FAMILY TIES: ANALYSIS FROM A STATE-BY-STATE SURVEY OF KINSHIP CARE POLICIES













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ABOUT THE ANNIE E. CASEY FOUNDATION

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A comprehensive survey of kinship care policies identifies increasing efforts by states, the District of Columbia and Puerto Rico to promote kinship care and support kinship caregivers of children and youth who are known to the child welfare system. It also shows an urgent need for improvement to address continuing inequities in the assistance and services available to the caregivers who open their homes to relatives' and friends' children and youth. Policy data and analysis from the survey, fielded in 2022 for the Annie E. Casey Foundation by Child Trends, will be shared in a series of briefs throughout early 2024.

Family binds us together. Consistent, loving relationships with family, relatives and close family friends — often called kin — are essential for supporting child and adolescent development. When children are not able to live with their parents, research and firsthand accounts show they thrive best with kin. Kinship caregivers offer stability and connections to family, community, culture and education. Supporting these relationships is vital for children involved in the child welfare or juvenile justice systems, and especially crucial for Black, Indigenous and Latino communities to safeguard their children and heritage against discriminatory practices, policies and barriers that have persisted for generations.

Although states and the federal government agree that kin are a critical resource, particularly for children and youth who come to the attention of the child welfare system, states vary widely in their policies for kin placement and support. To help build an understanding of the full landscape of kinship policies across states and to identify needed improvements, the Annie E. Casey Foundation asked Child Trends to conduct a survey of state child welfare administrators. The survey, fielded in

2022, updates and expands on the findings of a similarly comprehensive survey conducted in 2007. Agencies in the 50 states, the District of Columbia and Puerto Rico received the 2022 survey. Forty-six completed it.²

The 2022 survey offers a broad look at state policies on kinship caregiving across many stages of child welfare involvement. This executive summary highlights the survey's key findings. Other briefs in this series will provide a deeper examination of topics important to local, state and federal policy discussions. Comparisons of the 2022 and 2007 survey data reveal 15 years of progress, long-standing challenges and emerging opportunities for policymakers and others to strengthen kinship caregiving.

Key Definitions

This table details how the different kinship arrangements were described in the survey and are used in this series of briefs. Kin, communities, states and experts may use other terms or define these terms differently. Because states define kinship arrangements differently, and because the options available to kin may vary within each community, it is difficult to use terms that will resonate in every situation.

Children living with kin without child welfare agency involvement	Private arrangements by families. An estimated 4% of all children (over 2.5 million) live with a grandparent or other family member without a parent in the household. ³ Many kinship caregivers outside of the child welfare system may be eligible only for limited financial support through the Temporary Assistance for Needy Families (TANF) program's child-only grants. TANF child-only payment rates vary by state and are almost always significantly less than foster care maintenance rates. Also, the TANF child-only amount is not provided at a per child rate, meaning it only goes up incrementally for each additional child who is raised by a kin caregiver.
Kinship diversion*	An arrangement that a caseworker facilitates between a kinship caregiver and child when the child comes to the attention of the child welfare system and a caseworker has concerns about the child's safety but the child is not removed from the legal custody of their parent(s). Although comprehensive data on these arrangements are not available, researchers estimate that 100,000 to 300,000 children are diverted from foster care each year. ⁴
Unlicensed kinship foster care	Children are removed from their birth parents, taken into state custody and placed with kin in homes that are not licensed as foster homes.
Licensed kinship foster care	Children are taken into state custody and placed in foster care with kin who are approved through a licensure process; may require emergency or provisional approval until caregiver meets all foster care licensing standards. Nearly 134,000 children who are in the custody of a child welfare agency live in a relative placement. ⁵ States report this data differently: A state's data may include or exclude close family friends (fictive kin). Also, states have the flexibility to determine whether to include data on both licensed and unlicensed placements. ⁶
Permanency with kin	Children who exit care in permanent guardianship or adoption by kin. In 2021, over 37,500 exited foster care to guardianship or living with relatives. ⁷
Post-permanency	Children are in a permanent legal relationship with kin but may need ongoing support.

^{*} Communities use different terms for variations of this practice, including kinship diversion, safety planning, voluntary placement, parental placement, redirection or informal kin care. Also, custody is a factor in some definitions. For example, the 2022 survey asked agencies about kin placements of children whose parents kept legal custody. Other definitions may include cases with custody transferring to the kin caregiver. For more information, see Child Trends. (2019, June 28). Variations in the use of kinship diversion among child welfare agencies: Early answers to important questions. Retrieved from www.childtrends.org/publications/variations-use-kinship-diversion-among-child-welfare-agencies-early-answers-important-questions. And, Grandfamilies.org. (n.d.). Kinship diversion. Retrieved from www.grandfamilies.org/Topics/Kinship-Diversion.

UNDERSTANDING KINSHIP CARE

Kinship care is a critical resource for children and youth who come to the attention of the child welfare system. Kin caregiving has grown significantly over the past 15 years. However, all kinship caregivers do not have access to the same level of support.

Kin bring joy and wisdom throughout a child's and young adult's developmental journey. They can help children find their way in the world and support parents during the many ups and downs of parenthood. For families who are experiencing a crisis — such as illness, trauma and poverty, often brought on by forces beyond their control — kin are an important resource for children and youth. In an ideal world, there would never be a need for children to become involved in systems such as child welfare or juvenile justice because kin would have or receive support and resources to help the family avoid such involvement.

A growing number of kin are stepping up to care for children who come into contact with the child welfare system — either to prevent or divert children from entering the formal system, or as licensed or unlicensed caregivers for children in foster care. These placements can increase stability, promote permanent family ties, support mental health, and protect connections to siblings.⁸ Kinship care also has helped states reduce the number of young people in group homes or congregate care settings.⁹

Foster care placement data show a steady rise in kinship care. From 2007 to 2021, kin placements for children and young people up to age 18 grew from 26% of foster care placements in 2007 to 35% in 2021, an increase of nearly 10 percentage points.¹⁰

However, many jurisdictions do not provide kinship caregivers with the financial support and other services they need. Placements are often unexpected, with relatives receiving little notice before children come to live in their homes. In addition to providing for the child's emotional needs during a traumatic time, kinship caregivers must ensure the child has a place to sleep, food, clothing as well as access to medical and dental care and school or child care. As they shift into a primary caretaker role, kinship caregivers must also navigate the stress of suddenly changing familial roles, which can strain relationships with a child's parents.¹¹

The resources available to these kinship caregivers vary greatly by state and the type of placement. Many state policies do not include the same level of support for kinship caregivers as non-relative foster parents. Historically, to access federal foster care maintenance funds, kin and non-kin were required to comply with the same set of standards. These standards vary by state. They can include requirements around income, age and home size, as well as state or federal criminal background requirements that impede kin from gaining foster home licenses, known as barrier crimes. 12,13

States and the federal government are increasingly investing in supporting kinship caregivers and the children and youth in their care.

Over the past few decades, fueled in part by the 2008 federal Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections Act), child welfare agencies have made significant strides in supporting placements with relatives. That energy is continuing in recent efforts. For example, the 2018 federal Family First Prevention Services Act (Family First Act) opens the door to federally reimbursable services for kin to prevent entry into foster care.

In September 2023, the U.S. Administration for Children and Families (ACF) released a new rule allowing child welfare agencies to simplify the approval process for relative foster parents and still access federal Title IV-E foster care funds. 14 This change gives agencies the option

of creating kin-specific standards that remove common barriers to foster home licensure for kinship caregivers. The rule also requires states to provide all licensed or approved kinship caregivers the same financial assistance they provide to nonrelative foster parents.

Together, these new opportunities and states' increasing use of kinship care options create a pivotal moment to take stock of the ways systems support families, and how they must improve.

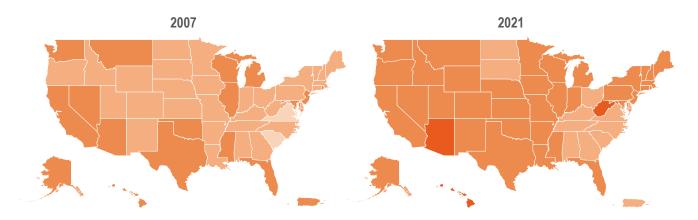
KEY FINDINGS FROM THE 2022 KINSHIP CARE POLICY SURVEY

Although policies differ by state, the survey found:

 States are making exciting progress and investing in promoting supported placements with kinship caregivers. Between 2007 and 2022, states have taken concrete steps to better support kin who care for children who have come to the attention of the child welfare agency. For example, far more states now conduct robust activities to locate potential caregivers and kin connections, such as asking children and youth directly to identify relatives and supportive adults. Beyond the growing number of kinship placements, there is also increasing financial investment in permanent placement with kin: In 2010, states claimed an estimated \$11.2 million (data adjusted for inflation) of federal Title IV-E funds for subsidized kinship guardianship, compared to \$203 million in 2020, reflecting a spike in participation from three states to 42 states, the District of Columbia, 11 tribes, Puerto Rico and the U.S. Virgin Islands as of May 2023.15,16

2. Rather than providing kin caregivers with resources based on need, state policies dictate

Kinship Care on the Rise (2007–2021)





Kinship care placements are increasingly common and make up a greater share of all foster care placements than they did just 15 years ago. The maps show the rise as a share of all foster placements: From 2007 to 2021, placements with kin for children birth through age 17 increased by 10%. By 2021, 50% or more of children in foster care in Arizona, Hawaii and West Virginia were staying with kin, and most states reported that between a quarter and half of children in their custody had been placed with kin. Only three jurisdictions reported slight declines (Alaska, Florida and Puerto Rico). The federal data is based on states reporting on relative foster homes. Some may count only licensed foster homes, while others may include unlicensed.

SOURCE: The Adoption and Foster Care Analysis and Reporting System (AFCARS), FY2021.

service availability and amounts of financial assistance based on the caregiver placement type — licensed, unlicensed or informal/ **diverted.** There are still tremendous inequities in financial and other support available to licensed kinship foster parents, unlicensed kinship foster parents and kinship caregivers of children not in the custody of the child welfare system. While every state that answered the survey question about financial help reported requiring the child welfare agency to provide direct financial assistance to a licensed kinship caregiver, only 30 states consistently did so for unlicensed kinship caregivers who are caring for a child in the custody of the child welfare agency. Often, direct financial assistance for kin is less than what is paid to a non-relative foster parent. The survey included a long list of potential services for caregivers — and licensed kin were far more likely to be provided every resource compared to other kinship caregivers included in the survey. Specifically, in states that reported allowing kinship diversion in the survey, far fewer financial and other resources are available to the families.

3. Most states are well positioned to take up the new federal rule and implement kin-specific licensing standards, build on the progress made to reduce barriers to licensing and address inequities in aid and services available to kin caregivers. Most states have developed a process, based on federal authority, for waiving or modifying certain non-safety licensing requirements for kinship caregivers, easing and expediting their path to full licensure and the resources that come with it. The new federal rule creates an option to tailor the licensing process for kinship caregivers, opening the door for more children to live with safe and supported kin. Importantly, the federal rule requires equal foster care maintenance payments for licensed kinship caregivers and licensed non-relative foster parents, a key step in a more equitable system.

4. The survey provides state-level data about ways agencies help facilitate arrangements with kinship caregivers when the child is not in the custody of the child welfare agency, a scenario this brief refers to as kinship diversion. Policies vary widely across states. The survey focused on "arrangements that a caseworker facilitates between a kinship caregiver and child when the child comes to the attention of the child welfare system and a caseworker has concerns about the child's safety but the child is not removed from the legal custody of their parent(s)." Thirty-three states allow kinship diversion, the survey found. Twelve states report that they do not allow this practice.

THE SERIES

Throughout 2024, the Casey Foundation will release briefs analyzing the 2022 policy survey data to help inform state and federal policymakers and the child welfare field. The series will include data in five policy areas:

 Policies that support licensure of kinship foster parents: Licensing kin as foster parents can open the door to services and financial resources for the caregivers and children. This brief will discuss state policies that promote a quick placement for children with their kin and help facilitate foster home licensure. The survey found that most states have specific policies allowing provisional licensing and waive certain licensing standards on a case-by-case basis. States whose policies already ease barriers to licensing are well positioned to develop and implement new kinspecific licensing standards. However, the survey findings also point to challenges. Not every state provides foster care maintenance payments to provisionally licensed kin, meaning caregivers do not receive funds to cover a child's basic needs when the child is first placed with them and is in the custody of the child welfare agency.

- Policies that affect unlicensed kinship caregivers: This brief will explore state standards for unlicensed kinship caregivers and services and assistance available to them. The survey showed that unlicensed family caregivers get less financial help than licensed ones. States can address this inequity by adopting the new federal rule so more kinship caregivers become licensed and receive the same rate of financial assistance as nonrelative foster parents.
- Policies that govern kinship diversion: In some circumstances, child welfare agencies help facilitate arrangements for relatives to care for children without any formal findings of abuse or neglect or dependency court involvement — a process that some states and communities call kinship diversion. This brief describes the processes required for caseworkers to facilitate such an arrangement while ensuring child safety, and what services and resources are available to children and caregivers. The services available for families in these arrangements vary by state, with most states reporting large disparities in service provision between children with licensed relatives and children in diversion arrangements. The data can inform critical conversations about how to ensure that children in these arrangements remain safe and that caregivers receive adequate information to understand their options and available resources.
- Policies that encourage agencies to engage and partner: By connecting quickly with potential caregivers already in the family circle or the children's support networks, child welfare agencies can help reduce the trauma children experience when removed from their parents. This brief will explore state policies for locating and partnering with potential kinship caregivers when a child enters or is at risk of entering child welfare custody. According to the survey, states are supporting kin in many ways: All states responding to the policy survey reported they conduct interstate

- searches for relatives. Twenty-three states require family meetings before a child is separated from parents and 10 notify relatives earlier than the 30-day federal requirement. There are also opportunities for improvement, as only 31 states require caseworkers to ask children or youth at multiple points after removal to identify supportive adults or potential placement options. States also vary in the types of information they require caseworkers to give relatives, such as the process for visiting the child (eight states), the process for calling or writing letters to the child (five states) and the date of the next family team meeting (five states).
- Policies that include the perspectives of kinship care families: States have made strides to better meet the needs of kinship care families and include them in child welfare policy decisions. An encouraging number of states (39) reported incorporating perspectives of youth, kin caregivers and parents into policy decisions. States take different approaches to this inclusion. Twenty-two states reported working with a kinship caregiving advisory board composed of kin caregivers, but only seven states reported compensating board members. With the growing number of children who reach permanency through legal guardianship with kin, this brief will explore the availability of post-permanency services for kin who become guardians. It also will explore how agencies are implementing Kinship Navigator Programs and looking at funding sources and availability of navigation services.

CONCLUSION

The survey findings come at an important time for state and federal policymakers, who have demonstrated strong commitment to removing barriers to kinship care and supporting children who live with kinship caregivers. These findings can help policymakers build on that momentum and increase support when a child welfare system is involved in the life of the family.

- Increase the federal investment in kinship care. Federal leaders can promote kinship placements through existing funding mechanisms. For example, to incentivize prevention services and permanency through adoption, federal leaders have delinked Title IV-E eligibility from the 1996 Aid to Families with Dependent Children (AFDC) program. A similar change for kinship and other family-based foster care placements and achieving permanency through guardianship could help states as they expand these efforts. Similarly, as was done during the pandemic, increasing Title IV-E Family Medical Assistance Percentage (FMAP) rates for kinship placements could relieve some of the burden on states.
- Use available tools to quickly implement the new federal rule on kin-specific licensing. As state leaders revise policies to implement the new rule, a coalition of national organizations, kinship caregivers and child welfare agency leaders has developed recommended Kin-Specific Foster Home Approval Standards. Adopting these standards can help states quickly put in place new policies that will open the door to financial resources for kinship caregivers. Closely watched efforts in several Title IV-E agencies are expected to offer lessons as they lead the way in piloting the new standards.
- Seek input from families who have experienced the system. Engage with kinship caregivers and youth who have lived with kin. Compensate them adequately as design partners as they inform new

- policies and practices. Tap resources identified by the nation's kinship organizations, researchers and experts including kin caregivers who know what they need to successfully navigate the system. Policymakers who strive to understand the needs and concerns of kinship caregivers may consult the Kinship Unity Action Agenda¹⁸ developed by Generations United, a national kinship organization, in partnership with people who have experience in kinship caregiving and other experts. Hearing about progress and challenges directly from kin will provide lessons for communities, states and other systems, including the juvenile justice system.
- Gather more data on kinship diversion to better understand what is happening in states. The survey provides new and helpful information about diversion. However, more work and more data are needed to help states better understand who these families are, whether and how states are supporting them and the outcomes of children and youth who have been diverted from foster care. Resources like the Kinship Diversion Estimation Tool¹⁹ can help agencies understand when kinship diversion occurs and the characteristics of the children and families who experience diversion.

This is a time of incredible change and opportunity in kinship caregiving policy. This survey's comprehensive new findings yield important context about the strengths and weaknesses and highlight gaps in financial support and services. The 2022 survey finds evidence of progress in the 15 years since the 2007 comprehensive policy review and sheds light on persistent challenges and emerging opportunities to strengthen kinship caregiving. Understanding what states are doing can inform new policies and practices to ensure better support for kinship arrangements, build on the strengths of a child's family ties and connections and help keep families together.

ENDNOTES

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