

# Unlocking Foster Care Licensing for More Kinship Caregivers



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



## **ACKNOWLEDGMENTS**

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## **ABOUT THE ANNIE E. CASEY FOUNDATION**

The Annie E. Casey Foundation is a private philanthropy that creates a brighter future for the nation's children, youth and young adults by developing solutions to strengthen families, build paths to economic opportunity and transform struggling communities into safer and healthier places to live, work and grow. For more information, visit the Foundation's website at [www.aecf.org](http://www.aecf.org).

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*During the past 15 years, most states have been reducing barriers to foster home licensing for relatives and close family friends who open their homes to children who cannot stay with their parents. But not everyone who wants to qualify can, and many need more resources and services than child welfare agencies provide. A federal regulation change in 2023 has created new opportunities. A new survey of kinship care policies by the Annie E. Casey Foundation finds states can build on past progress, enable more willing kin to become licensed foster parents and better support them.*

## LICENSED KINSHIP CARE

When children cannot be cared for by their parents, placement in the home of an extended family member or close family friend can help them stay connected to their communities, siblings, cultural traditions and social networks. Across the nation, more than 2.5 million children and youth<sup>1</sup> live in these arrangements, known as kinship care, mostly outside the direct purview of child welfare agencies. Nearly 134,000 children who are in the custody of a child welfare agency live in a relative placement.<sup>2</sup> These homes can be either licensed or unlicensed foster homes. Kinship placements can result in more stable placements, stronger feelings of belonging, better educational and health outcomes and continued relationships with siblings compared to placements in group settings or with non-relative foster parents.<sup>3,4</sup>

The state laws and policies that regulate foster home licensing largely evolved to ensure a safe placement for children with non-relatives who voluntarily submit to scrutiny of their assets, living quarters and fitness for parenting. These state policies often include requirements that can be difficult for

kinship caregivers to meet and are not connected to a child's safety — such as minimum bedroom or home square footage requirements or caregiver age or income requirements. The requirements can make it time-consuming and expensive for a kinship caregiver to become licensed. However, in many states, a license is the key that unlocks access to monthly financial assistance and support services.

## CURRENT APPROACHES, NEW OPPORTUNITIES

This brief explores survey data about two state policies that can help kinship caregivers obtain foster home licenses. The first policy is provisional or emergency licensure — a process through which kin receive a temporary license that allows them to begin caring for a child who is in state custody before the caregivers have met all required standards of foster parent licensing. A timely placement with relatives or close family friends can help reduce the trauma of being separated from parents, siblings, friends, communities and social

## Provisional Licensing

The survey specifically asked about policies in place for kin who are applying for foster parent licensure and waiting for required standards to be met. The survey also was limited to policies, meaning states that have a practice of provisional licensure but no policy would not be included. The term “provisional licensing” is used in this brief, but states may have different names for the processes by which they approve placements with relatives who are not yet licensed foster parents. Provisional licensing is not the only way a child can be placed with a kinship caregiver on an emergency basis.

## About the Series

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 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.<sup>6</sup> The 2022 survey updates and expands on the findings of a similarly comprehensive survey conducted in 2007.<sup>7</sup>

To read overall findings from the survey and other briefs in the series, please visit [www.aecf.org](http://www.aecf.org).

support resources such as schools and churches.<sup>5</sup> The second policy governs the availability of waivers for certain foster home licensing requirements that do not affect a child’s safety. These policies can reduce barriers to licensure — and all the resources associated with licensure — for relatives.

### **A new federal rule makes this a significant time to look closely at policies designed to facilitate licensure for kinship caregivers.**

The rule, effective November 2023, offers states and other Title IV-E agencies the option of creating specific licensing standards for kinship caregivers, no longer requiring the same licensing requirements for kinship caregivers and non-relative foster parents to access federal foster care funds.<sup>8</sup> Although states are not required to implement the rule, states that do can significantly expedite the process for licensing or approving kin foster homes by eliminating the need for time-consuming case-by-case licensing waivers. The rule also requires that licensed kinship foster homes have the same reimbursement rate as non-relative foster homes.

With the new rule, licensing policies for kinship caregivers are rapidly changing. The policy data from 2022 shared in this brief can be a helpful

baseline for states shifting to the new rule. It demonstrates their existing commitment to kin and the policies that are already in place to support kin access to licensing.

### **Most states have policies that allow family members and close family friends to begin caring for a child while they await full licensure.**

When a child is removed from their home by a child welfare agency, provisional licensing policies<sup>9</sup> can facilitate placement with a familiar and loving caregiver who is not yet a licensed foster parent. Among states that responded to the survey, 41 allow relatives who want to become licensed foster parents to begin caring for a child before all required standards are met.<sup>10</sup> (See Figure 1.) This is a small increase since 2007, when 36 states reported that they granted provisional licenses.

The survey found that requirements to receive a provisional license vary by state and are less comprehensive than for full foster home licensure. These requirements most frequently include a state criminal background check and a search of the state child abuse and neglect registry. Most states (37) that provisionally license relatives allow



close family friends (called fictive kin) to qualify to care for children who cannot stay with their parents. Fictive kin typically include godparents, longtime neighbors and others in the extended family who are not related by blood, marriage or adoption.

Just over half of the states (23 of 41) set a deadline for relatives who become caregivers to meet the approval standards for provisional licensure, ranging from 15 days to 18 months. Five other states require caregivers to meet the provisional licensing standards before the child may be placed in their home.

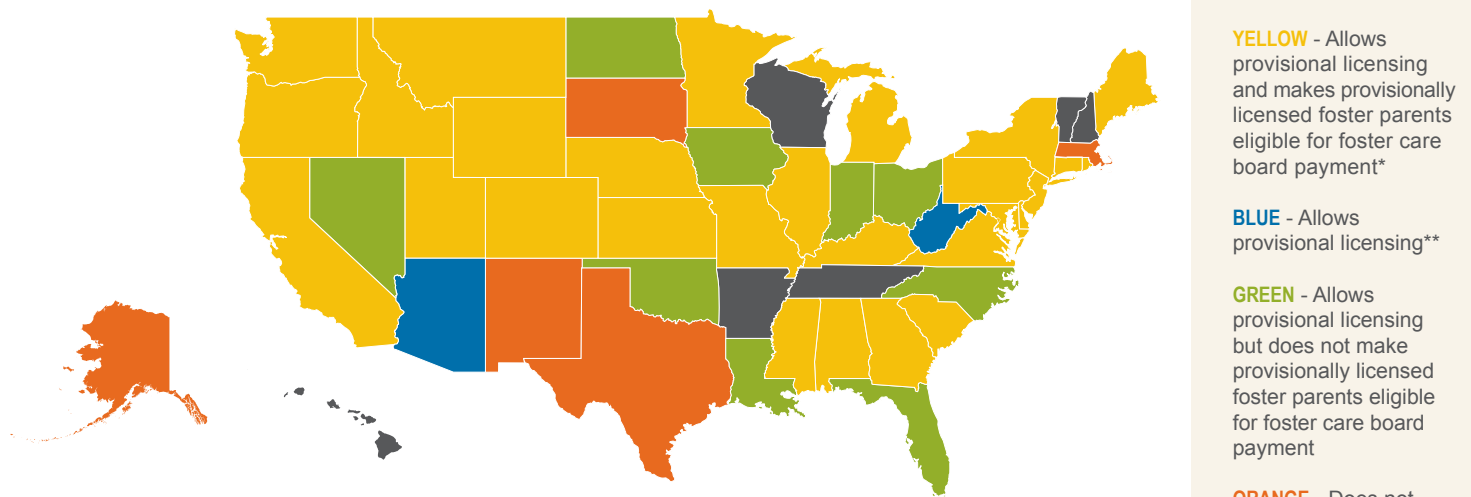
**In some states, children living with provisionally licensed kin are not eligible for foster care board payments, the survey found.**

For many families who are willing to take in a relative's child on short notice, such as grandparents on fixed incomes, love is plentiful — but cash flow may be limited. The costs of bedroom

furnishings, food and school fees can be a barrier to kinship placements. Sometimes renovations or a move are necessary to meet state foster home licensing standards.

Of the 41 states that responded that they provisionally licensed kin, nine reported that they do not offer foster care board payments, while in 30 states such caregivers are eligible for these payments.<sup>11</sup> (See Figure 1.) A foster care board payment, also known as a foster care maintenance payment, is typically a monthly stipend provided to help cover the costs of a child's basic needs, such as food, rent, clothing, school supplies and other living expenses.<sup>12</sup> Payments made in these provisional placements are not currently eligible for federal reimbursement under Title IV-E. Foster care maintenance payments before full licensure are state or county funded. For states that adopt the new federal rule, the wait time before licensure will be much shorter, allowing for quicker access to federal foster care funds.

**Figure 1: Provisional Licensing for Kinship Caregivers, 2022**



\* Puerto Rico and the District of Columbia also allow provisional licensing and make provisionally licensed foster parents eligible for foster care board payments. A foster care board payment is typically a monthly stipend provided to help cover the costs of a child's basic needs and living expenses, such as food, shelter, clothing and school supplies. Although many states reported that foster care board payments are available, all provisionally licensed caregivers may not be eligible to receive them. Requirements for eligibility and funding sources for foster care board payments vary by state.

\*\* Arizona and West Virginia allow provisional licensing but did not answer the survey questions about foster care board payments for provisionally licensed caregivers.

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

Other financial resources may be available. For example, a third of responding states report that Temporary Assistance for Needy Families (TANF) monthly payments are available for provisionally licensed caregivers, though these payments are far below both the costs of raising a child and foster care benefits.<sup>13</sup> Although the survey provides information on the array of potential resources, it does not explore how states determined which form of aid a kin caregiver may receive. Generally, caregivers would not be able to receive both TANF

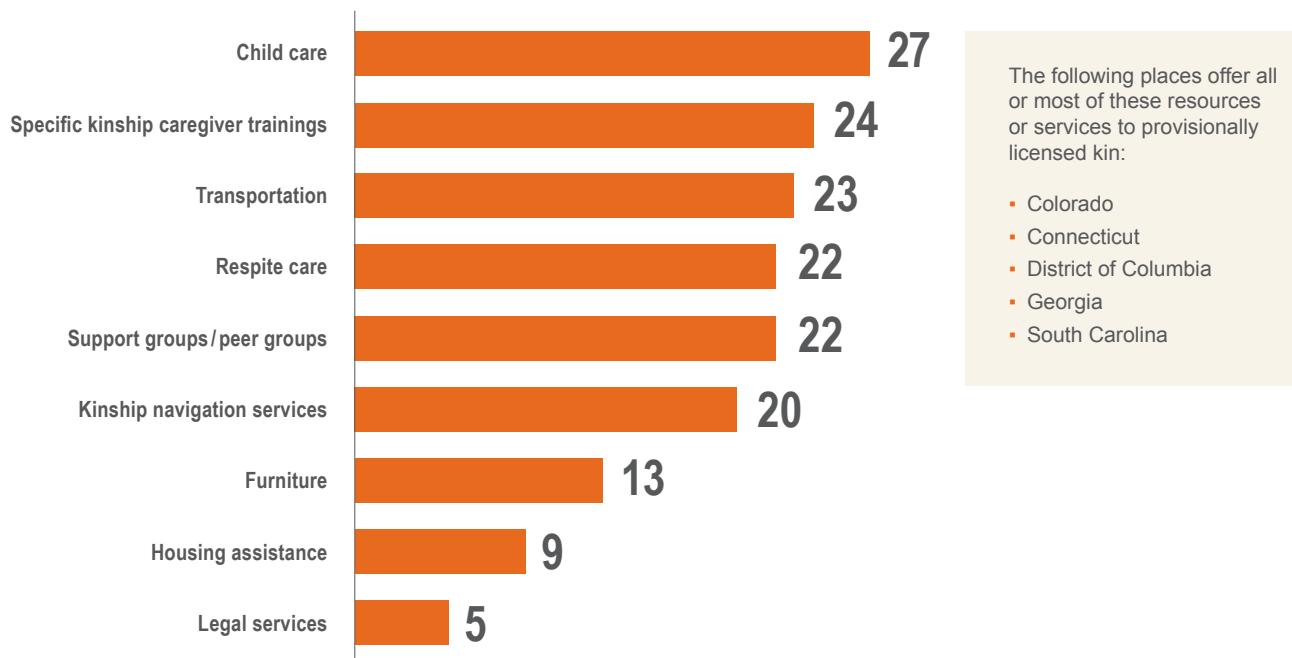
and a foster care maintenance payment. It is important to note that even when a state's policy allows foster care board payments to provisionally licensed kin, not every kin caregiver will qualify.

## RESOURCES FOR CAREGIVERS

Thirty-two states reported that they require the child welfare agency to provide resources and services to provisionally licensed kinship caregivers, the children in their care or both.

**Figure 2: Resources for Provisionally Licensed Kinship Caregivers**

Number of states providing resources for provisionally licensed kin caregivers, by type of aid.



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

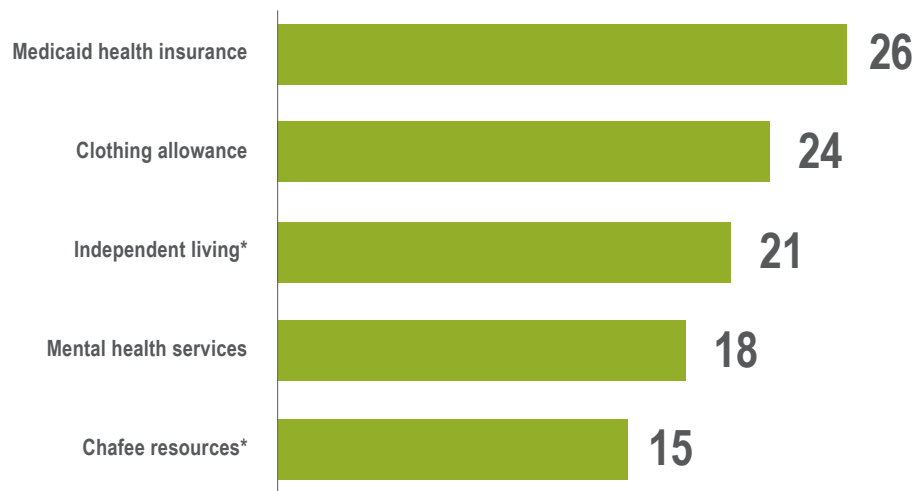
*Even when a state's policies require the agency to make financial assistance and support services available, some kinship caregivers may not receive them.*

The available services and eligibility to receive them vary by program and by jurisdiction. Figure 2 displays the number of states that provide certain resources for provisionally licensed kin. Aside from financial assistance discussed above, the most frequently offered service is child care (27 states), while only five states reported that they provide legal services for kin caregivers.

The 2022 survey also asked states to identify resources they provide for children who are placed with provisionally licensed kinship caregivers. (See Figure 3.) Medicaid was the resource most states provided (26 states).

### Figure 3: Resources for Children With Provisionally Licensed Kinship Caregivers

Number of states providing resources for children who are in the care of provisionally licensed kinship caregivers, by type of aid.



The following places offer all or most of these services and resources to children in the care of provisionally licensed kin:

- Alabama
- Colorado
- District of Columbia
- Georgia
- Idaho
- Illinois
- Maryland
- Mississippi
- Missouri
- Montana
- Nebraska
- New Jersey
- Rhode Island
- South Carolina
- Utah
- Washington

\* While a caregiver is provisionally licensed, many states consider youth eligible to receive independent living services intended to help them thrive and prepare for adulthood. Independent living services for 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 data analysis by Child Trends.

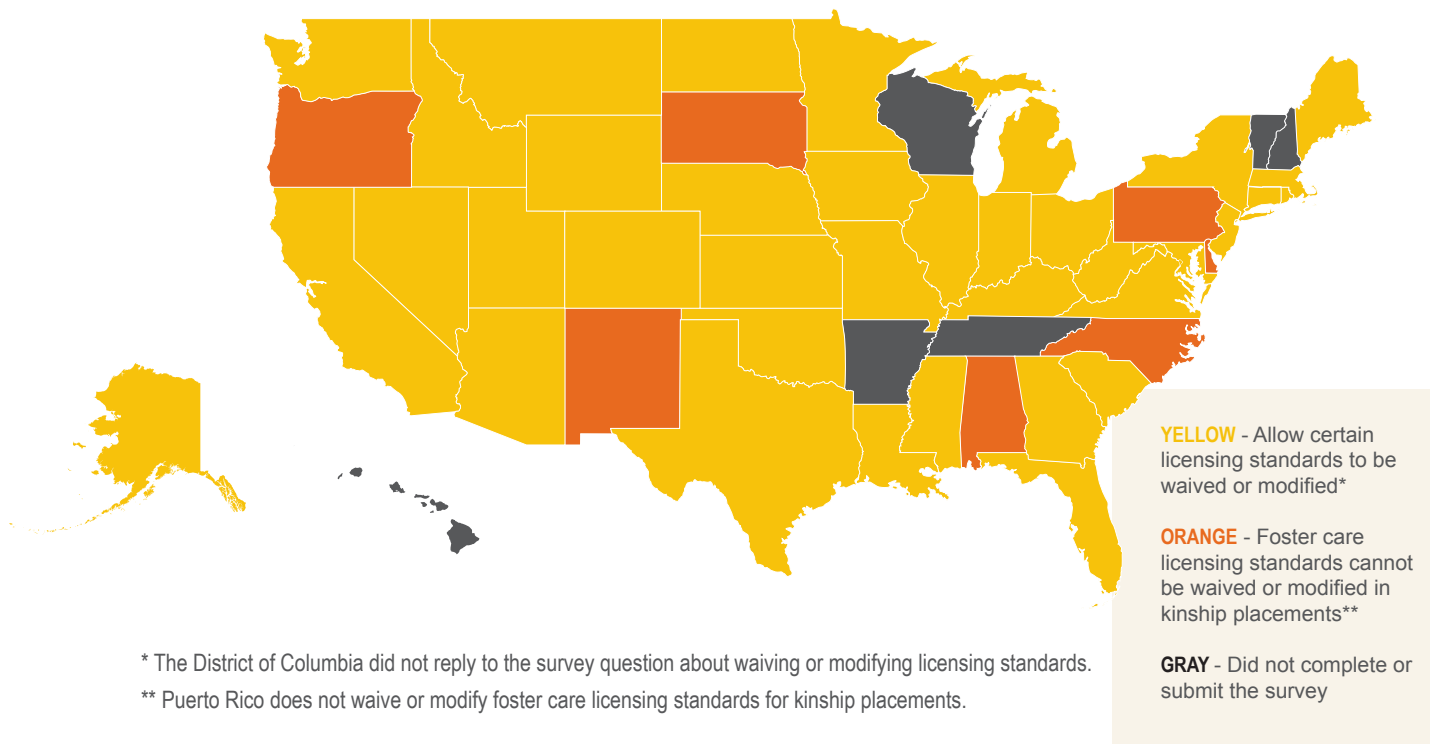
**Many states report having policies in place to waive certain licensing standards to help a child's relative become a licensed foster parent.**

In 2022, 37 states reported that they waive or modify some standards for kinship caregivers who are pursuing full licensure (Figure 4). By comparison, just 22 states that responded to the 2007 survey allowed waivers. Much of this change was driven by the federal Fostering Connections to Success and Increasing Adoptions Act of 2008,<sup>14</sup> which allowed states, on a case-by-case basis, to waive or modify some licensing standards for a child's relatives who are willing to become foster parents. Waivers can help a child's relatives advance more quickly to full licensure and gain or maintain eligibility for the financial assistance and resources that come with licensure.

Over half of the states that waive or modify licensure requirements for kinship caregivers waive requirements on the number of rooms in the house. About half waive standards for the size of the house or the caregiver's income. Fewer states waive requirements related to the caregiver's age.

The 2023 federal regulation shifted the policy landscape again, allowing states to dispense with existing waiver policies and develop licensing standards tailored to the unique circumstances of kinship caregivers. Rather than individual, case-specific waivers, which can be limited and time-consuming for both kin and caseworkers, states may create an entirely separate licensing or approval process specific to the unique circumstances of kinship caregivers. States that implement the new rule will no longer need to conduct case-by-case waivers of licensing requirements.

**Figure 4: Some Licensing Standards Can Be Waived in Many States**



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



## CONCLUSION

Promoting strong and stable families who are equipped to meet the many needs of children and youth means ensuring kinship caregivers have access to all the financial and other resources that would be available to non-relative foster homes, along with services and other support tailored to their unique circumstances. The survey paints an encouraging picture of policies in 2022, with many states having taken steps to help unlock the resources available through licensing for kinship caregivers.

Both provisional licensing and waiver policies show states' existing commitment to placing children with kin and supporting them in those placements. States can and should build on that momentum by implementing the new federal rule that allows them to implement kin-specific licensing standards and requires parity in financial support between non-relative licensed caregivers and licensed kinship caregivers. Many states have provisional licensing standards that are similar to the recommended Kin-Specific Foster Home Approval Standards,<sup>15</sup> meaning implementation of the new rule may build on policies already in place and open the door more quickly to federal foster care funds.

States should ensure that kinship caregivers can access necessary resources as soon as placement occurs. Survey results show very few states provide legal services, housing or furniture to provisionally licensed caregivers. Every state should place children with kin as soon as possible, and kinship caregivers should receive the same financial and other support as non-relative foster homes at the time of placement.

In this rapidly changing policy area, kinship caregivers can be key partners to states and communities. As states develop new policies, caregivers who have experienced provisional licensing and waivers can provide critical insights to help identify resource gaps and strengthen approval processes.

## ENDNOTES

- 1 Generations United. (2023, May). *Fact sheet: Children thrive in grandfamilies*. Retrieved from [www.gu.org/resources/children-thrive-in-grandfamilies](http://www.gu.org/resources/children-thrive-in-grandfamilies)
- 2 Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2022, June 28). *The AFCARS report (preliminary FY 2021 estimates)*. Retrieved from [www.acf.hhs.gov/sites/default/files/documents/cb/afcars-report-29.pdf](http://www.acf.hhs.gov/sites/default/files/documents/cb/afcars-report-29.pdf). Note: States have flexibility in how they define "relative," so it may or may not include close family friends consistently. States are also allowed to determine whether to include both licensed and unlicensed placements. For more information on this data source, see [www.gksnetwork.org/kinship-data](http://www.gksnetwork.org/kinship-data).
- 3 Generations United. (2023).
- 4 Washington, T., & Mihalec-Adkins, B. P. (2023, September). *Kinship care supports the academic performance of children*. Bethesda, MD: Child Trends. Retrieved from [www.childtrends.org/publications/kinship-care-supports-the-academic-performance-of-children](http://www.childtrends.org/publications/kinship-care-supports-the-academic-performance-of-children)
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- 6 Arkansas, Hawaii, New Hampshire, Tennessee, Vermont and Wisconsin did not complete the 2022 survey. Some participating states did not answer every question.
- 7 Allen, T., DeVooght K., & Geen, R. (2008, December). *State kinship care policies for children that come to the attention of child welfare agencies*. Bethesda, MD: Child Trends. Retrieved from [https://cms.childtrends.org/wp-content/uploads/2020/01/State-Assistance-to-Kin\\_ChildTrends\\_2008.pdf](https://cms.childtrends.org/wp-content/uploads/2020/01/State-Assistance-to-Kin_ChildTrends_2008.pdf)
- 8 Grandfamilies.org (n.d.). *Kin-specific foster care licensing*. Retrieved February 7, 2024, from [www.grandfamilies.org/Resources/Foster-Care-Licensing/Kin-Specific-Foster-Care-Licensing](http://www.grandfamilies.org/Resources/Foster-Care-Licensing/Kin-Specific-Foster-Care-Licensing)
- 9 While the term "provisional licensure" is used in this brief, states were asked more broadly whether their policies provide a pathway for relatives who want to act as licensed foster parents of children taken into state or county custody to begin caring for a child before all required licensure standards are met.
- 10 This count of states also includes Arizona and Michigan that answered "it depends" when asked whether provisional licensing is allowed in their state. The scope of provisional licensing eligibility differs by state.
- 11 Two states did not confirm whether provisionally licensed kin are eligible for foster care board payments.
- 12 Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (n.d.). 8.3B Title IV-E, foster care maintenance payments program, payments. *Child Welfare Policy Manual*. Retrieved from [www.acf.hhs.gov/cwpm/public\\_html/programs/cb/laws\\_policies/laws/cwpm/policy\\_dsp.jsp?citID=41](http://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=41)
- 13 The Annie E. Casey Foundation. (2012, January). *Stepping up for kids: What government and communities should do to support kinship families*. Baltimore, MD: Author. Retrieved from [www.aecf.org/resources/stepping-up-for-kids](http://www.aecf.org/resources/stepping-up-for-kids)
- 14 Casey Family Programs, American Bar Association Center on Children and the Law, & Generations United. (n.d.). *Fostering Connections to Success and Increasing Adoptions Act (H.R.6893)* (Fact sheet). Retrieved February 7, 2024, from [www.grandfamilies.org/Portals/0/Documents/Fostering%20Connections/Detailed%20Summary%20of%20Fostering%20Connections%20to%20Success%20and%20Increasing%20Adoptions%20Act%20gf%20logo.pdf](http://www.grandfamilies.org/Portals/0/Documents/Fostering%20Connections/Detailed%20Summary%20of%20Fostering%20Connections%20to%20Success%20and%20Increasing%20Adoptions%20Act%20gf%20logo.pdf)
- 15 Grandfamilies.org. (n.d.).





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