



Creating a Kin-First Courtroom

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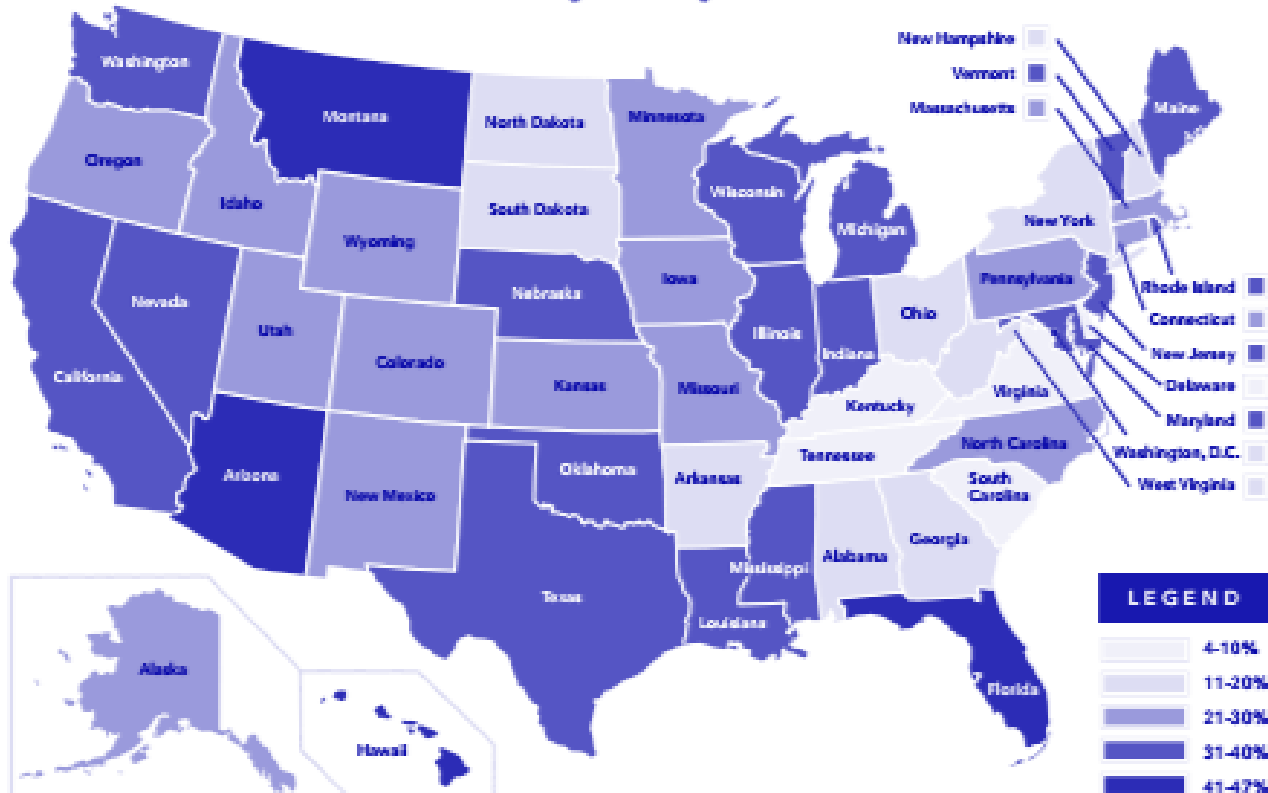
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Overview of Kinship Care



- **2.5 million children** raised by relative or close family friend without parent in the home
- **30%** of the children in foster care (about 127,00 children) live with relatives

Percent of Children in Foster Care With Relatives ⁶² (2014)



Children Thrive in Grandfamilies



* See Children Thrive in Grandfamilies fact sheet, available at www.grandfamilies.org and www.gu.org

Federal Laws Supporting Kinship Care



Federal Laws Supporting Kinship Care

- **Federal preference** for placement with a relative: 42 U.S.C.A. 671(a) (19)
- **Fostering Connections to Success & Increasing Adoptions Act**
 - Notice of relatives within 30 days of removal
 - Kinship Guardianship Assistance Option
 - Placement of siblings together
- **Preventing Sex Trafficking and Strengthening Families Act**
 - Reasonable and prudent parent standard
 - Guardianship assistance for successor guardians
 - Notification and placement with siblings
 - Incentivized guardianship payments to states

* Detailed legal analysis of laws and impact on kin caregivers at www.grandfamilies.org, including Judicial Guides and implementation tools

Relative Placement Preference

- **42 U.S.C.A. § 671(a) (19):** Federal preference for placement with a relative.
 - State plan for foster care and adoption assistance requires State consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child,
 - provided that the relative caregiver meets all relevant State child protection standards.
- No federal definition of “relative”
 - Each state must define relative for this purpose
 - relationship by blood, marriage or adoption only, or include fictive kin (people with a significant or family-like relationship with child)

Fostering Connections to Success and Increasing Adoptions Act: Notice Requirement

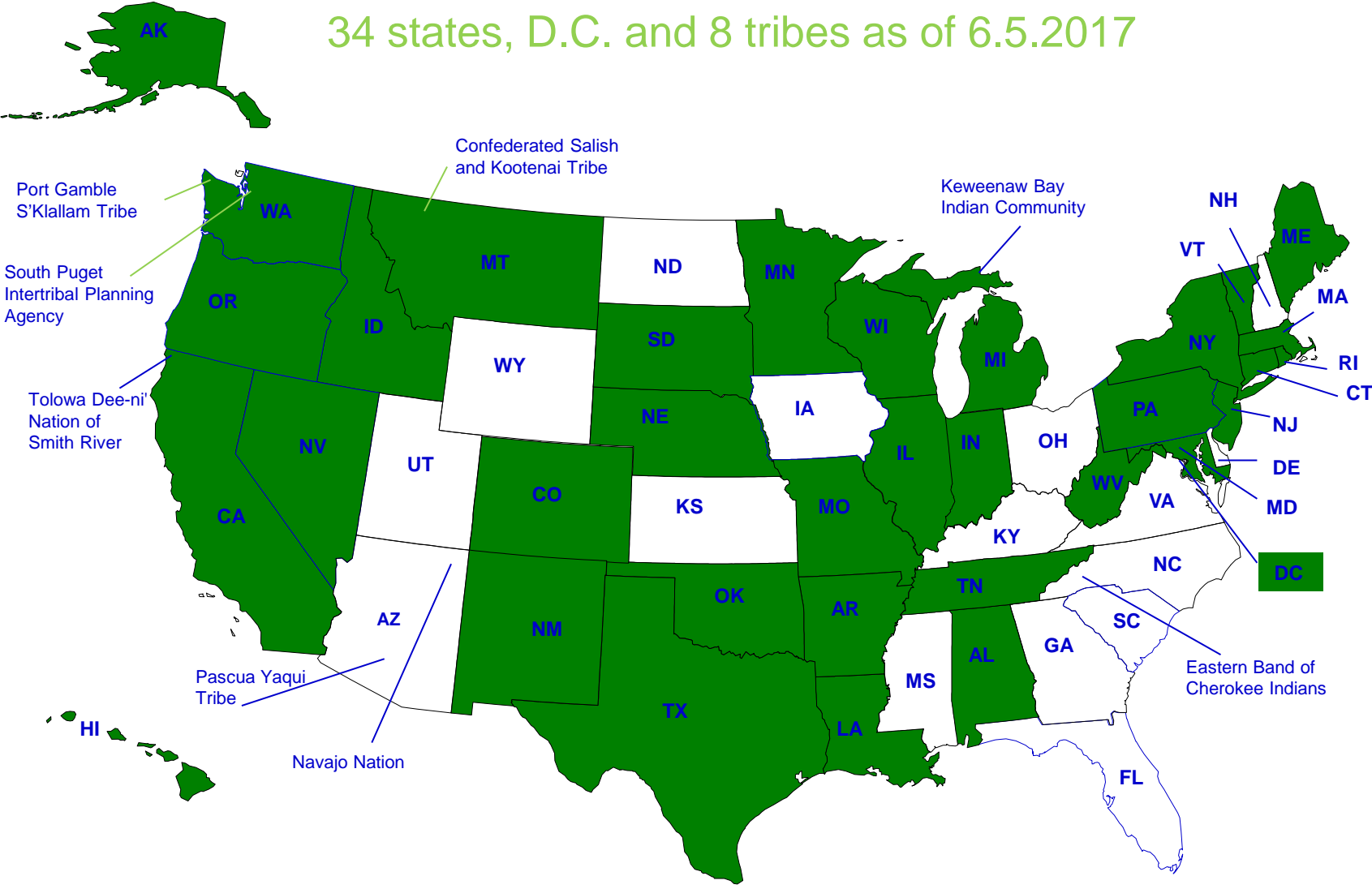
- **Requires** state child welfare agencies to use *due diligence* to identify and notify **all** adult relatives
 - Exception for family and domestic violence
- Notice within **30 days** of removal from parents' custody:
 - Specify the child has been or is being removed from parent's custody
 - Explain options to participate in care and/or placement
 - Describe requirements to become foster parents and outline available services and supports
 - Describe kinship guardianship assistance, if state has chosen this option

Fostering Connections Act: Kinship Guardianship Assistance Option (GAP)

- State **option** to use Title IV-E for eligible children who leave foster care for legal guardianship with a relative
- States must use state and local dollars to match
- States must pay non-recurring costs of legal guardianship (e.g., legal fees) up to \$2,000
- Children are eligible for Medicaid
- Payments available until child turns 18 (sometimes 21)
- GAP remains in effect if guardian moves to another state
- If child eligible for federal adoption assistance when placed with guardian, child continues to be eligible if guardian wants to adopt the child later

States with Approved Guardianship Assistance Programs

34 states, D.C. and 8 tribes as of 6.5.2017



Fostering Connections Act: Sibling Placement

- States **must** make *reasonable efforts* to place siblings together in foster, kinship and adoptive homes unless contrary to the safety or well-being of a child
- If siblings not placed together, states **must** document why not and:
 - **Must** make *reasonable efforts* to provide frequent visitation or other on-going contact between siblings,
 - Unless states document that contact would be contrary to the safety or well-being
- The Department of Health and Human Services encourages periodic assessment of placement and visitation and allows states to define siblings
 - Frequent visitation defined as at least monthly

Preventing Sex Trafficking and Strengthening Families Act of 2014: Kinship Provisions

- **Reasonable and prudent parent standard** allows foster parents (and licensed kin) to make decisions regarding health, safety and best interest of child, including extracurricular and social activities
 - At permanency hearings, agency must show standard is followed and child is given chance to participate in age & developmentally appropriate activities
- **Guardianship Assistance for Successor Guardians** allows guardianship assistance payments for IV-E eligible children to be transferred to named “successor” guardian if child’s guardian dies or is unable to care for them
- **Notification and Placement with Siblings:** agencies must notify parents of a child’s siblings when child is removed, including individuals who would have been considered siblings if not for termination of parental rights



Preventing Sex Trafficking and Strengthening Families Act of 2014: Kinship Provisions

- **Reinvestment of Savings** from de-linking Title IV-E adoption assistance for Post Permanency Adoption and Guardianship Supports and Services
- **Incentivized guardianship payments to states:** \$5,000 for foster child adoption, \$7,500 for pre-adolescent (9-13) child adoption and guardianship, \$10,000 for older child adoption and guardianship, and \$4,000 for foster child guardianship

wikiHow for Kinship Foster Care: How to Create a Kin First Culture



Key Steps to Creating a Kin First Culture

- 1 Lead with a kin first philosophy**
- 2 Develop written policies and protocols that reflect equity for children with kin and recognize their unique circumstances**
- 3 Identify and engage kin for kids at every step**
- 4 Create a sense of urgency for making the first placement a kin placement**
- 5 Make licensing kin a priority**
- 6 Support permanent families for children**
- 7 Create a strong community network to support kin families**



Step 1: Kin First Leadership

- Leaders with a kin first philosophy can:
 - promote belief that children belong with family
 - ensure resources, tools and training are aligned with kin first culture
 - hold all levels of the agency accountable
 - Train staff on the value of kin and their unique needs
 - develop benchmarks and review data

Step 2: Policies and Protocols

- Develop written policies that reflect equity for children with kin and recognize unique needs
- Share draft policies and solicit feedback from stakeholders, policies should include:
 - emergency placement
 - notice and engagement
 - partnerships with American Indian/Alaskan Native tribes
 - defined roles and expectations for all stakeholders
 - full disclosure to kin and parents on all permanency options and support
 - tailored training, services and supports for kin



Step 3: Identify and Engage Kin

- Identify and engage kin at every step
- Prioritize family search and engagement
- Focus on role of kin to preserve connections
- Use casework and technology to identify kin
- Identify and engage fathers & paternal relatives
- Use family team meetings to identify, engage, and educate kin
- Engage tribes early

Family Connections: Role of the Court

- Ask agency about relatives
 - who has been identified?
 - who has been notified?
 - what were the “due diligence” efforts by the agency to identify and notify **all** relatives?
- Ask about relatives at the first hearing **and** all subsequent hearings
- Ask parents and the child **in court** to identify relatives
- Ask what the agency is doing to engage relative resources?
- Ask what efforts have been made to ensure that relatives understand the various placement options?
- Ask if the agency has explored ways to keep the relative connected to the child, i.e. visitation resources?
 - Order visitation plan for relatives, parents and siblings

Step 4: Place with Kin First

- Create a sense of urgency for making the first placement a kin placement
- Invest necessary resources and align policies, practices and staff
- Create a firewall that requires approval for all non-kin placements
- Provide staff with tools they need to place with kin immediately, including:
 - Training and clear procedures
 - Well articulated roles and responsibilities

Step 5: Prioritize Licensing Kin

- Make licensing kin a priority
- Remove all licensing barriers for safe and appropriate kin
- Adopt the National Model Family Foster Home Licensing Standards or model tribal foster care standards
- Implement a clear process for waivers and variances
- Provide kin with assistance and information
- Develop kinship specific training



Step 6: Support Permanent Families

- Support permanent families for children whether with parents and if not with kin
- Offer and explain all options for legal permanence
- Understand and honor family dynamics and relationships
- Use family-centered team meetings to help families make permanency decisions
- Provide the same level of supports and services to parents and kin caregivers

Step 7: Community Network

- Create a strong community network to support kin families
- Engage other public systems, such as schools, economic security, and aging
- Involve legal stakeholders in supporting kinship placements and connections
- Provide opportunities for kinship families to network with each other
- Develop strong relationships and referral processes with community-based organizations

Putting Kin First to Practice: The California Example



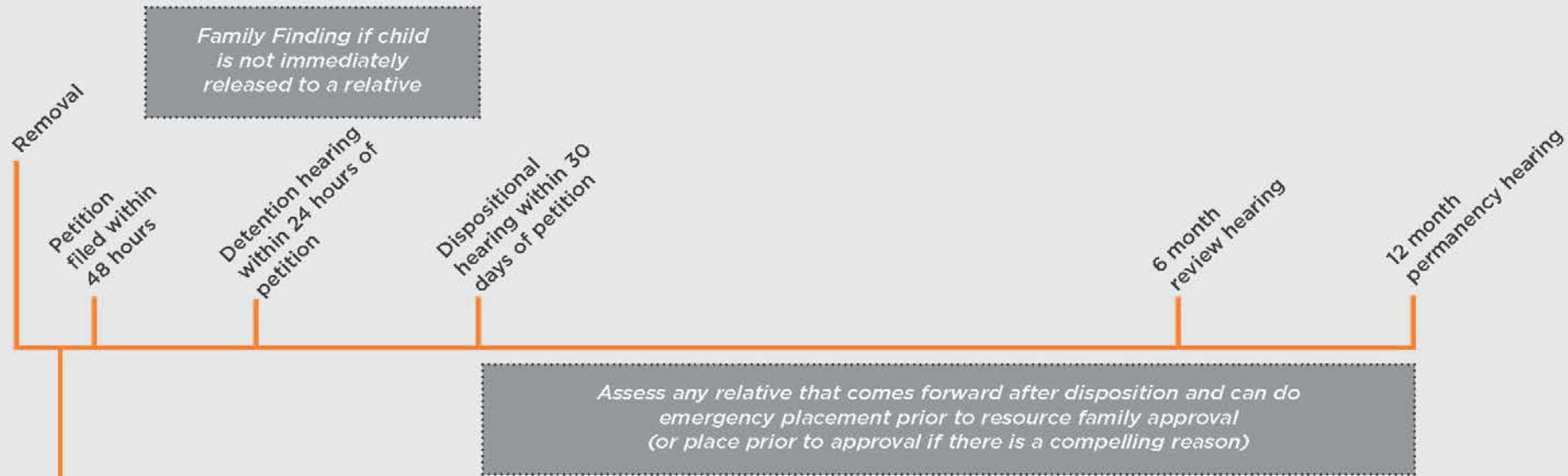
Vision of the Continuum of Care Reform

- All children live with a committed, permanent and nurturing family with strong community connections
- Services and supports should be individualized and coordinated across systems and children shouldn't need to change placements to get services
- When needed, congregate care is a short-term, high quality, intensive intervention that is just one part of a continuum of care available for children, youth and young adults
- Effective accountability and transparency drives continuous quality improvement for state, county and providers

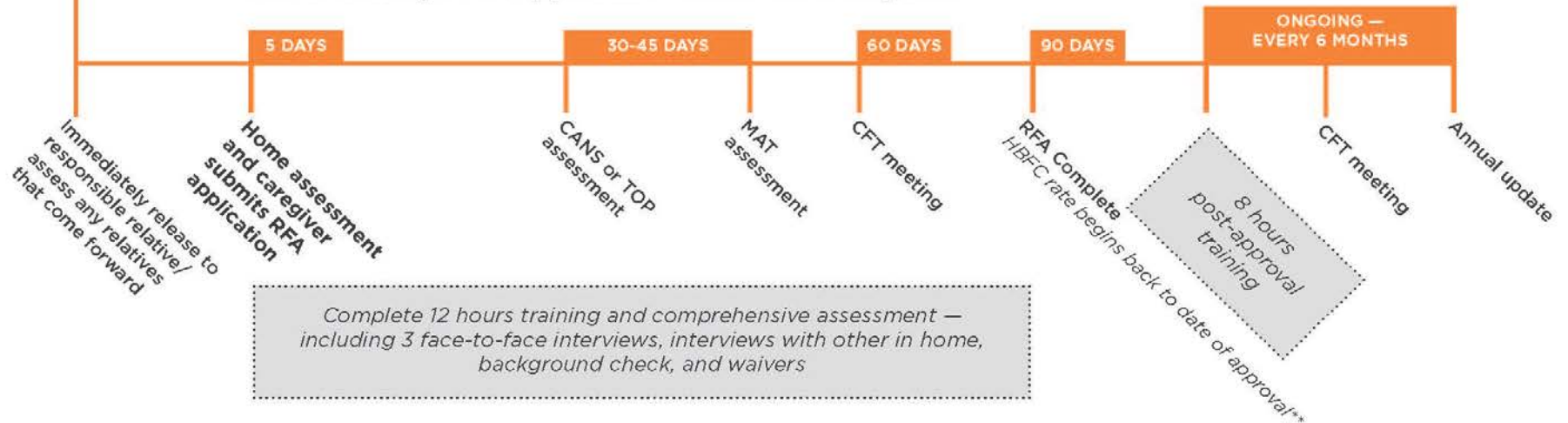
Key Strategies

- Child and Family Teams (CFTs) drive case planning, placement decisions and care coordination
- New licensing requirements for Foster Family Agencies (FFAs) and Short Term Residential Treatment Programs (STRTPs):
 - Limit use of residential care to when an Interagency Placement Committee finds child requires short-term intensive services
 - Ensures STRTPs and FFAs have an identified ability to meet the varied needs of children (i.e. “core services”) including mental health services
 - Ensures STRTPs and FFAs are nationally accredited and have engaged placing agencies in program development
- New approval requirements and restructured rate system for caregivers provides for a single residential rate and a varied “level of care” home-based rate
- Local collaboration between Child Welfare, Mental Health, Probation, and Education to provide integrated services

Overview of Timeline from Removal to Permanency



CalWORKs/Pre-Approval Placement Stipend



**Rates to be at child's assessed level of care, but the LOC system will not be rolled out until Spring/Summer 2017

TRAINING: Kinship Care vs Traditional Foster Care

Kinship Care	Traditional Foster Care
Unplanned, immediate/crisis-oriented	Planned decision to become foster caregiver
Changes existing relationships/family roles	Builds new relationships
Hopes and expectations for reunification	May hope to adopt
Knowledge of family dynamics	Limited knowledge of a family
Mixed feeling about role change	Excitement of a new role of parent
Mixed feelings about loss of parent to child	Celebration of new family
Limited preparation	Prepared and supports in place
Unanticipated requirements to become approved for placement	Anticipated requirements to become approved foster parent
Guilt over the issues of birth parents	No guilt over issues of birth parents
Feelings of betraying birth parents	Displaying loyalty to the child
Feel entitled to be in “driver’s seat” – distrusting of system	Emotional entitlement is more gradual; legal entitlement only after adoption
Hesitation to legalize – doesn’t indicate a lack of commitment to child	Low motivation to legalize triggers concerns about commitment to child

Notification & Placement Prior to Approval

- **Ensure proper notice to family and continuous family finding**
- **Legal Mechanisms to allow placement prior to full approval**
 - **CA Example: Placement Based on Compelling Reason:**
 - Based on needs of the child – NOTE: compelling reason includes connection to family
 - After home environment approval completed
 - Permanency assessment to be completed within 90 days
 - **CA Example: Placement based on Emergency Basis:**
 - Must be with relative or nonrelative extended family member
 - Home environment assessment must be initiated within 5 business days and caregiver must turn in RFA application
- **Best Practice – Inquire About Funding:** Foster Care funding is not available to families until full approval has been achieved **BUT** counties can use expedited TANF, Foster Parent Recruitment and Retention Funds, and/or Emergency Assistance to bridge the gap!!

Empowering Families through the Approval Process

- Step by step instructions for families navigating RFA
- Vetted with relative caregivers
- Available online at www.stepupforkin.org
- **Best Practice:** Providing Guides to families at 1st court hearing

Resource Family Approval Guide



A project of The Step Up Coalition
stepupforkin.org



In Theory, Same Services Available to All Families Within Child Welfare

Child welfare services may include, but are not limited to, a range of service-funded activities, including:

- case management,
- counseling,
- emergency shelter care,
- emergency in-home caretakers,
- temporary in-home caretakers,
- respite care,
- therapeutic day services,
- teaching and demonstrating homemakers,
- parenting training,
- substance abuse testing,
- and transportation.

In Practice, Kin Receive Fewer Services

“State policies indicate that kin are generally eligible to receive the same services as non-kin foster parents. However, past research has clearly shown that in practice, kin foster parents and the children in their care receive fewer services. Kin are offered fewer services, request fewer services, and receive fewer services.”

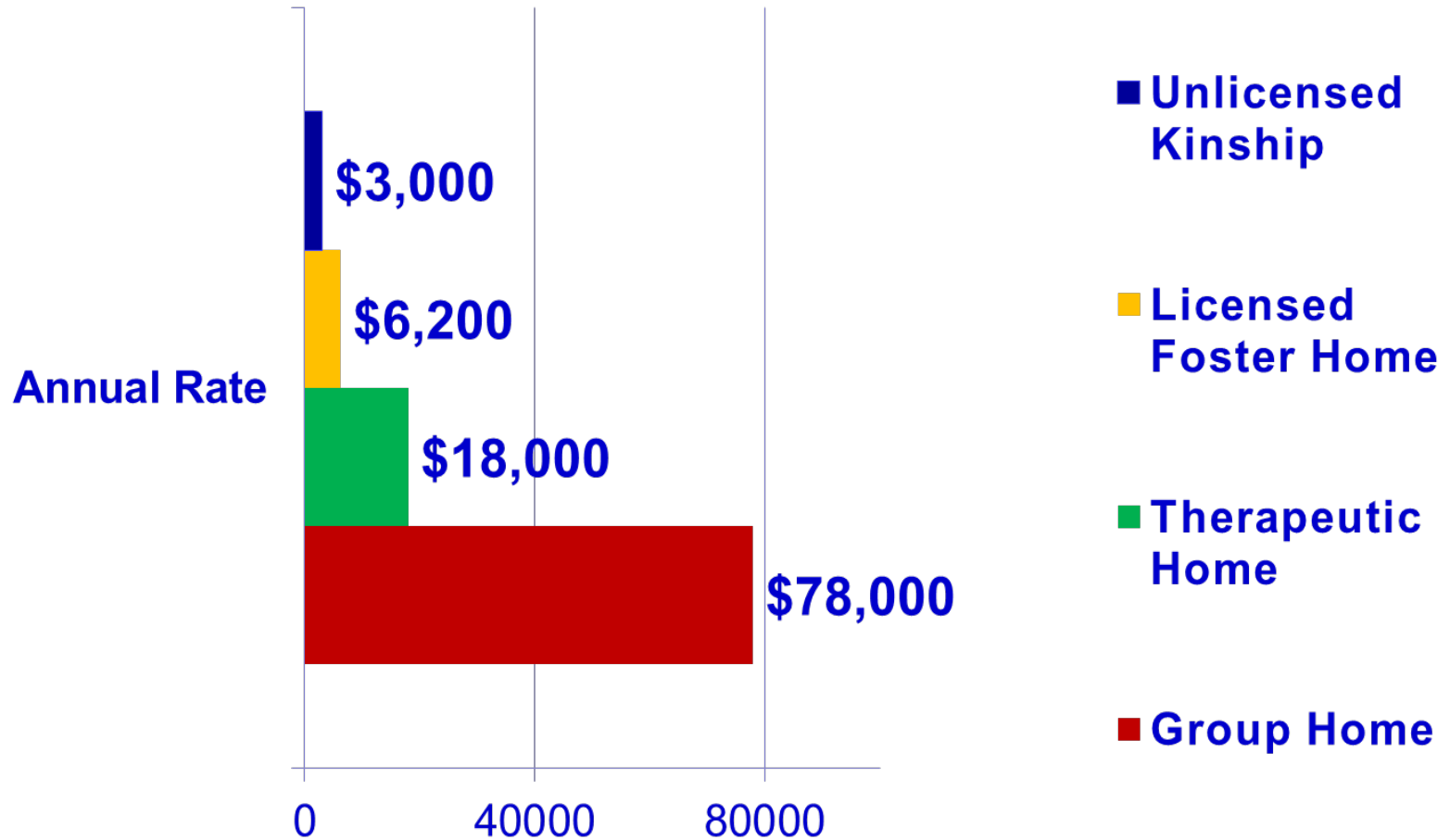
Service	Non-Kin	Kin
Respite Care	23%	16%
Support Group	40%	9%
Training	76%	13%
Specialized Training	71%	17%
Mental Health Services	48%	28%
SW Contact within last month	81%	73%
<i>Average # of Services on 0 to 6 Scale</i>	2.3	0.53

Kin Often Fail to Access Financial and Other Key Supports

- Less than 12% receive TANF (nearly 100% are eligible)
- 42% receive SNAP benefits
- 42% of children in kinship settings receive Medicaid (nearly 100% are eligible)
- 17% of low-income working kinship families receive child care assistance
- 15% of low-income kinship families receive housing assistance

Best Practice: Inquire as to the support the child is receiving and ensure all children receive basic financial support/health care

Kin Often Receive Little to No Financial Support



Why do Kin Receive Fewer Services?

- **Legal Barriers:** Some services are simply denied to kin families
 - Exp: No foster care funding unless the family is fully licensed/approved
- **Cultural Barriers:** Misperceptions/mistrust between system and kin
 - Exp: Respite care, Mental Health Services
- **Design Barriers:** Services/service delivery not tailored to needs of kin
 - Exp: Training, Child care
- **Implementation Barriers:** Misinterpretation of law or failure to communicate about what the law requires
 - Exp: Transportation to School of Origin, Involvement of families in CFTs

Putting it All Together: How to Achieve Successful Kinship Placements

- Help relatives make informed decisions
 - Written materials for relatives to help understand their role and options
 - Review and discussion of written materials
- Ensure engagement of families: parents, children, relative caregivers
 - Notice to family members
 - Placement prior to approval
 - Support through approval (financial and otherwise)
 - Involvement in Team Decision Making (Family Group Decision Making)
- Ensure families are accessing support they need
 - Financial support – including allowing families option of being fully licensed/approved
 - Medical support – including specialty mental health services
 - Child welfare services – transportation, respite, specialized training
 - Permanency supports – subsidized guardianship, adoption assistance
- Best interests of the child prevails

NCJFCJ 68th ANNUAL CONFERENCE

JULY 17–20, 2005

Pittsburgh, PA

RESOLUTION PROMOTING TIMELY RELATIVE PLACEMENTS AND REASONABLY DILIGENT SEARCHES IN FURTHERANCE OF THOSE PLACEMENTS

- **WHEREAS**, research-based national policy supports (perhaps requires) the timely placement of children with relatives when they have been removed from their homes by state action and safe, appropriate relatives are available to care for those children; and
- **WHEREAS**, children who are safely and timely placed with relatives following removal from their own homes tend to achieve permanency more timely, experience fewer placements while in foster care, and experience a higher degree of well-being; and
- **WHEREAS**, the failure to identify appropriate relative resources in a timely manner may unnecessarily delay the achievement of permanent placement of children; and
- **WHEREAS**, the failure to place children with relatives where appropriate contributes to the disproportionate representation of many ethnic and minority populations throughout the child welfare and foster care systems; and


- **WHEREAS**, beginning the process of systematically identifying relatives at the time of removal and continuing that process throughout the life of the case has been demonstrated to increase the likelihood of placement of children within their families; and
- **WHEREAS**, the failure to recognize changing family dynamics and to remain diligent throughout the life of a case may result in lost opportunities to provide the most appropriate safe, permanent placements for children who cannot return to their birth homes; and
- **WHEREAS**, ensuring that relatives are timely identified and considered for placement is properly within the oversight responsibility of the judges exercising jurisdiction over children in foster care; and
- **WHEREAS**, active judicial oversight has proven to be an essential element in the timely identification of potential relative placements; and
- **WHEREAS**, there is system-wide benefit to establishing some degree of uniformity relative to what constitutes a reasonable diligent search for relatives, both in terms of the scope of the search and the manner in which the search is conducted;

NOW THEREFORE, BE IT HEREBY RESOLVED, judges exercising jurisdiction over children in foster care take steps in their jurisdictions to promote the placement of children within their families by setting clear expectations relative to the timely search for relative placements and by actively exercising oversight relative to said search; and

BE IT FURTHER RESOLVED, the following represents the minimum steps to be taken by the judge in furtherance of this resolution:

1. Where not otherwise required by state law, requiring the child welfare agency to conduct a reasonably diligent search for relatives of the child who may be considered for placement within thirty (30) days following the date of physical removal of the child from the home.

2. Directing the child welfare agency to adopt a systematic process for conducting the search including, but not necessarily limited to, the following: (a) Interviews with the parents from the beginning of the case and continuing during the course of an investigation, while child protective services are provided, and while the child is in care and is supervised by the child welfare agency; (b) Interviews with the child throughout the case; (c) Interviews with relatives throughout the case; (d) As the child welfare agency talks with identified relatives as to their interest in being a resource for the child or parent, inquiring as to the identity, location and interest of other relatives and other persons who have demonstrated an on-going commitment to the child, thereby allowing the search to expand as additional relatives and other persons are identified; (e) Interviews with collateral sources such as school teachers, counselors, day care providers, preachers, and others who may know of relatives not yet disclosed and of other persons who have demonstrated an ongoing commitment to the child; (f) The use of data bases, including the child welfare agency's own files, the Parent Locator Service and available internet search tools; (g) Any assessments provided by outside service providers; (h) Inquiries of attorney guardians ad litem and CASAs; (i) Appropriate inquiry during the course of all hearings in the case; and (j) Any other reasonable means that are likely to identify relatives or other persons who have demonstrated a significant relationship with the child.

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3. Monitoring the progress of the relative search and allocating a sufficient amount of time during all reviews and hearings to address the relative search issue, including asking parents, caretakers and others questions in court in furtherance of the search.
 4. Exercising the court's oversight authority to promote timely relative searches and safe, permanent relative placement including, where appropriate, making adverse reasonable efforts findings.
 5. Where properly within ethical bounds in the judge's jurisdiction, encouraging state legislators to enact legislation acknowledging the benefit of appropriate family placements, to require the Agency to timely conduct reasonably diligent searches for relatives, to provide adequate resources to conduct those searches, and to provide financial and programmatic support to families serving as placement resources in order to move children out of the foster care system.

Adopted this 20th day of July, 2005
By the Membership Assembled in Conference
In Pittsburgh, Pennsylvania

Los Angeles Upfront Family-Finding Protocol Pilot

Elements of Pilot Project

- Two Department of Children and Family Services offices (19 total in L.A.)
- Front-end training of children's social workers on the importance of and necessity for finding/assessing relatives
- Consistent oversight
- Front-end incorporation of family-finding experts and technology
- Engagement of non-placement relatives and non-relative extended family members as soon as possible
- Agency support
- Project evaluation by Child Trends

Six-Month+ Results

- Relative placement rate: 81% and 71% in the two offices
- Emerging data on relative engagement: 20+%

Resources



Kinship Resources

- Grandfamilies State Law and Policy Resource Center
 - www.grandfamilies.org
 - State technical assistance and training available from staff of Grandfamilies.org
- Generations United - www.gu.org
- ChildFocus - <http://childfocuspartners.com/>
- Child Trends data
 - www.childtrends.org/databank-indicators/