2008). *State Kinship Care Policies for Children that Come to the Attention of Child Welfare Agencies – Findings from the 2007 Casey Kinship Foster Care Survey.* Retrieved March 11, 2013 from http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/kinship-relative-care.html.

Eighteen states use a narrow definition of relative in regards to kinship care placements. This stricter definition includes only blood relatives or those relatives related to the child by marriage or adoption. Those who advocate for a narrow definition of relative argue that a definition that is too broad has the potential to make placement decisions more difficult. The ten comparison states' definitions of relative are included as Appendix D.[6]

Categories of Kinship Care

Likewise, there is confusion regarding the various categories of kinship care. Kinship care is also divided into formal or informal kinship care. Formal kinship care refers to kinship care arrangements in which the state child welfare agency has legal custody of the child, while the relative of the child has physical custody. This arrangement is made by a judge. Informal kinship care is an arrangement made independent of the courts or child welfare system. It is the result of an agreement between the parents and other family members, in which the parent retains legal custody while the child is with the family member. The type of kinship care arrangement influences the level of involvement between the family and the child welfare agency, as well as the services provided to the family during the placement.

In Virginia, the majority of kinship care arrangements are informal; there is, however, no explanation of informal kinship care in statute or in policy. This can result in inadequate documentation and a lack of accountability measures for these placements.

According to the Virginia Department of Social Services, 94 percent of Virginia's local social services agencies diverted children from foster care to kinship care in Fiscal Year 2010. The Department calculated that the percent of children diverted to relatives ranges from 8.3 to 11.6 percent. Applying this percentage to the total population of referrals over one year, it is estimated that local departments divert between 2,148 and 3,012 children from foster care via informal kinship placements.[7]

Formal kinship care benefits children because they are entitled to specific benefits and rights including, financial assistance, social security, insurance or pension benefits. However, this situation occurs only upon a parent's voluntary petition to a court or through a local department of social services involuntarily terminating parental rights.

B. LACK OF STANDARDIZED POLICY/GUIDANCE FOR KINSHIP DIVERSION

Kinship diversion is a practice by which local departments of social services facilitate the placement of a child with a relative to prevent placing the child in foster care when he or she cannot remain at home with his or her parents. Federal law and regulations provide states with some flexibility in their approaches to kinship care, and this has resulted in varying practices.

Local departments of social services are typically tasked with the responsibility of evaluating potential kinship caregivers; however, there is no guidance, federal or otherwise, specifying when assessments of kinship caregivers is necessary or which diversion cares require them. Some local departments of social service workers may conduct a preliminary check and then follow up with a federal background check, while others may first place a child with a relative before conducting any background check.

Once a child is placed with a relative, some local departments may use safety plans to outline the services recommendations for the parent that would allow that parent to regain care of his or her child.

[6] The states selected for comparison are those with state supervised/locally administered child welfare programs. These states are California, Colorado, Minnesota, Nevada, New York, North Carolina, Ohio, Pennsylvania, North Dakota, and Wisconsin.

[7] Virginia Department of Social Services. (August 20, 2012). *Kinship Diversion Research Virginia Findings. Summary of Two Studies.* Presentation to the Commission on Youth.

However, the use of these safety plans is not uniform and confusion exists about the legality of these plans.

Additionally, when parents agree to a kinship care arrangement to avoid an abuse and neglect proceeding, Virginia does not have a defined procedure to ensure that child returns home or achieves permanency. One study revealed that birth parents are less likely to complete case plan requirements for reunification when their children are placed with relatives.[8] This may be a result of parents feeling less pressure to address the issues that led to their children's placement because they have access to their children and confidence in the ability of the relative to care for their children.

While recognizing the importance of flexibility in the non-safety requirements of kinship care policies, guidance regarding assessment and case management could be beneficial in informing case decisions.

C. VIRGINIA'S RELATIVE NOTIFICATION PROVISIONS

The *Fostering Connections to Success and Increasing Adoptions Act of 2008* requires states to identify and provide notice to all adult grandparents and other adult relatives of a child who has been removed from the custody of his or her parent, within thirty days of that child's removal. Virginia provides for a statutory framework for collecting and maintaining information gathered during a child protective services (CPS) investigation and for the release of such information. Sections 63.2-104 and 63.2-105 of the *Code of Virginia* provide for the collection and maintenance of information gathered during a CPS investigation, for the release of this information, and to whom it may be released. Persons identified in the *Code* who may receive information in the course of a CPS investigation are …*a parent, grandparent, or any other person when such parent, grandparent or other person would be considered by the local department as a potential caretaker of the child in the event the local department has to remove the child from his custodian*.[9]

While the *Code of Virginia* identifies parents, grandparents, or any other person who would be considered by the local department as a potential caretaker of the child, there is uncertainty as to how broadly the discretionary release of confidential information can be interpreted regarding the requirement to notify "all" relatives.[10] This may mean that not all adult relatives are notified regarding the child's removal from the parent's custody. This is unfortunate because the relatives who are not notified may be the most stable placement option for the child.

As discussed in Advisory Group meetings, some Virginia juvenile court judges have attempted to remedy this by including instructions in their foster care prevention assessment orders that direct parents to list all family members on both the mother's and father's side of the family. This is proving to be an effective mechanism for identifying all family members and potential placement options.

D. CHALLENGES INFORMAL KINSHIP CAREGIVERS FACE IN OBTAINING SERVICES

While federal law allows for custody of a child to transfer from the local department of social services to an eligible relative foster parent and for the relative foster parent to receive foster care maintenance payments, many relatives do not want to subject themselves to the process of becoming a foster parent or to the continued monitoring as foster parents. When a child is placed with a relative outside the purview of the foster care system, seeking legal custody is the only process available to the relative who wishes to have legal authority over the child. This, however, is not always a viable option. For some, hiring an attorney for representation in the custody proceeding can be cost-prohibitive. Moreover, relatives may want to avoid an adversarial proceeding with the parent by testifying that it is not in the child's best interest to remain with that parent.

[8] Green, R. (2004). The evolution of kinship care policy and practice. *Future of Children*, 14(1), p. 137.
[9] Va. Code § 63.2-105. (2012).
[10] Virginia Department of Social Services. (August 20, 2012). *Kinship Diversion Research Virginia Findings. Summary of Two Studies.* Presentation to the Commission on Youth.

Guardianship may be an option when a parent will be temporarily absent from his or her child's life and therefore unable to provide care. Guardianship is a formal legal arrangement granted by a court that gives another person the legal rights to act on behalf of a child whose parents are dead, missing, or otherwise unable to care for the child. Such an arrangement acknowledges a parent's inability to properly care for his or her child for the foreseeable future, while still protecting the important psychological and legal ties between parent and child. Unlike many states, Virginia does not have guardianship statutes.

In Michigan, there are three types of guardianship arrangements: temporary, general, and limited.[11] A temporary guardianship is an arrangement that is, as the name suggests, provisional, and in place only until a hearing can be held. A general, or full, guardianship does not require parental consent and may be petitioned for by a person interested in the welfare of a minor. With this form of guardianship, the court may at any time order the child's parents to pay reasonable support. Additionally the court may order reasonable parenting time and contact between the child and his or her parent. In a limited guardianship arrangement, a parent consents to his or her child being placed with a relative. This arrangement is useful in cases in which a child has been reported as abused or neglected, a placement is being sought, and the parent consents to placement with a relative so as to divert the child from foster care. A limited guardianship allows for financial support to be provided by parent to relative caregiver, provides for the safety and stability of the child, permits visitation between parent and child, and establishes a plan to reunite the child with the parent where appropriate. Significantly, it also grants legal authority to the relative caregiver without the need to go through the financial and emotional expense of seeking legal custody.

Another form of guardianship, standby guardianship, is available in most states, including Virginia.[12] Standby guardianship laws allow for a parent to transfer guardianship of his or her child to a specific person under certain conditions. These laws were developed specifically to address the needs of parents living with HIV/AIDS, terminal illnesses, or other disabling conditions, who want to plan a legally secure future for their children. Standby guardianship differs from traditional guardianships in that the parent retains legal custody and authority over his or her child. However, in Virginia, standby guardianship is limited to *qualified parents,* parents who have been diagnosed by a licensed physician with a progressive or chronic condition caused by injury, disease or illness from which it is probable that they cannot recover.[13]

VII. Findings and Recommendations

At its October 17, 2012 meeting, the Commission on Youth received study findings and recommendations for this study. The Commission on Youth met again on December 3, 2012, and voted to adopt the recommendations of the Advisory Group:

Findings

Kinship diversion occurs when local departments of social services (LDSS) facilitate the placement of a child with relatives to prevent a foster care placement when the child cannot remain at home with their parents. Local social service workers are typically tasked with the responsibility of evaluating potential kinship caregivers. Federal law, regulations, and guidance provide states with some flexibility in their approaches to kinship care. There is no guidance specifying when to conduct an assessment and which diversion cases require them.

[11] Michigan Child Welfare Law. (2007). Chapter 15. *Guardianship.* Retrieved March 11, 2013 from http://www.michigan.gov/documents/MCWLChap15Part1_34821_7.pdf

[12] Child Welfare Information Gateway. (2011).*Standby guardianship.* Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

[13] Va. Code § 16.1-349. (2012).

Some LDSS workers may conduct a preliminary check and then later conduct a federal background check. Others may place the child with a relative before conducting any checks.

LDSS may use safety plans to outline the service recommendations for the parent in order to regain care of her child. However, there is confusion about the legality of the safety plan.

Additionally, when parents agree to a kinship arrangement to avoid an abuse and neglect proceeding, there is no defined procedure to ensure that the child returns home or achieves permanency. One study revealed that birth parents are less likely to complete case plan requirements for reunification when their children are placed with relatives. This may be because these parents may feel less pressure to address the issues that led to their children's placement because they have access to their children and confidence in the ability of the relative to care for them.

Kinship policies should be flexible regarding non-safety requirements. However, guidance regarding assessment, case management, and safety considerations would be helpful to inform case decisions.

Recommendation 1

Support the Virginia Department of Social Services in the creation of guidelines for foster care diversion in early prevention that provide guidance to local department of social services workers on the role of the agency in diversion practice, safety considerations, relative notification, and the use of criminal and child protective services (CPS) checks. The Department of Social Services will report on its progress to the Commission on Youth prior to the 2014 General Assembly Session.

Recommendation 2

Support the Virginia Department of Social Services in the development of an assessment tools for the informal diversion of youth from foster care into family placements and request that the Department report on the progress on the implementation of the assessment tool to the Commission on Youth prior to the 2014 General Assembly Session.

VIII. Acknowledgments

The Virginia Commission on Youth extends special appreciation to the members of the Advisory Group.

The Commission would also like to acknowledge the contributions of the Honorable Scott A. Surovell, Virginia House of Delegates, and Nannette M. Bowler, Director with Fairfax County Department of Family Services.

Appendix A

Definition of Kinship Caregivers

ADVISORY GROUP

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Virginia Commission on Youth Citizen
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The Hon. David J. Toscano
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Appendix B

Definition of Kinship Caregivers

ADVISORY GROUP
MEETING MINUTES

AUGUST 20, 2012
5 East Conference Room, General Assembly Building
1:00 p.m.

Members Attending:
Delegates Christopher Peace, Senator George Barker, Karen Addison, Melanie Baker, Lisa Banks, Gary Close, Maggie Deglau, Victor Evans, Stacie Fisher, Shannon Hoehl, Lelia Baum Hopper, Christine Marra, Em Parente, Karen Reilly-Jones, Eric Reynolds, Mattie Satterfield, Adalay Wilson, Mary Wilson, Therese Wolf, Amy Woolard

Participating Electronically:
Delegate Scott Surovell, , Patty Bailey, Betty Wade Coyle

Monitoring:
Delegate Mark Keam

Staff Attending:
Amy M. Atkinson, Leah Hamaker, Meg Burruss

Guests:
Sarah Stanton, Becky Bowers-Lanier, Gardenella Green, Carter Batey, James Council

Welcome and Introductions
The Honorable Christopher K. Peace, Chair
Delegate Peace welcomed the Advisory Group. He stated that this study was adopted at the Commission's May 14 meeting. It is important to investigate the issue of kinship and as this Advisory Group endeavors to investigate the issue of kinship and a proper definition for it. He indicated that any recommended work product deemed necessary by the Advisory Group would need to be developed prior to the General Assembly Session.

Delegate Peace noted that during the previous General Assembly Session, a number of issues emerged which were impacted by the lack of a kinship definition in Virginia. While this Advisory Group is comprised of subject-matter experts, generally there is not a great understanding of what kinship is and what kinship care's goals are. The Advisory Group will receive background information on kinship care in Virginia. Delegate Peace thanked everyone for attending and being part of the process then asked the asked the members and guests to introduce themselves. He then turned the meeting over to Ms. Atkinson for a study overview.

Study Overview

Amy M. Atkinson, Executive Director

Ms. Atkinson briefed the members on the history of this study. She noted that the study plan sets forth the study issues and activities. Ms. Atkinson stated that, for any proposal to be successful, the Commission and staff must interact with the impacted stakeholders so that if legislation were introduced, the policy recommendation(s) would be already vetted.

Ms. Atkinson noted that staff would be evaluating relevant statutes and regulations and working with the Advisory Group to develop recommendations. Ms. Atkinson informed the group that there would be one more Advisory Group meeting to formulate findings and recommendations. The Commission on Youth would receive a presentation on the proposed recommendations at the October 17 meeting.

Overview of Kinship Care Activities in Virginia

Leah Hamaker, Senior Legislative Analyst

Ms. Hamaker noted that several handouts were provided in the packets to help set the stage for discussion of kinship care activities in Virginia. She noted that, in times of need, relatives have cared for other family member's children; however, in recent years, there have been several legislative, executive branch, and private sector activities influencing kinship care. Ms. Hamaker discussed several of the legislative studies, including the Commission on Youth's studies in 2010 and 2011 on *Barriers to Kinship Care* and *School Enrollment Practices for Kinship Caregivers*. Delegate Peace asked whether these activities addressed formal or informal kinship care arrangements. Ms. Hamaker indicated both formal and informal kinship care activities in Virginia were included.

Ms. Hamaker noted that the handouts did not include the work conducted at the local level by a variety of organizations. One such agency, the Mountain Empire Older Citizens (MEOC), is one of Virginia's 20 area agencies on aging. MEOC administers a kincare program in the southwestern Virginia region. Ms. Hamaker asked Patty Bailey, MEOC KinCare Director, to comment on the services provided to caregivers at MEOC. Ms. Bailey stated that MEOC provided support services to grandparents and/or other relative caregivers who are acting as surrogate parents or who have custody of a relative child. Services include care coordination, support groups, case management, education, advocacy, and information and referral.

Virginia's Kinship Diversion Efforts

Therese Wolf, Program Manager for Permanency, Division of Family Services
Virginia Department of Social Services

Ms. Wolf briefed the Advisory Group on the Department of Social Services' efforts to increase permanency through kinship care. Ms. Wolf discussed the federal mandates that encourage kinship care, as well as Virginia's laws that specify priority in placing children with relatives. Ms. Wolf noted that Virginia's foster care population, based on point-in-time numbers, was currently 5,085. This is a significant reduction from 8,173 in 2007. Ms. Wolf stated that there were 540 youth currently in family foster care placements.

Ms. Wolf shared recent changes in Virginia laws which support kinship care placements. One such legislative action was enacted to allow a child who is in a 24-month period of Temporary Aid to Needy Families (TANF) ineligibility to regain eligibility. This occurs when the child is removed from the parents' home due to a child protective services complaint or report. Prevention services available to kinship caregivers in Virginia include case management, service referral, court-ordered monitoring and childcare.

Ms. Wolf discussed the barrier crime statutes in Virginia and noted the local departments of social services' (LDSS) concerns over the array of offenses that prohibit individuals from being approved as resource, foster, or adoptive parents. She noted that their concerns pertained to the lack of a waiver process for relatives having a barrier crime in their history, but who appear to pose no threat. Another issue she shared with the Advisory Group was the relative notification provisions set forth in the federal *Fostering Connections and Increasing Adoptions Act.* A question confronting LDSS staff is whether they are authorized to notify relatives about a pending child protective services investigation in the event the child must be removed from the custodian when the family does not want them to be notified. The Advisory Group members discussed this issue and concurred that it could be addressed with judicial involvement.

Ms. Wolf discussed the difference in TANF benefits for children living with relatives or informally placed with relative versus children placed in foster care. Average monthly rates for Title IV-E foster care is $571 per month per child. The average monthly rate for TANF benefits for a child informally placed with relatives is $186 per month. The average maximum allowable under this provision, regardless of the number of children residing with the relative, is $497. Flexibility in this payment could be in diverting children from foster care into relative placements. Ms. Wolf indicated that the Virginia Code does not include a definition of "relative". The term "kin" is used interchangeably with relatives but the definition of "relative" varies program to program. Ms. Wolf stated the Advisory Group might consider a broad definition.

Ms. Wolf answered questions from the Advisory Group. Mr. Chris Freund asked if the rate of reunification was higher than non-relative placements. Another question dealt with children placed with relatives and school enrollment. It was noted that legislation was introduced during the last General Assembly Session to address this issue. While the legislation was not enacted into law, the issue may come up in the 2013 General Assembly Session. Mr. Charles Slemp asked where the broad definition outlined on Ms. Wolf's presentation originated. Ms. Wolf answered other states were using such a broad definition. Delegate Peace asked whether Ms. Wolf had any concerns about using a broad definition and the potential impact upon federal funding. Ms. Wolf noted impacted funding federal streams were Title IV-E and IV-B. However, other states were using a broad definition and receiving Title IV-E and IV-B funds so federal funding must be permissive. Delegate Peace asked that this be confirmed.

Ms. Wolf then presented the findings from two kinship diversion research studies conducted by the Department of Social Services. She stated that the Department conducted a quantitative study in 2009. In 2011, the Annie E. Casey Foundation and ChildTrends collaborated with the Department and collaborated with a follow-up qualitative study. The quantitative study was initiated to determine whether foster care diversion accounted for Virginia's lower placement of children in relative foster care. Ms. Wolf noted that Virginia ranks last in the nation for the number of children placed with relatives in foster care. She stated that kin diversion occurs when the child welfare agency facilitates the placement of children with relatives in lieu of foster care in instances when they cannot remain safely at home with their parents.

Ms. Wolf gave an overview of the sample population, the regions and the methodology used for the quantitative study. A survey was administered to the LDSS workers in the selected regions. The quantitative study yielded the following results:

- 11 of 361 (3%) children came into custody.
- 42 of 361 (11.6%) were placed in another home informally (diverted from foster care).
- 30 of the 42 (71.4%) children were placed with kin.
- 12 of the 42 (28.6%) children were placed with "other".

The study found that between 8.3% and 11.6% youth were placed with kin. It is estimated for 12 months, between 2,148 and 3,012 children were diverted from foster care and placed with relatives.

Of the 42 children diverted from foster care, over 78% were specifically placed informally as an alternative to foster care. In addition, over 61% of these children were being monitored after diversion and 57% were receiving services.

Ms. Wolf noted several follow-up questions that emerged from the study, including what are Virginia's philosophies around using kin as foster care prevention, what are Virginia's diversion practices, and understanding the statewide variation in diversion practices. Accordingly, the Department collaborated with the Annie E. Casey Foundation and ChildTrends to try to obtain clarification to these questions. She outlined the study methodology and the study findings, which are outlined in the bullets which follow:

- In all localities, kin diversion practice is always considered first (if an appropriate relative available) and does not differ due to the severity of abuse/neglect, age of the child, or any other factors.
- Localities range from kin diversion/no licensure of relatives to kin diversion/some licensure of relatives.
- Kin diversion does not appear to be a tactic to avoid the provision of in-home services for the birth parent before removal.
- Agencies may work with families who come to them for reasons other than abuse/neglect.

The qualitative study found that kin diversion is utilized because agencies wish to support families staying together and believe that prevention services should be first option presented to families. Kin diversion was not used when there were no available relatives, there were no "appropriate" relatives or the relatives were out-of state. Diversion may not be considered if previous in-home prevention services were exhausted or the relative was out of the jurisdiction and there were no prevention services available in their jurisdiction.

Ms. Wolf noted that currently there are no formal guidelines specifying assessment type and there was worker confusion over the need for assessment. This was true for utilization of background and criminal checks in diversion cases. While all local departments utilized background checks in diversion case, some workers conduct quick checks via local police then follow up with federal check. Others may report placing the child with the relative prior to conducting a child protective services (CPS) check. Finally, other workers indicate there is no need for background checks because the parent was responsible for making the placement.

Ms. Wolf then discussed findings related to monitoring of open cases, which may be open for 30 days up to two years. She noted that not all diversions end in permanent custody. Service provision also varies based on the availability in the locality. Safety planning is used to list service recommendations for the parent and details for visitation. Because the service plan is signed by the parent and other parties, it can be confusing to parents because they may think it is legally enforceable.

Medicaid or the relative caregiver's insurance reimburses for services; however, it may become difficult to pay for services. This is because the child may no longer be considered "at risk" for an out-of-home placement when they are residing safely with relatives. Moreover, across the Commonwealth, the use of Comprehensive Services Act (CSA) funds is not uniform. CSA funds may be used to fund temporary services to prevent child's entry into foster care.

Ms. Wolf noted that the qualitative study highlighted the following issues:

- No standard policy on kin diversion practice.
- Inadequate documentation of kin diversion to support appropriate accountability measures.
- Some localities lack services and system funding for kin diversion and prevention services.
- Kin diversion may hinder reunification efforts due to lack of mandated timelines.
- Nonrelatives not eligible for benefits, e.g., Medicaid, food stamps, day care, financial benefits.
- Caregivers lack knowledge of/access to adequate services and supports and training on handling children's issues.

Several recommendations emerged from their study, including:

- Developing clear, written state policy guidelines and associated training for kin diversion practice.
- Including minimum standards for assessment, service provision, safety planning, client education, monitoring, case documentation and data tracking.
- Providing workers with tools for clients and training on the tools to inform and advise families on benefits and options including: TANF eligibility, available services, option to become a kinship foster parent, legal options such as how kin can seek legal custody and birth parents can regain custody.
- Develop an accountability process to track diversion data statewide through OASIS by including kin diversion in Safe Measures reporting and in the Quality Service Review performance management process.
- Providing custody assistance for relatives who obtain custody.

Ms. Wolf noted that the Department was working on several of these recommendations, including developing assessment standards and tools for relatives and formulating policy on diverting youth from foster care. In addition, a prevention guidance manual is to be issued to emphasize diversion. Ms. Wolf asserted that lack of a data system able to track prevention/diversion cases remains an issue, as does a lack of services and support for relatives taking care of kin children.

<u>Questions/Comments</u>

- A question was raised about diverting children to relatives in a locality other than the originating locality – what is the impact on that locality and the services it is now required to provide.
- Delegate Peace commented on the lack of uniformity within the system and the lack of oversight.
- Judge Deglau spoke to the family partnership meetings in Henrico Juvenile and Domestic Relations Courts. She outlined the foster care prevention assessment order she formulates to require the custodians/parents to identify all family members. Frequently, family members the custodians/parents do not want notified are the child's most stable placement options.
- Delegate Peace asked what was in place in the local departments that were doing a better job diverting youth from foster care.
    - Advisory Group members stated that funding was helpful but creativity was also important. Both Washington County and Hampton were examples of local departments that did a good job diverting youth from foster care.
- A comment was made that what works in one locality may not work in another.
- Mattie Satterfield noted that there were a variety of reasons to explain differences among departments. She asked whether it would be helpful to have state guidelines for assessing relatives for foster care diversion. The statistics illustrate this as an effective approach for helping youth in the child welfare system.
- Ms. Wolf noted there is no tracking to monitor children who are diverted from foster care. Comment about maintaining flexibility to the benefit to the child
- Christie Marra noted there is not a lot of available information or services for these family members. For example, they have no right to counsel.

Definitions of Kinship Care and Other Related Terms

Ms. Hamaker

Ms. Hamaker briefed the Advisory Group on how other states define kinship caregivers, as well as how Virginia programs define relatives. She started with an overview of states' definitions and noted that she had focused on states similar to Virginia because they were state-supervised, locally administered. Ms. Hamaker highlighted definitions of kinship and relatives and whether they were classified as "broad" or "narrow". She noted the selected states' definitions were categorized by the Casey Family Programs State Child Welfare Policy Database and their category may not be up-to-date.

Ms. Hamaker stated that a broad definition of kin means relatives and other kin have the same treatment by the child welfare agency, with the exception of preference for placement. A narrow definition of kin is stricter and includes only blood relatives or those related by marriage or adoption.

Ms. Hamaker highlighted the definition used by Ohio, which has a kinship caregiver definition, and North Dakota, which includes other appropriate individuals recognized in the community as having a relationship with the child. Nevada referenced fifth degree of relation to the child but was amended to the third degree of relation during the 2009 Nevada legislative session.

Ms. Hamaker then gave an overview of the definition of kinship/relative as referenced in Virginia Code, regulation, and/or policy. She explained that she included all available definitions from social services, child welfare, education, and juvenile justice. She noted that she also included the Virginia Code provision for standby guardianship. Several child welfare studies on this topic noted that states originally developed standby guardianship laws to address the needs of parents living with terminal illness. However, states are using these laws more broadly and many states no longer limit the use of standby guardianship to cases of illness.

<u>Questions/Comments</u>

- Lelia Hopper referenced a Virginia Court of Appeals case dealing with termination of parental rights. The parent argued the termination order should be vacated because the local department had not considered granting custody of the child to parties the parent claimed to be the child's relatives. The parent's brother was the boyfriend the couple whom the parent wished to be considered as a placement. The Court of Appeals ruled the couple to be nonrelatives. Ms. Hopper also stated that it was legitimate to have different definitions for family or relative for different purposes. She also noted there was justification for a broader definition for "relative caregiver" because of the best interests of the child; however, there may be too many circumstances to settle on one definition.
- Judge Deglau agreed with Ms. Hopper, that a narrowly construed definition applied in some situations and would be appropriate (e.g., termination of parental rights, placements of custody, benefits, etc.). There need to be different definitions for different situations.
- Ms. Hopper asked a question about diversion; prior to court involvement, when parents agree to a relative placement to avoid an abuse and neglect proceeding, how does the child get back home? She noted that one's hope is that the relative works with the parent to return the child home, but oftentimes that is not the case – what occurs then?
- An Advisory Group member commented that a broad definition that would allow flexibility for the different circumstances. A definition similar to Minnesota's, which states a relative includes an individual with whom the child has resided or had significant contact, ensures a placement that is best for the child. A broad definition would be helpful in allowing for case-by-case determinations.
- Mr. Freund whether there was outcome data when a broader definition was utilized versus a more narrow definition.
- Ms. Satterfield noted that that local departments could locate an eligible non-relative and bring them into the foster care system and go through the process to license them as "non-relative

foster placement." It was noted that the law does not allow for licensing variances for these individuals.

- Several members expressed concern about legal liabilities of informal non-relative placements.
- A question was raised about whether fictive kin were included in the Family Finding completed by the local departments. Several members noted fictive kin were included, but it may not be a very comprehensive.
- Should the focus be on a more unified process for "relative" placements rather than a uniform definition?
- The Advisory Group discussed including definitions of "formal" kinship care and "informal" kinship care.

Next Steps
Delegate Peace thanked the members for their assistance and suggestions. Commission on Youth staff will consider all the expressed concerns and discussion, including whether changing the definition would affect Title IV-E funding, and which program definitions would be most appropriate to clarify. Staff will also work with the Department of Social Services to receive information on data collection efforts on kinship care placements.

Ms. Atkinson informed the attendees that the Advisory Group would reconvene on Monday, September 17 at 1:00 p.m. The meeting adjourned at approximately 3:20 p.m.

SEPTEMBER 17, 2012

House Room 3, the Capitol
1:00 p.m.

Members Attending:
Delegate Christopher Peace, Senator George Barker, Karen Addison, Melanie Baker, Lisa Banks, Gary Close, Maggie Deglau, Victor Evans, Stacie Fisher, Chris Fruend, Richard Garriott, Lelia Baum Hopper, Christine Marra, Em Parente, Catherine Pemberton, Karen Reilly-Jones, Eric Reynolds, Shawn Rozier, Mattie Satterfield, Adalay Wilson, Mary Wilson, Therese Wolf, Amy Woolard

Participating Electronically:
Delegate Surovell, Patty Bailey, Kathy Dial

Monitoring:
Delegate Mark Keam, Betty Wade Coyle

Staff Attending:
Amy M. Atkinson, Leah Hamaker, Meg Burruss

Guests:
Joel Andrus, Carter Batey, Becky Bowers-Lanier, Gary Cullen, Denise Gallop, Gardenella Green, Julia Hammond, Lyndell Lewis, Sarah Stanton

Welcome and Introductions
The Honorable Christopher K. Peace, Chair
Delegate Peace welcomed the Advisory Group and thanked staff for organizing the meeting. He noted it was important for Advisory Group members to offer their expertise on this important topic. He then asked Advisory Group members and guests introduce themselves.

Delegate Peace thanked Delegate Surovell for calling into the meeting between court hearings. He then turned the meeting over to Ms. Parente for an overview on the Department of Social Services' work on kinship diversion. He apologized to the members and noted, if the meeting was longer than one hour, he would have to leave to preside over another legislative meeting.

Guidance on Kinship Diversion
Em Parente, Program Manager for Family Engagement and Placement
Virginia Department of Social Services
Ms. Parente noted that the Department of Social Services was currently working on an assessment tool to assess family placements for kinship diversion. A training curriculum for kinship diversion was also in development. She introduced Mr. Gary Cullum with the Department and informed the Advisory Group that he would provide a more detailed overview about the Department's efforts with foster care diversion.

Mr. Cullum presented on the foster care diversion guidelines being developed by the Department of Social Services (DSS). He noted that all practices incorporated in the draft guidelines were gathered from national research and included elements such as how to engage families in strengths-based decision making; where should the child be placed, early prevention services; intervening prior to the need for a child protective services (CPS) intervention; and diversion during CPS intervention. Unless local agencies have taken custody of the child, the decision of where the child goes lies with the family. Local departments would like to facilitate parents' identification of family placements with the objective being identifying appropriate relative/non-relative placement options. Mr. Cullum noted the role of local departments is to work with the family to identify as many family members as possible. Local departments can also provide guidance regarding assisting the child's biological family, determining the child's needs, and establishing the duration of the placement. The local departments also connect diversion families with needed resources and/or transferring necessary resources (i.e., health insurance). Mr. Cullum stated that diversion was a family's decision, not a local department of social services' (LDSS) placement. Thus, it is important to engage both families because the child needs to be safe and feel safe and placement expectations must be identified.

Senator Barker asked about the mix of kinship diversions. Mr. Cullum replied that 70 percent of youth were placed with family members and 30 percent are placed with nonrelatives. He noted that families must consent to background checks and the draft guidance will address both types of placements. A follow up question was whether the first step was to look to relatives and then pursue other parties if no relative was identified. Mr. Cullum and Ms. Parente stated this was how local departments proceeded. Discussion followed whether the family's situation stabilized for a majority of the cases.

Standby Guardianship in Virginia
The Honorable Scott A. Surovell
Virginia House of Delegates
Delegate Surovell briefed the Advisory Group members about his experience with standby guardianship. He noted that in Virginia, standby guardianship arises by consenter petition of a third party and is voluntary. It is similar to a Power of Attorney. It may provide some value for these cases because a parent can voluntarily designate another adult to make decisions for the child. Delegate Surovell noted that standby guardianship is helpful when parents are cooperative and allows them to specify the conditions. He stated that because the decision can be revoked, it might also accomplish what Senator Barker hoped to achieve with Senate Bill 217 which was introduced during the 2012 General Assembly Session.

An Advisory Group member asked about the "qualified parent" provision in the Code Section and noted that the law currently applies to end-of-life planning. Discussion ensued whether "qualified parent" was limited to parents diagnosed with a chronic medical condition. It was noted that standby

guardianship was established in Virginia law in response to the AIDS epidemic. There was discussion as to whether this provision would be helpful. The Advisory Group concurred that standby guardianship was not appropriate for these situations.

Issues Impacting Kinship Care in Virginia: A Local Perspective
Mattie Satterfield, Assistant Director of Human Services
Norfolk Department of Social Services

Cathy Pemberton, Member, Child and Family Services Committee
Director, Powhatan Department of Social Services
Ms. Satterfield and Ms. Pemberton provided the Advisory Group with a local perspective on issues affecting kinship care in Virginia. Ms. Satterfield noted that Virginia currently has no uniform policy or guidance on kinship diversion. Local departments strive to ensure that relative caregivers are an appropriate placement option for the child; however, there are inconsistent diversion practices among the local departments. One of the biggest challenges, described by Ms. Satterfield, was providing quality training for working with relatives and parents in a non-adversarial fashion.

Other challenges facing local departments include no training or curriculum addressing informal kinship placements to help with decision-making. Local departments facilitate informal kinship placements and strive to ensure youth are safely diverted from foster care to family members. Another common question confronting local departments is the legal standing of the relative caregiver. Ms. Pemberton stated that local departments may not want to place the child in foster care but are also aware that the relative caregiver has no legal authority over the child. There needs to be consistency of practice in the Commonwealth. For example, questions frequently arise when a child leaves one locality to reside with a relative in another locality. Other commonly raised questions include services for the child/family, payment sources, and authorizing medical care.

Virginia has not always sought relatives as a placement option. Family members may not have the money to hire an attorney to help them obtain custody; they have to go into court and face an adversarial process. Ms. Satterfield and Ms. Pemberton stated that diverting youth from foster care to informal kinship care is a complex issue accompanied by many challenges.

Several Advisory Group members noted that opportunities might be present when talking about diversion. A question arose whether local department can get involved to facilitate these placements without assuming custody. When the child goes to live with a relative in these situations, the child is not in the custody of the local department or the relative. Local departments may work with the child and the family as a prevention case. Thus, the child is in limbo. The biological parent has legal custody while a relative has physical custody of the child.

One Advisory Group member noted that the issue was really about facilitating the placement of the child with a relative as a way to avoid a formal CPS complaint. Another member stated that, once the government is involved, the elephant in the room is that the parties must do what the agency requires or risk being taken to court. It was also noted many cases come to the LDSS that are not CPS-related and the aim is to get the child placed with a relative. However, there needs to be a process if the parent is experiencing a crisis and needs a relative to help care for the child temporarily. This is particularly true when the parent is the party making the placement request. Another member stated that court involvement might be required in certain situations.

Senator Barker stated that the focus of this Advisory Group should be what could be done to best help these children and their families. A large number of children are not living with their birth parent(s) but are not involved with their local department of social services. It is important to understand the

differences in these cases and what may be helpful for one case may be too restrictive for another. It was also noted that, depending on the jurisdiction, parents might get a very different response.

Formulation of Options

Advisory Group Discussion

Ms. Hamaker provided the Advisory Group an opportunity to comment on the Commission's draft recommendations. Ms. Hamaker stated that Finding #1 addressed the definition of relatives for purposes of kinship care. She noted that several states have adopted broader definitions of relatives for kinship care to allow for case-by-case determinations. Ms. Hamaker shared the recommendation option handout with the Advisory Group. She referenced the recommendation options under Finding #1 which included amending § 63.2-100 of the *Code of Virginia* to either broaden the definition of relative or delineate who may be considered a relative for purposes of kinship care. She stated that this change could also be made to DSS policy or the Advisory Group may prefer taking no action.

The Advisory Group members discussed the draft options. Several of the members stated their preference that any changes to the definition be made legislatively and noted that such a change could give local agencies more latitude in relative placements. One member noted the prevalence of unmarried families and stated that changes to the *Code of Virginia* would be helpful to reflect this practical perspective. Several members expressed concerns regarding changing this section of the Code and the impact it could have on other sections. In addition, if the definition of relative becomes too broad, it may make placement decisions more difficult. The Advisory Group concurred that it may be appropriate to have a broader definition of relative early in the process, such as for kinship care. However, it may be problematic if the broader definition influences other more serious situations.

Senator Barker suggested defining the term based upon the situation, i.e., not defining relative but defining kinship caregiver. The Advisory Group concurred with this approach. Ms. Hamaker stated that she would include this recommendation to Finding #1 and remove the options to clarify relative by amending DSS policy.

Another member asked if the Advisory Group could discuss the school enrollment issue. It was noted that the Advisory Group was focusing on the removal and placement of a child from their parents with relatives in the early onset of a family crisis. Difficulties may arise in some localities because there are different practices among judicial districts and school divisions. However, families and local departments are being encouraged to utilize informal kinship care and then encountering barriers, such as enrolling the child in school. It was also noted that many families try to resolve their situation on their own but must go to court because of school enrollment issues. Judge Deglau indicated that she has already had 10 cases this year because of local school enrollment provisions.

Ms. Hamaker asked the Advisory Group to review Finding #5 and the accompanying recommendations and asked the Advisory Group whether any of these options might be helpful. Ms. Hamaker stated that one option would call for amending the standby guardianship provision in the *Code of Virginia* as an option when a child is placed with relatives as an alternative to foster care. Another option would be creating a relative care guardianship provision as a resource for relatives caring for children placed with them as an alternative to foster care. It was noted that this option was used in Michigan. Several of the members stated their opinion that Michigan's use of guardianship mirrored Virginia's custody provisions.

Mr. Freund asked whether the Advisory Group could recommend supporting Senator Barker's bill (SB 217, 2012). The Advisory Group concurred. Ms. Atkinson noted that there was no representation from schools on the Advisory Group and would share this with the Chair of the Commission on Youth.

Ms. Atkinson suggested that Commission on Youth staff schedule a meeting with representatives from the Virginia Department of Social Services to discuss several of the key study issues. She stated that staff would then report to the Advisory Group and then determine whether another Advisory Group meeting was necessary. Ms. Atkinson reminded the Advisory Group that staff would be providing an overview of the study at the upcoming Commission on Youth meeting scheduled for Wednesday, October 17 at 10:00 a.m. in House Room C of the General Assembly Building.

The meeting adjourned at 2:50 p.m.

Definition of Kinship Caregivers

KINSHIP/RELATIVE DEFINITIONS IN VIRGINIA
By Program

SOCIAL SERVICES

Kinship Care
VA. CODE § 63.2-100.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

Interstate Compact for the Placement of Children (ICPC)
Definitions and Placement Categories: Applicability and Exemptions, Regulation 3

Relative: a birth or adoptive brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, first cousin, niece, nephew, as well as relatives of half-blood or marriage and those denoted by the prefixes of grand and great, including grandparent or great grandparent, or as defined in state statute for the purpose of foster and or adoptive placements.

Close Relative Adoption
VA. CODE § 63.2-1242.1.

Non-relative: a person not connected to the child by blood, marriage or adoption.
A. For the purposes of this chapter, a "close relative placement" shall be an adoption by the child's grandparent, great-grandparent, adult nephew or niece, adult brother or sister, adult uncle or aunt, or adult great uncle or great aunt.
B. In a close relative placement the court may accept the written and signed consent of the birth parent(s) that is signed under oath and acknowledged by an officer authorized by law to take such acknowledgements.

Temporary Assistance to Needy Families (TANF)
22VAC40-295-20.

Specified relatives. The relative with whom the child is living who is designated as the caretaker must be a relative by blood, marriage, or adoption.

Title IV-E Foster Care
Virginia Department of Social Services Title IV-E Foster Care Manual

1.3.2 Specified relative
1.3.2.1 Identification/Determination
The specified relative shall be related to the child by blood, adoption, or marriage and shall have legal custody at time of removal.

- *Biological parents have legal custody until or unless that legal custody is terminated via court proceedings.*
- *Other relatives shall be related within the fifth degree of kinship to be considered a specified relative.*
- *Spouses of the specified relative within the fifth degree in which the marriage is terminated by death or divorce may also be considered a specified relative.*

1.3.2.2 Documenting the specified relative
Biological Parent(s)

- *No additional documentation is needed when the specified relative is the biological parent(s).*

Title IV-E Foster Care
(continued)

All other relatives within the fifth degree of kinship

- *A judicial determination will always exist if someone other than the biological parent has legal custody.*
- *If available, a copy of the court proceedings awarding legal custody shall be maintained in the eligibility record.*
- *If unavailable, a service worker or relative of the child may make a written, dated statement identifying who has legal custody.*

Note: When evaluating court proceedings, terms such as "legal guardian" or "legal custodian" are acceptable, as long as the person obtaining legal custody has a clear legal responsibility for the day-to-day care of the child.

1.2.1 Definitions
Relatives of Fifth Degree

Any relative by blood, marriage, or adoption that is within five (5) generations of child which goes back to:

- *5th degree-Great-great-great grandparent; Great-great aunt/uncle; Great-great niece / nephew; First cousin once removed (child of first cousin).*
- *4th degree-Great-great grandparent; Great aunt/uncle; Great niece / nephew; First cousin.*
- *3rd degree-Great grandparent; Aunt / Uncle; Niece / nephew.*
- *2nd degree-Grandparent; Sibling.*
- *1st degree-Parent.*

Custody Assistance *(This initiative is pending.)*
Policy and Tools Work Group Definition

Beginning March 1, 2010 and working continuously through August, 2010, the Policy and Tools Work Group met weekly to frame and define processes for the Custody Assistance guidance. The group recommended that the Custody Assistance guidance be added to the Foster Care Manual, Chapter B as an appendix. Additionally, the group has the definition of relative as follows:
Relative means anyone related to the child by blood, marriage, or adoption. Relationships by marriage exist even after the marriage has been terminated by death, divorce or termination of parental rights.

Medicaid Covered Groups
Virginia Department of Social Services Medicaid Eligibility Manual, Volume XIII
M0310.107 Caretaker-Relative

Caretaker-relative
A "caretaker-relative" is an individual who is not a parent, but who

- *is a relative, of a specified degree, of a dependent child (as defined in M0310.111) and*
- *is living with and assuming continuous responsibility for day to day care of the dependent child (as defined in M0310.111) in a place of residence maintained as his or their own home.*

A caretaker-relative is also referred to as a "non-parent caretaker" to distinguish the caretaker-relative from the parent.

Specified Degree
A relative of specified degree of the dependent child is

- *any blood relative including those of half-blood and including first cousins, nephews or nieces and persons of preceding generations as denoted by prefixes of grand, great, or great-great;*
- *a stepfather, stepmother, stepbrother, and stepsister;*
- *a relative by adoption following entry of the interlocutory or final order, whichever is first; the same relatives by adoption as listed above: including first cousins, nephews or nieces and persons of preceding generations as denoted by prefixes of grand, great, or great-great, and stepfather, stepmother, stepbrother, and stepsister.*
- *spouses of any persons named in the above groups even after the marriage is terminated by death or divorce.*

Neither severance of parental rights nor adoption terminates the relationship to biological relatives.

Procedures – Relationship
The relationship as declared on the application/redetermination form is used to determine the caretaker-relative's relationship to the child. No verification is required.

Living in the Home
A child's presence in the home as declared on the application/redetermination form is used to determine if the child is living in the home with a parent or a caretaker-relative. No verification is required.

EDUCATION

The Individuals with Disabilities Education Act (IDEA) of 2004
20 U.S.C.A. § 1401(23)(C).

The Individuals with Disabilities Education Act (IDEA) includes a provision relating to a non-parent acting in loco parentis for a child at an individualized education program (IEP) meeting. This provision includes in its definition of *parent* an "individual acting in place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives." Section 1414(e) states that each local or state educational agency shall ensure that the parent of each child with a disability is a part of any decision made in regards to the educational placement of his or her child, this extends to the non-parent caregiver acting in loco parentis.

Definition of a Parent
VA. CODE § 22.1-213.1.

Definition of a "parent".
A. "Parent," for purposes of this article and regulations promulgated thereto, means:
1. A biological or adoptive parent of a child;
2. A foster parent, even if the biological or adoptive parent's rights have not been terminated, but subject to subsection B;
3. A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the Commonwealth if the child is a ward of the Commonwealth);
4. An individual acting in the place of a biological or adoptive parent (including grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
5. If no party qualified under subdivisions 1 through 4 can be identified, or those parties are unwilling to act as parent, a surrogate parent who has been appointed in accordance with 8 VAC 20-81-220.
B. The biological or adoptive parent, when attempting to act as the parent pursuant to this section and when more than one party is qualified under subsection A to act as a parent, must be presumed to be the parent for purposes of this section unless the biological or adoptive parent has had their residual parental rights and responsibilities terminated pursuant to § 16.1-277.01, 16.1-277.02, or 16.1-283 or a comparable law in another state.
C. The local school division shall provide written notice to the biological or adoptive parents at their last known address that a foster parent is acting as the parent pursuant to this section, and the local school division is entitled to rely upon the actions of the foster parent pursuant to this section until such time that the biological or adoptive parent attempts to act as the parent.
D. If a judicial decree or order identifies a specific person or persons among subdivisions A 1 through A 5 to act as the "parent" of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the "parent" for purposes of the special education identification, evaluation, and placement of a child and the provision of a free appropriate public education to a child.
E. The Board of Education shall revise the regulations governing the provision of special education services in accordance with this section.

JUVENILE AND DOMESTIC RELATIONS

Juvenile and Domestic Relations District Court Law

VA. CODE § 16.1-228.

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

Standby Guardianship

Definition of Standby Guardian

VA. ANN. CODE §§ 16.1-349.

"Standby guardian" means a person who, in accordance with this article, is designated in writing or approved by the court to temporarily assume the duties of guardian of the person or guardian of the property, or both, of a minor child on behalf of or in conjunction with a qualified parent upon the occurrence of a triggering event. The term shall be so construed as to enable the parent to plan for the future care of a child, without terminating parental or legal rights, and to give the standby guardian the authority to act in a manner consistent with the known wishes of a qualified parent regarding the care, custody and support of the minor child.

Who Can Nominate a Standby Guardian

VA. ANN. CODE §§ 16.1-349; 16.1-351.

A qualified parent may petition the juvenile court to approve a standby guardian for the child. 'Qualified parent' means a parent who has been diagnosed by a licensed physician to be afflicted with a progressive or chronic condition caused by injury, disease, or illness from which, to a reasonable degree of medical probability, the patient cannot recover. Any other person may file a petition. If the petitioner, however, is other than the child's custodial parent, the parent must give consent.

How to Establish a Standby Guardian

VA. ANN. CODE §§ 16.1-350; 16.1-352.

Upon petition, the court may approve a person as standby guardian for a child of a qualified parent upon the occurrence of a specific triggering event.

The petition shall include:

- The name and address of the petitioner and his or her relationship to the child, the name and address of the child's qualified parent, and the name and address of any other parent of the child whose identity and whereabouts are known to the petitioner
- The name, address, and birth date of the child
- The proposed triggering event
- Whether a determination of incompetence or debilitation has been made
- Whether there is a significant risk that the parent will imminently become physically or mentally incapable of caring for the child or die as the result of a progressive chronic condition or illness
- The name and address of the proposed standby guardian
- Any known reasons why the child's other parent is not assuming or should not assume the responsibilities of a standby guardian

The parent may also name a standby guardian by executing a written designation at any time. Children who are age 12 or older must be notified of any hearing.

How Standby Authority Is Activated

VA. ANN. CODE §§ 16.1-352; 16.1-353.

The authority of the standby guardian is effective:

- Upon receipt by the standby guardian of a determination of incompetence or a certificate of death
- If so requested in the petition, upon receipt by the standby guardian of a written consent of the qualified parent and filing of the consent with the court

The court-approved standby guardian then has 30 days to file confirming documents with the court. A standby guardian by written designation must petition the court for approval as soon as possible, but no later than 30 days after the triggering event. If the parent has died, the standby guardian has 90 days to petition for the appointment of a permanent guardian or initiate proceedings to determine custody of the child.

Involvement of the Noncustodial Parent

VA. ANN. CODE § 16.1-350.

Each parent whose identity and whereabouts are known must be notified of the petition. Another known parent, stepparent, adult sibling, or other adult related to the child may request a hearing within 10 days. The court cannot proceed if a custody case is pending.

Authority Relationship of the Parent and the Standby Guardian

VA. ANN. CODE §§ 16.1-349; 16.1-354.

The standby guardian temporarily assumes the duties of guardian of a minor child on behalf of or in conjunction with a qualified parent upon the occurrence of a triggering event. This is meant to enable the parent to plan for the future care of a child, without terminating parental or legal rights. When a standby guardian's authority is effective upon debilitation or incompetence of the parent, the standby guardian's authority to act on behalf of the parent continues even though the parent is restored to health unless the parent notifies the guardian and, if appropriate, the court, in writing.

Withdrawing Guardianship

VA. ANN. CODE § 16.1-354.

The authority of a standby guardian who has been approved by the court may be revoked by the parent by filing a notice of revocation with the court. At any time following his or her approval by the court, a standby guardian may decline to serve by filing a written statement of refusal with the court and having the statement personally served on the parent. When a written designation has been executed but is not yet effective because the triggering event has not yet occurred, the parent may revoke or the prospective standby guardian may refuse the designation by notifying the other party in writing. A written designation may also be revoked by the execution of a subsequent inconsistent designation.

Appendix D

08/20/12

Definition of Kinship Caregivers

KINSHIP CARE POLICIES
How Kin/Relative is Defined by State

A broad definition of kin is defined as relatives AND other kin having the same treatment in all engagement with the child welfare agency, with the exception of preference for placement.

A narrow definition of kin is a stricter definition and only includes blood relatives or those related by marriage or adoption.

STATES HAVING A BROAD DEFINITION OF KIN/RELATIVES
(State Supervised, Locally Administered Programs)

STATE	STATUTE	SUMMARY
California	**Relative Placement for Foster Care and Guardianship CAL. WELF. & INST. CODE §§ 361.3; 309(e).**	For purposes of this section: • Preferential consideration means that the relative seeking placement shall be the first placement to be considered and investigated. • "Relative" means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is proceeded by the words "great," "great-great," or "grand," or the spouse of any of these persons, even if the marriage was terminated by death or dissolution. However, only the following relatives shall be given preferential consideration for the placement of the child: an adult who is a grandparent, aunt, uncle, or sibling.
Colorado	**Relative Placement for Foster Care and Guardianship COLO. REV. STAT. §§ 19-3-508; 19-3-60.**	If the court finds that placement out of the home is necessary and is in the best interests of the child and the community, the court shall place the child with a relative; that relative can include the child's grandparent. Following an order of termination of parental rights, the court shall consider, but shall not be bound by, a request that guardianship and legal custody of the child be placed with a relative of the child. When ordering guardianship and legal custody of the child, the court may give preference to a grandparent, aunt, uncle, brother, sister, half-sibling, or first cousin of the child when such relative has made a timely request and, the court determines that such placement is in the best interests of the child.
Minnesota	**Relative Placement for Foster Care and Guardianship MINN. STAT. ANN. §§ 260C.212; 260C.007.**	The term 'relative' means a person related to the child by blood, marriage, or adoption, or an individual who is an important friend with whom the child has resided or had significant contact. For an Indian child, relative includes members of the extended family as defined by the law or custom of the Indian child's Tribe or, in the absence of law or custom, nieces, nephews, or first or second cousins, as provided in the Indian Child Welfare Act of 1978.
Nevada	**Relative Placement for Foster Care and Guardianship NEV. ANN. STAT. § 128.110.**	Preference may be given to placement of the child with any person related within the fifth degree of relation to the child whom the person or agency finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State. *(Legislation passed during the 2009 legislative session expanded the degree of relation from third to fifth.)*
New York	**Relative Placement for Foster Care and Guardianship N.Y. FAM. CT. ACT §§ 1017; 1005-b.**	When the court determines that a child must be removed from his or her home, the court shall direct the local commissioner of social services to conduct an immediate investigation to locate any nonrespondent parent of the child and any relatives of the child, including all of the child's grandparents, all suitable relatives identified by any respondent parent or any nonrespondent parent, and any relative identified by a child over age 5 as a relative who plays or has played a significant and positive role in his or her life. The commissioner shall inform the relatives of the pendency of the proceeding and of the opportunity for becoming foster parents or for seeking custody or care of the child. *(continued)*

STATES HAVING A BROAD DEFINITION OF KIN/RELATIVES
(State Supervised, Locally Administered Programs) *(continued)*

STATE	STATUTE	SUMMARY
New York *(cont.)*		*Effective July 2, 2010* At the conclusion of the dispositional hearing, the court may enter grant custody or guardianship of the child to a relative or other suitable person if: • The relative or suitable person has filed a petition for custody or guardianship of the child. • The court finds that granting custody or guardianship of the child to the relative or suitable person is in the best interests of the child and that the safety of the child will not be jeopardized if the respondent or respondents under the child protective proceeding are no longer under supervision or receiving services. The court finds that granting custody or guardianship of the child to the relative or suitable person will provide the child with a safe and permanent home.
North Carolina	**Relative Placement for Foster Care and Guardianship** **N.C. GEN. STAT. § 7B-903.** **Requirements for Placement with Relatives** **N.C. GEN. STAT. § 7B-903.** **Relatives Who May Adopt** **N.C. GEN. STAT. § 48-3-301(b).**	In placing a child in out-of-home care, the court shall first consider whether a relative of the child is willing to provide care for the child. The relative must be willing and able to provide proper care and supervision of the child in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the child with the relative unless the court finds that the placement is contrary to the best interests of the child. A relative, including a grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, or great-grandparent, may adopt the child.
Ohio	**Relative Placement for Foster Care and Guardianship** **OHIO REV. CODE § 5101.85.**	A kinship caregiver is a person, age 18 or older, related to the child by blood or marriage, who is caring for the child in place of the child's parents. Relatives can include: • Grandparents, including great, great-great, and great-great-great-grandparents • Siblings • Aunts, uncles, nephews, and nieces, including any relative with a great, great-great, or grand prefix • First cousins and first cousins once removed • Stepparents and stepsiblings of the child • Spouses or former spouses of any of the above • A legal guardian or legal custodian of the child
Penn-sylvania	**Relative Placement for Foster Care and Guardianship** **PA. CONS. STAT. Tit. 42, § 6351;** **PA. STAT. TIT. 62, §§ 1302; 1303.**	The custody of a dependent child may be transferred to a relative. When a child must be placed in foster care, first consideration shall be given to a relative of the child. A relative is an individual who is related within the third degree to the child or stepchild and at least age 21.

(continued)

STATES HAVING A BROAD DEFINITION OF KIN/RELATIVES
(State Supervised, Locally Administered Programs) *(continued)*

STATE	STATUTE	SUMMARY
Virginia	**Kinship Care** **VA. ANN. CODE** **§ 63.2-100.**	Kinship care means the full-time care, nurturing, and protection of children by relatives.
	Relative Placement for Foster Care and Guardianship **VA. ANN. CODE** **§ 16.1-281.**	If the Department of Social Services concludes that it is not reasonably likely that the child can be returned to his or her prior family within a practicable time, consistent with the best interests of the child, it shall design a placement plan to lead to the child's successful placement with a relative if a subsequent transfer of custody to the relative is planned.
	Relatives Who May Adopt **VA. ANN. CODE** **§ 63.2-1242.1.**	A 'close relative placement' shall be an adoption by the child's grandparent, great-grandparent, adult nephew or niece, adult brother or sister, adult uncle or aunt, or adult great-uncle or great-aunt.

STATES HAVING A NARROW DEFINITION OF KIN/RELATIVES
(State Supervised, Locally Administered Programs)

STATE	STATUTE	SUMMARY
North Dakota	**Relative Placement for Foster Care and Guardianship** **N.D. CENT. CODE** **§ 27-20.**	The term 'fit and willing relative or other appropriate individual' means a relative or other individual who has consented in writing to act as a legal guardian. The term 'relative' means: • The child's grandparent, great-grandparent, sibling, half-sibling, aunt, great-aunt, uncle, great-uncle, nephew, niece, or first cousin, which relationship may derive from a marriage or former marriage • An individual with a relationship to the child, derived through a current or former spouse of the child's parent, similar to a relationship described above • An individual recognized in the child's community as having a relationship with the child similar to a relationship described above.
Wisconsin	**Relative Placement for Foster Care and Guardianship** **WIS. ANN. STAT.** **§ 48.57**	A 'kinship care relative' or 'long-term kinship care relative' means a relative other than a parent.
	Relatives Who May Adopt **WIS. ANN. STAT.** **§ 48.02.**	The term 'relative' means a parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, brother-in-law, sister-in-law, first cousin, second cousin, nephew, niece, uncle, aunt, step uncle, step aunt, or any person of a preceding generation as denoted by the prefix of 'grand,' 'great,' or 'great-great,' whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. For purposes of the application of § 48.028 and the Federal Indian Child Welfare Act, 25 U.S.C §§ 1901 to 1963, 'relative' includes an extended family member, whether by blood, marriage, or adoption, including adoption under Tribal law or custom. The term 'extended family member' means a person who is defined as a member of an Indian child's extended family by the law or custom of the Indian child's Tribe or, in the absence of such a law or custom, a person who is age 18 or older and who is the Indian child's grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece, nephew, first cousin, second cousin, or stepparent. .

ORGANIZATIONS' DEFINITIONS OF KINSHIP CARE

ORGANIZATION	DEFINITION
Child Welfare League of America	Kinship care can be defined as the provision of full time nurturing and protection of children by adults other than parents who have a family relationship bond with the children.
U.S. Office of Personnel and Management	Kinship care is the full time care, nurturing and protection of children by relatives, members of their tribes or clans, godparents, stepparents, or any adult who has a kinship bond with a child. This definition is designed to be inclusive and respectful of cultural values and ties of affection. It allows a child to grow to adulthood in a family environment.
U.S. Department of Health & Human Services Administration for Children and Families Child Welfare Gateway	Kinship care refers to the care of children by relatives or, in some jurisdictions, close family friends (often referred to as fictive kin). Relatives are the preferred resource for children who must be removed from their birth parents because it maintains the children's connections with their families. Kinship care is often considered a type of family preservation service. Kinship care may be formal and involve a training and licensure process for the caregivers, monthly payments to help defray the costs of caring for the child, and support services. Kinship care also may be informal and involve only an assessment process to ensure the safety and suitability of the home along with supportive services for the child and caregivers. Approximately one-fourth of the children in out-of-home care are living with relatives.

Sources: U.S. Department of Health and Human Services Administration for Children and Families Administration on Children, Youth and Families Children's Bureau. Placement of Children with Relatives. Last Updated July 2010.