

New Insights on State Kinship Diversion Policies



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

ACKNOWLEDGMENTS

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ABOUT THE ANNIE E. CASEY FOUNDATION

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In a comprehensive survey of kinship care policies, fielded in 2022 for the Annie E. Casey Foundation by Child Trends, 33 states responded that they have policies that allow kinship diversion. Kinship diversion is placement of a child with relatives or close family friends as an alternative to a child welfare agency taking custody and placing the child in formal foster care. During the past 15 years, the practice of kinship diversion has been the subject of significant debate, with questions raised about children’s safety and best interests and their families’ rights. Findings from this survey provide new insights to inform policymaking and practice in kinship diversion arrangements.

DEFINING KINSHIP DIVERSION

Many families rely on kin — relatives and close family friends — to provide support in times of crisis or when a parent may need extra help. It is common for kin to step in to provide in-home help or care for a child in their own homes without any child welfare system involvement. In fact, more than 7.5 million children live with a relative who is the head of the household,¹ and an estimated 2.5 million children live with kinship caregivers without a parent present.² Most of these arrangements are set up privately, with families deciding how best to care for each other.

A subset of these families experience involvement with the child welfare system. During an investigation or while providing a family with services to prevent entry into foster care, a caseworker may facilitate a placement or arrangement with a relative or close family friend. The arrangement may move the child into a relative’s home or help a relative move in with the birth family to become the primary caregiver. This usually avoids placing the child in foster care or involving dependency court. In many of these arrangements, there are no formal findings of abuse

or neglect and the parents retain legal custody of the child during the arrangement.

This brief refers to these arrangements as kinship diversion. The practice takes many forms and can be known by or associated with other terms, including safety planning, voluntary placement, parental placement, redirection, informal kin care, hidden foster care, shadow foster care, coerced care and prevention services.³ States and communities define, practice, support, oversee and document kinship diversion very differently.

The survey specifically asked child welfare administrators⁴ about their policies related to “facilitated kinship caregiving arrangements.” The survey defined these as 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 or parents by the child welfare agency.

Family Ties: Analysis From a State-By-State Survey of Kinship Care Policies

In 2022, the Annie E. Casey Foundation asked Child Trends to field a written survey of child welfare agency administrators to understand policies that guide the states' work with the relatives and close family friends of children who come to the attention of the child welfare system. This kinship policy survey invited administrators to define "policies" broadly to include statutes, agency regulations and other written policy guidance related to kinship care. Agencies in the 50 states, the District of Columbia and Puerto Rico received the 2022 survey. Forty-six completed it.⁵ The 2022 survey updates and expands on the findings of a similarly comprehensive survey conducted in 2007.⁶

To read overall findings from the survey and other briefs in the series, please visit www.aecf.org.

NEW DATA TO INFORM A CONTINUING DEBATE

The survey's findings advance the field's understanding of widely used interventions for which limited data have been publicly available. Among the key findings:

- Thirty-three jurisdictions have policies allowing kinship diversion. Among them, 15 provide direct assistance and resources to kinship caregivers. In most states, children and caregivers in kinship diversion arrangements have significantly less access to services and financial support than those in formal (licensed or unlicensed) kinship care placements, in which the children are in the custody of the child welfare agency.
- Only one-third of states with policies that allow kinship diversion give parents the final decision making authority in kinship diversion arrangements. In others, a child welfare agency may separate a child from parents and direct the kinship placement without the judicial oversight and time limits for placements that come with formally taking the child into child welfare custody.
- Agency involvement and oversight in kinship diversion arrangements vary dramatically by jurisdiction. Some states' policies require the agency to investigate, open a case, monitor or set time limits for kinship diversion placements. Only two states require court oversight.

Survey respondents provided valuable information that can inform policymaking and advocacy aimed at ensuring states are safeguarding children, protecting parents' rights and providing needed resources for kinship caregivers and the children in their care.

WHEN A CHILD WELFARE AGENCY STEPS IN

Families should have the ability to make arrangements with kin for the care of their children at a moment of crisis or stress, in safe and supported ways that make sense for them — as families have done for ages. They should be free to do so without unnecessary government intervention.

When a child welfare agency steps in to facilitate this type of arrangement, the agency has a unique responsibility to ensure, at a minimum:

- parents and caregivers are informed of the options in their jurisdiction and are the ultimate decision makers about arrangements that divert children from foster care;
- children are safe; and
- kinship caregivers and children in their care have the resources they need.

Regardless of how diversion is defined, these are clear parameters that must be considered to protect the rights of children, parents and kinship

caregivers and to meet the children's and families' needs. Because states define and practice kinship diversion differently and because there are no federal reporting requirements on diversion practices, the child welfare field lacks important data to explain how their practices can achieve these goals. How well do the states' policies protect parental rights and improve outcomes for children and youth? It is unclear, for example, how many children in kinship diversion arrangements reunite with their parents.

Federal opportunities provide mechanisms to support families in diversion arrangements. For example, the 2018 Family First Prevention Services Act opens federal Title IV-E funds to qualifying services for children and families, including kinship caregivers, that will prevent entry into foster care. It also includes federal funds for qualifying kinship navigator programs.⁷ More recently, in May 2024, the Children's Bureau issued a final rule that expands access to federal funds for the legal representation of children who are candidates for foster care, their parents and both formal and informal kinship caregivers.⁸ Qualifying representation can include custody, guardianship, or other civil proceedings to help families access housing or other public benefits, and Title IV-E agencies can include close family friends in their definition of relatives.⁹

Research shows that kinship diversion arrangements are common. While no federal data source provides a clear number, researchers estimate 100,000 to 300,000 children enter diversion arrangements each year.¹⁰ A 2013 study based on a national sample called kinship diversion the most common out-of-home placement, and it estimated that approximately half of all children in an out-of-home arrangement were in a diversion situation, not in the custody of a child welfare agency.¹¹ In 2019, using a Kinship Diversion Estimation Tool¹² developed by Child Trends with support from the Casey Foundation, researchers found that seven children were diverted for every 10 children entering foster care in some jurisdictions. In other jurisdictions, there was an equal

split — for every child entering foster care, another child was diverted.¹³

The limited data available do not shed light on whether kinship diversion mirrors or counters the documented racial disparities and disproportionality that exist in many child welfare systems, and the role the practice might play in equity efforts.¹⁴ Using the Kinship Diversion Estimation Tool in 2019, one unnamed jurisdiction found that “white children were diverted to kin at a rate of 4.4 per 1,000 children in the general population, compared to a rate of 3.3 per 1,000 for children of color. Black children had the lowest diversion rate, at 2.9 per 1,000 children in the general population.”¹⁵ More research is needed, state by state and nationally, to understand which children and families experience diversion, whether disparities are widespread and how diversion contributes to prevention and equity initiatives.

During the past 15 years, differing viewpoints have emerged about what role, if any, kinship diversion should play in the child welfare system. In 2013, the Casey Foundation interviewed more than 50 child welfare agency leaders and experts about kinship diversion to better understand the debate.¹⁶ Some viewed kinship diversion as a positive way to keep families together, reduce the trauma associated with placement in foster care and allow families to make decisions without the oversight of a court or child welfare agency. Others raised concerns, including that some parents and kinship caregivers are coerced or forced into these arrangements without receiving adequate information about the implications of what is happening or their options or rights; that kinship caregivers are not provided sufficient support to care for the children; and that agencies do not provide oversight to ensure the children are safe. More recently, many researchers, advocates and practitioners have argued that in some jurisdictions, agencies' diversion practices circumvent their legal responsibility to provide for children's safety and welfare,¹⁷ and infringe on the parents' due process rights without providing access to counsel for parents or any court oversight.¹⁸

Findings from the 2022 survey of child welfare administrators help to inform this continuing debate. There is now a clearer picture of how many states have policies that may promote the safety of children, protect the rights of parents and provide resources for kinship caregivers. Although much depends on implementation and what happens in practice, many states lack policies or have policies in place that have the potential to undermine parental rights, inadequately protect children and create hardship for kinship caregivers.

THE 2022 SURVEY FINDINGS[†]

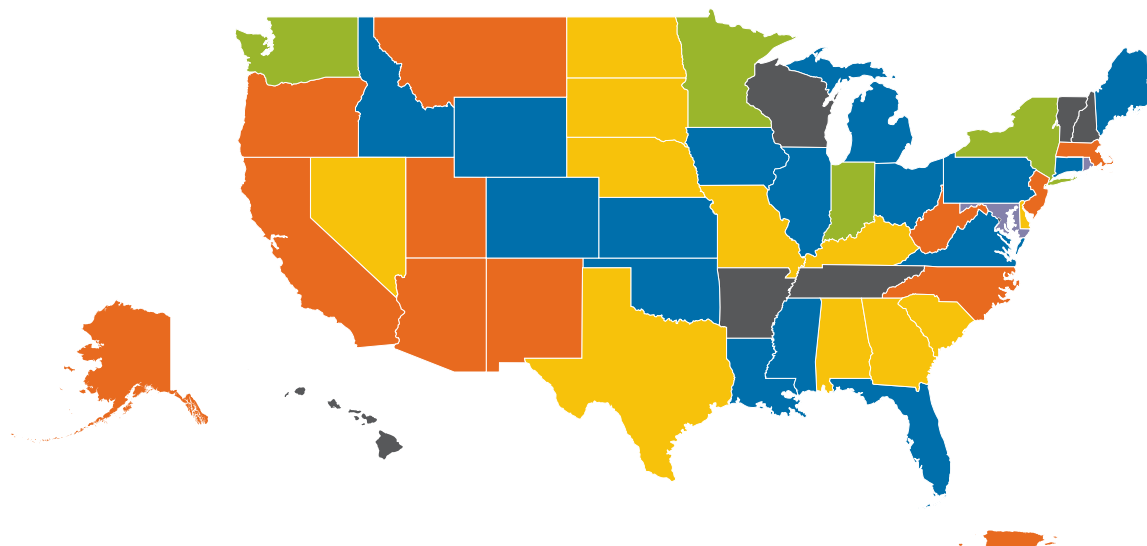
Thirty-three states confirmed that they have policies allowing kinship diversion.

These 33 states¹⁹ include those that require caseworkers to attempt diversion (11) and those that encourage but do not require caseworkers to attempt to facilitate a diversion placement (16).²⁰ Four states reported that they allow diversion, but neither require nor encourage it. Eleven states and Puerto Rico reported that they do not allow kinship diversion. (See Figure 1.) It is likely that many additional states also allow for kinship diversion in practice. The survey, however, focused on diversion policies.

Twenty-two states included fictive kin — family friends and other adults who have a close relationship with the child — in their definition of the term “relative” in kinship diversion arrangements.

[†] *Data tables presenting select state-level detail supplement this brief.*

Figure 1: States that allow, require or encourage caseworkers to attempt facilitated kinship caregiving arrangements (N=33)



YELLOW: Policy requires caseworker to attempt to facilitate a diversion arrangement.

BLUE: Policy encourages caseworker to attempt to facilitate a diversion arrangement.

GREEN: Policy allows kinship diversion but neither requires or encourages caseworker to attempt.

PURPLE: Policy allows diversion. State did not say whether caseworker is required and/or encouraged to facilitate.

ORANGE: Policy does not allow kinship diversion.

GRAY: Did not complete the survey.

The District of Columbia did not reply to these questions on the 2022 survey.

SOURCE: The Annie E. Casey Foundation's 2022 kinship care policy survey with data analysis by Child Trends.

STATE POLICIES GOVERNING DIVERSION DECISION MAKING

Some states reported that parents have decision making authority in diversion arrangements. In other states, the child welfare agency has the final authority.

While parents, relatives and agency officials were all involved in the kinship diversion decision, only parents and agency officials made the final decision, most states reported. (See Figure 2.)

As described earlier, one of the main criticisms of kinship diversion alleges that it fails to protect parents' rights. According to some child advocates, researchers and families who have experienced diversion arrangements, there is troubling potential for child welfare agencies to coerce both parents and relatives into diversion arrangements without providing them with access to needed support services or ensuring they are aware of other available options.²¹ When an agency facilitates a diversion arrangement, there may be no court oversight and parents may not have legal representation or due process, they have noted. The survey also asked questions designed to help

understand how agencies screen potential kinship caregivers, and what factors to consider before facilitating a diversion arrangement.

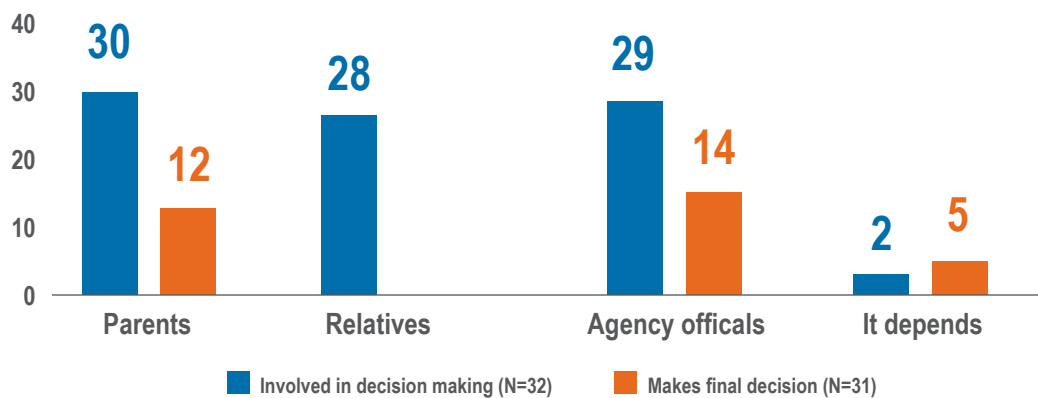
Some states reported that they take into account the best interests and preferences of children before facilitating a kinship diversion placement.

Of the 32 states that replied to this question, 22 required caseworkers to consider the best interests of the child, including any special needs, when determining an arrangement. Nineteen states required consideration of the child's preference. Twenty-two states considered the strength of the relationship between the kinship caregiver and child, and 23 states considered whether siblings could be placed together. Twenty-three states considered the parents' preference in determining the arrangement.

States varied in the types of background checks they required before a diversion arrangement.

When a child welfare agency facilitates a diversion arrangement, the agency's responsibilities include ensuring the child's safety. One mechanism for

Figure 2: Who makes the decision in a state's facilitated kinship caregiving arrangements?



The graph shows the number of states that reported how parents, relatives and agencies are involved in decision making in diversion arrangements.

SOURCE: The Annie E. Casey Foundation's 2022 kinship care policy survey, with analysis by Child Trends.

ensuring safety is through background checks of kinship caregivers.

While facilitating diversion arrangements, the survey found some states do not require certain background checks that would be expected if the children were in state custody.

Before a relative caregiver can begin caring for a child in a diversion arrangement, 23 states require a state criminal background check, and 25 states require a check of the state's child abuse and neglect registry. Fewer states require agencies to check other states' child abuse and neglect registries or conduct a federal criminal background check. (See Figure 3.)

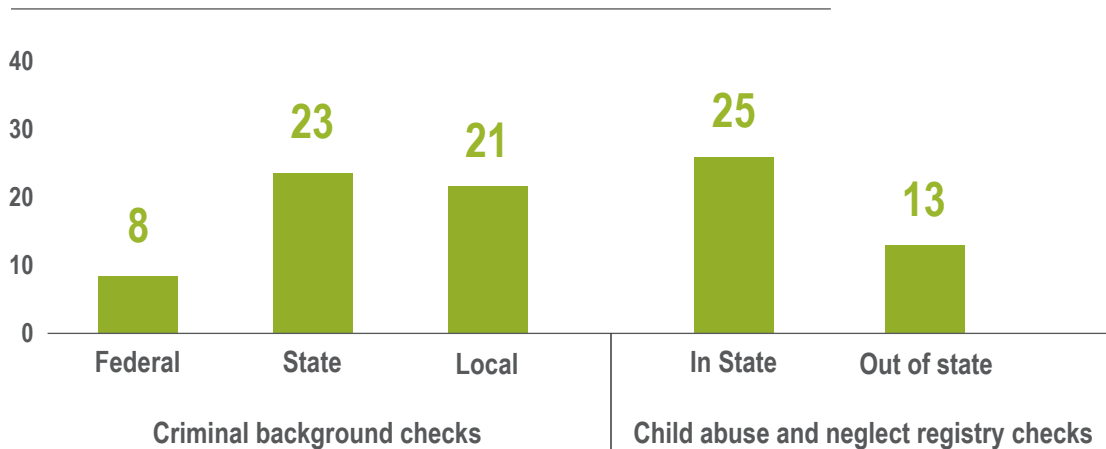
AGENCY OVERSIGHT AND CASE MANAGEMENT IN KINSHIP DIVERSION

Although most states have policies that require some child welfare agency oversight, particularly around investigations and safety plans, other types of oversight and case management are inconsistent across states.

Among the major concerns in the diversion debate are the requirements that agencies place on parents and the continuing role of the agency in the life of the family. States differ in their required level of child welfare agency involvement once a child is being cared for in a facilitated kinship caregiving arrangement. Survey findings below shed light on state policies requiring agency involvement and court oversight for families in diversion arrangements:

- **Investigation:** While 28 states require a formal child welfare investigation to be initiated,²² only 10 states require the investigation to be completed before a kinship diversion arrangement can be facilitated.
- **Safety plan:** Twenty-nine states require a safety plan, which describes potential threats to a child's safety and ways those threats will be mitigated.²³ Not all of these states require investigations.²⁴
- **Open case:** Eighteen states require a case to be opened to proceed with a diversion placement and another seven only require a case to be opened under certain circumstances. Only one

Figure 3: States require kinship caregivers to undergo background checks before caring for a child in a diversion arrangement. (N=32)



The graph shows the number of states that reported having policies requiring background and child abuse registry checks of potential kin caregivers in diversion arrangements.

SOURCE: The Annie E. Casey Foundation's 2022 kinship care policy survey, with analysis by Child Trends.

state requires the case to remain open for a specific amount of time (in this instance, at least 30 days). Seven states limit the amount of time a case may remain open when a kinship diversion arrangement is made, with the maximum amount of time ranging from three to 12 months.

- **Notification when child welfare agency involvement is no longer required.** Twenty-two states require the agency to notify the kinship caregiver when the arrangement is no longer necessary, while another six states require notification only under certain circumstances.
- **Time limits for placements.** Twelve states limit the length of time a kinship diversion placement may remain in place without formally removing a child from the legal custody of the parent(s).
- **Court oversight.** Two states require court oversight of kin diversion.²⁵ Two additional states encourage but do not require this.²⁶
- **Support gaining legal custody.** Seven states require the child welfare agency to help the kinship caregiver obtain legal custody of the child if the caregiver wishes to seek custody. Four states require this in certain situations.

FINANCIAL ASSISTANCE AND SERVICES FOR CHILDREN AND CAREGIVERS IN KINSHIP DIVERSION

Relatives and kin who enter diversion arrangements are eligible for far fewer services and resources than formal (licensed and unlicensed) kinship caregivers.

When they take a child into their homes, kinship caregivers become responsible for all costs relating to caring for a child, including child care, transportation, food, clothing, health care

and housing. For children cared for in licensed foster homes — with kin or non-relatives — the foster family receives a foster care maintenance payment and several other resources and support services. Although kinship caregivers in diversion arrangements face similar caregiving expenses, states are far less likely to provide them with resources to meet the needs of the children, the survey found.

Only 15 of the states that allow kinship diversion reported that the agency is required to provide direct assistance to the caregivers or children in those arrangements.

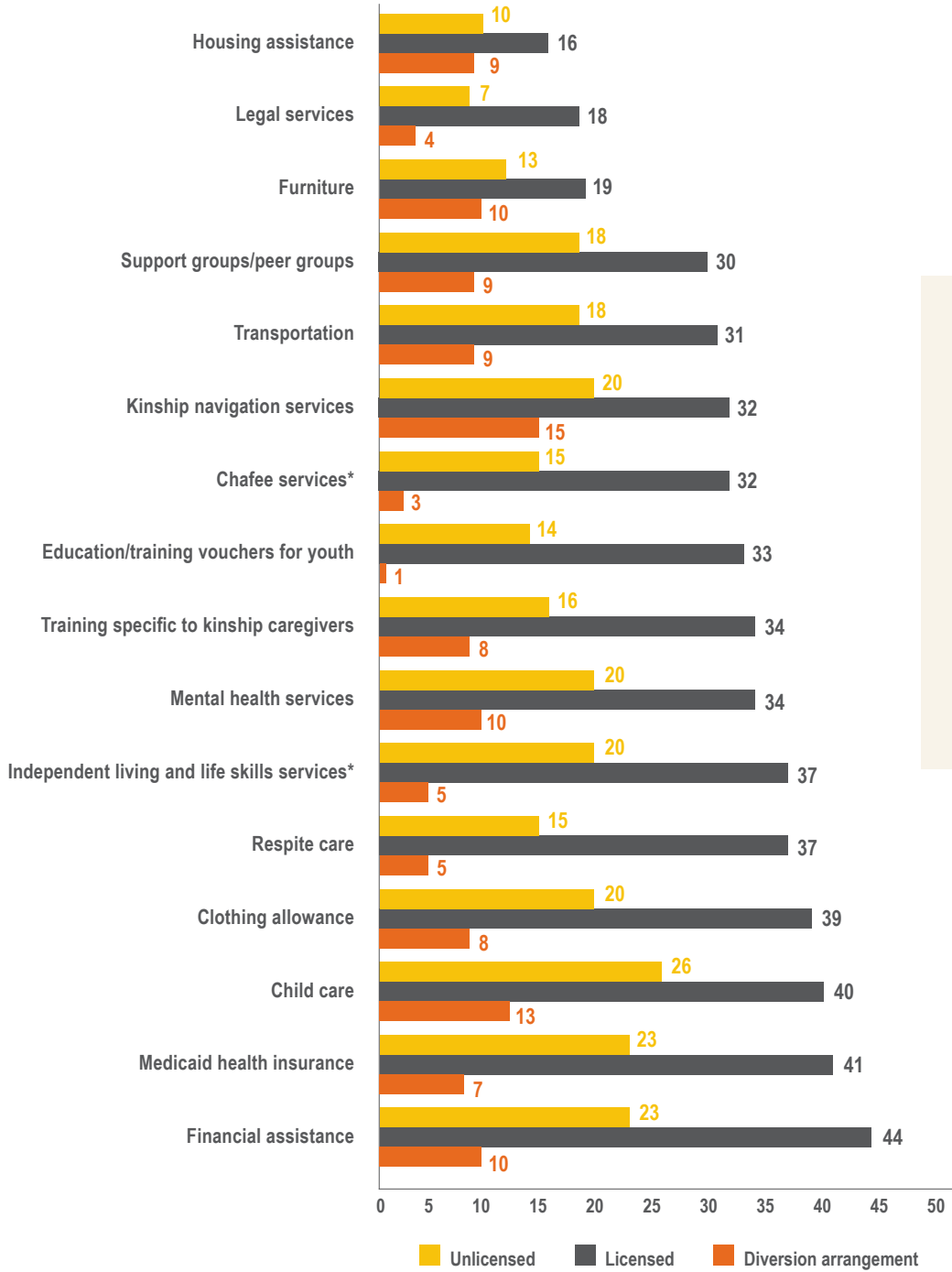
Fifteen states required the child welfare agency to provide direct assistance to the caregiver or child in all kinship diversion arrangements, while another five states required agencies to provide assistance in some situations. Three states do not require but encourage direct assistance, and another four states do not require but encourage direct assistance by the child welfare agency in some situations.

Figure 4 explores the types of direct assistance that states provide to children or caregivers in licensed, unlicensed and diverted kinship care arrangements. For kinship diversion, the most frequently provided services are kinship navigation and child care. Far fewer states require the child welfare agency to provide concrete and economic support (e.g., furniture, clothing, transportation or financial assistance).

There are significant disparities in services available to kinship caregivers and children in formal kinship arrangements compared with those in diversion arrangements.

For example, 44 states reported that they provide financial assistance to licensed kinship caregivers, 23 provide it to unlicensed kinship caregivers and only 10 provide it to kinship caregivers in diversion arrangements.

Figure 4: Services and Assistance Offered by Child Welfare Agencies to Kinship Caregivers



This chart shows the number of states that have policies making services and assistance available to kinship caregivers, by caregivers' classification. Those in formal kinship care relationships (licensed and unlicensed caregivers of children who are in state custody) are more likely to receive resources than those in diverted arrangements (with the children in parents' legal custody).

* Many states consider young people in foster care eligible to receive independent living services that are intended to help them thrive and prepare for adulthood. Independent living services for young people ages 14 and older may include life skills classes, mentoring and academic and other resources funded locally or by the federal John H. Chafee Foster Care Program.

SOURCE: The Annie E. Casey Foundation's 2022 kinship care policy survey, with analysis by Child Trends.

As Figure 4 shows, disparities exist in every type of service, including mental health services, respite care, support groups and concrete support such as housing, furniture and clothing.

Kinship caregivers and the children in their care in diversion arrangements may be eligible for services provided by agencies outside of child welfare.

Twenty-five states require the child welfare agency to inform kinship caregivers in diversion arrangements about services available from other agencies and community organizations. Also, 25 states (many of the same states that require the child welfare agency to inform kinship caregivers about additional services) require the agency to refer or help the kinship caregiver or child apply for these services. An additional three states encourage but do not require this practice. Thirteen states require agencies to confirm with the caregivers that they received the services they were referred to, and an additional two states require follow-up in certain situations.

Some states shared specific examples of how access to services differs for kinship caregivers in diversion arrangements. For example, states noted that kinship caregivers in a diversion arrangement have less access to financial assistance and other resources available through the child welfare agency. Some states also noted that access to fewer resources for support can lead to higher rates of disrupted placements.

COLLECTING DATA ON KINSHIP DIVERSION ARRANGEMENTS

Seventeen states collect at least some data on kinship diversion arrangements.

Child welfare agencies need timely information on kinship diversion to understand the needs of

children and families in these arrangements and how those children fare over time. Without child- and family-level data, agencies are unable to document outcomes and whether racial and ethnic disparities exist in diversion arrangements.²⁷

The survey asked child welfare administrators to report whether kinship diversion arrangements are tracked in their state administrative data system and the types of data collected. Almost half (17) of the states that allow kinship diversion reported that they track diversion arrangements. Of these, 14 reported they track diversion arrangements as in-home service cases, meaning the children in these arrangements are identified similarly to children served in their homes rather than children in the custody of the child welfare agency. Fourteen states reported collecting data on safety plans, 15 states collect data on parents' contact information and 10 states collect data on whether caregivers receive services.

Of the states that do collect data, they most frequently reported tracking child demographic information. All 17 states collect data on the race, ethnicity and age of children in diversion arrangements, and 12 states collect those data points for their kinship caregivers.

CONCLUSION

Findings from the 2022 survey show gaps in state policies that have the potential to undermine parents' rights, inadequately protect children's safety and leave kinship caregivers without sufficient resources to care for the children entrusted to them. Although kinship diversion is a common practice, most child welfare agencies do not have policies that require court oversight; consider parents as primary decision makers in the diversion agreement; provide adequate services or financial support; or gather data to document outcomes for the children and families in these arrangements.

As policymakers strive to ensure families are not coerced into these arrangements, understanding who holds the power is essential. In 14 states, the child welfare agency has the ultimate decision making authority in diversion cases, rather than parents or kin. Only 12 states say parents are the final decision makers in diversion arrangements. Not all states have policies that consider the child's best interests and involve relatives in the decision making process. Nearly half of states that allow kinship diversion require a case to be opened and about one-third put a time limit on the arrangement. Only two states require court oversight of diversion arrangements.

The survey also provides a new understanding of how agencies screen caregivers for diversion arrangements. For example, many agencies conduct criminal background and child abuse and neglect registry checks on kinship caregivers and require a safety plan be developed. Kinship diversion arrangements also should be included in strategies to reduce the ways that so-called barrier crimes — crimes that when included in a potential caregiver's background check prevent foster home licensure — prevent kin from being able to provide kinship care, including in diversion arrangements.

Every child deserves to have the services and support they need, regardless of the licensure status of their caregiver. The survey shows that in many states, there are stark inequities in the available array of services. Services provided by the child welfare agency for children and their kinship caregivers in diversion arrangements are much more limited than those for children who are formally placed in the custody of the child welfare agency and their licensed or unlicensed caregivers. Federal, state and local investment in families in kinship diversion arrangements — through child welfare agencies and other social systems — must be expanded to remedy this inequity.

Without comprehensive data, it is difficult to understand how the variations in state policies affect children, kinship caregivers and parents. Only about half of states that allow kinship diversion in their policies gather any data on these arrangements, meaning half of the states that have diversion policies do not have demographic data on children or caregivers; information on when the case was opened or closed; or the results of any required caregiver assessments. In every state, comprehensive, high-quality data are needed to understand which policies are most effective and to support best practice.

As the kinship diversion debate continues, federal, state and local leaders in collaboration with kinship caregivers must ask:

- Are child welfare agencies ensuring child safety without infringing on the rights of parents while fully addressing the needs of children and kinship caregivers?
- When a child comes to the attention of a child welfare agency, are families, including parents and caregivers, well informed about their options? Are parents receiving adequate due-process protections when contact with their children has been temporarily altered? Do parents have access to a lawyer or any legal resources during this process? Are they receiving services, if they need them, to help ensure they will be able to reunify with their children?
- How can child welfare agencies tap into federal opportunities, including the new rule on legal representation, to best connect parents and kinship caregivers to services when diversion arrangements are being considered? Are child welfare agencies providing parents and caregivers with a clear path to ending child welfare involvement during a kinship diversion arrangement?
- Is kinship diversion equitably offered as an alternative to foster care? Which families are

offered the option of diversion and which are not? How do Black, Latino and American Indian families experience kinship diversion?

- Do all kinship caregivers have the resources that they need to support the children in their care?

RESOURCES

The following resources provide valuable insights into the kinship diversion debate.

- Allen, T., & Malm, K. (2016, July 1). *A qualitative research study of kinship diversion practices*. Child Trends. www.childtrends.org/publications/a-qualitative-research-study-of-kinship-diversion-practices-2-2
- Armendariz, S. (2023, June). *Diverting children from foster to kinship care: The issue and the evidence*. Chapin Hall. www.chapinhall.org/project/bringing-kinship-care-out-of-the-shadows
- Casey Family Programs. (2023, October 19). *How is the practice of hidden foster care inconsistent with federal policy and harmful to children and families?* www.casey.org/hidden-foster-care
- Grandfamilies.org. (n.d.). *Kinship diversion*. www.grandfamilies.org/Topics/Kinship-Diversion
- Malm, K., & Sepulveda, K. (2019, June 28). *Does your child welfare agency divert children to kin? Guide to using the Kinship Diversion Estimation Tool*. Child Trends. www.childtrends.org/publications/does-your-child-welfare-agency-divert-children-to-kin-guide-using-kinship-diversion-estimation-tool
- Malm, K., Sepulveda, K., & Abbott, S. (2019, June 28). *Variations in the use of kinship diversion among child welfare agencies: Early answers to important questions*. Child Trends. www.childtrends.org/publications/variations-use-kinship-diversion-among-child-welfare-agencies-early-answers-important-questions
- The Annie E. Casey Foundation. (2013a). *Kinship process mapping: A guide to improving practice in kinship care*. www.aecf.org/resources/kinship-process-mapping-full
- The Annie E. Casey Foundation. (2013b). *The kinship diversion debate: Policy and practice implications for children, families and child welfare agencies*. www.aecf.org/resources/the-kinship-diversion-debate

ENDNOTES

- 1 Generations United. (2022). *Fact sheet: Grandfamilies and kinship families: Strengths and challenges*. Retrieved from www.gu.org/app/uploads/2022/10/General-Grandfamilies-Fact-Sheet-2022-FINAL-UPDATE.pdf
- 2 The Annie E. Casey Foundation. KIDS COUNT Data Center. (2023, September). *Children in kinship care in United States* (Table). Retrieved from <https://datacenter.aecf.org/data/tables/10455-children-in-kinship-care#detailed/1/any/false/2554,2479,2097,1985,1757/any/20160,20161>
- 3 Malm, K., Sepulveda, K., & Abbott, S. (2019, June 28). *Variations in the use of kinship diversion among child welfare agencies: Early answers to important questions*. Child Trends. Retrieved from www.childtrends.org/publications/variations-use-kinship-diversion-among-child-welfare-agencies-early-answers-important-questions
- 4 Survey respondents included child welfare agency administrators in states, the District of Columbia and Puerto Rico. This brief refers to all survey respondents as "states."
- 5 Arkansas, Hawaii, New Hampshire, Tennessee, Vermont and Wisconsin did not complete the 2022 survey. Some participating states did not answer every question.
- 6 Allen, T., DeVooght K., & Geen, R. (2008, December). *State kinship care policies for children that come to the attention of child welfare agencies*. Child Trends. Retrieved from https://cms.childtrends.org/wp-content/uploads/2020/01/State-Assistance-to-Kinship-Care-ChildTrends_2008.pdf
- 7 Grandfamilies.org. (n.d.), *Family First*. Retrieved May 21, 2024, from <https://www.grandfamilies.org/Topics/Family-First-Summary-Analysis>
- 8 Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2024, May). Foster Care Legal Representation. *Federal Register*, 89 (40400). Retrieved from: https://www.federalregister.gov/documents/2024/05/10/2024-09663/foster-care-legal-representation?utm_medium=email&utm_source=fostercarelegalrep051024
- 9 The American Bar Association Center on Children and the Law. (n.d.). *New Children and Families Administration Rule: Foster Care Legal Representation Kinship Provisions*. Retrieved from: <https://www.grandfamilies.org/Portals/0/Documents/General%20Kinship%20Publications/Summary%20Final%20Rule%20on%20Legal%20Rep%20Kin%20Provisions.pdf>
- 10 Malm, K., Sepulveda, K., & Abbott, S. (2019, June 28).
- 11 Walsh, W. (2013, Winter). *Informal kinship care most common out-of-home placement after an investigation of child maltreatment*. Carsey Institute. Retrieved from <https://scholars.unh.edu/cgi/viewcontent.cgi?article=1188&context=carsey>
- 12 Malm, K., & Sepulveda, K. (2019, June 28). *Does your child welfare agency divert children to kin? Guide to using the Kinship Diversion Estimation Tool*. Child Trends. Retrieved from www.childtrends.org/publications/does-your-child-welfare-agency-divert-children-to-kin-guide-using-kinship-diversion-estimation-tool
- 13 Malm, K., Sepulveda, K., & Abbott, S. (2019, June 28).
- 14 The Annie E. Casey Foundation. (2011, December). *Disparities and disproportionality in child welfare: Analysis of the research*. Retrieved from www.aecf.org/resources/disparities-and-disproportionality-in-child-welfare
- 15 Malm, K., Sepulveda, K., & Abbott, S. (2019, June 28).
- 16 The Annie E. Casey Foundation. (2013b). *The kinship diversion debate: Policy and practice implications for children, families and child welfare agencies*. www.aecf.org/resources/the-kinship-diversion-debate
- 17 Casey Family Programs. (2023, October 19). *How is the practice of hidden foster care inconsistent with federal policy and harmful to children and families?* Retrieved from www.casey.org/hidden-foster-care
- 18 Gupta-Kagan, J. (2020, April). America's hidden foster care system. *Stanford Law Review*, 72. Retrieved from <https://review.law.stanford.edu/wp-content/uploads/sites/3/2020/04/Gupta-Kagan-72-Stan.-L.-Rev.-841.pdf>
- 19 States that responded "it depends" are included in this number. Those states are Florida, Illinois, Kansas, Maine and Minnesota. We are missing data on whether Rhode Island requires or encourages caseworkers to attempt a facilitated kinship caregiving arrangement. We are missing data on whether Maryland encourages caseworkers to attempt a facilitated kinship caregiving arrangement.
- 20 States that responded "it depends" are included in this number. Those states are Florida, Kansas, Maine, Michigan and Pennsylvania.
- 21 For an overview of the topic and links to resources from many different groups, see www.grandfamilies.org/Topics/Kinship-Diversion
- 22 This includes two states (Louisiana and North Dakota) that reported "it depends" to the question on whether an investigation is required during a kinship diversion placement.
- 23 This includes two states (Delaware and Indiana) that reported "it depends" to the question on whether a safety plan is required during a kinship diversion placement.
- 24 Delaware and Indiana require investigations in all cases but require safety plans in only some cases. Louisiana and North Dakota require an investigation in only some cases but require safety plans in all cases. Ohio requires an investigation but not a safety plan, while Kansas and Pennsylvania require a safety plan but not an investigation.
- 25 Louisiana and Mississippi.
- 26 Delaware and South Dakota.
- 27 Malm, K., Sepulveda, K., & Abbott, S. (2019, June 28).





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