

# A PATH FORWARD FOR KINSHIP FAMILIES



**When kinship families<sup>1</sup> step in to care for Ohio's most vulnerable children, they should have access to all the resources and services required to provide a safe and stable home for the children in their care. Ohio's communities and systems should be proactive to ensure kinship families have everything they need to care for their kin children.**

## What is kinship care?

Kinship care refers to a temporary or permanent arrangement in which a relative or any non-relative adult who has a long-standing relationship or bond with the child and/or family, has taken over the full-time, substitute care of a child whose parents are unable or unwilling to do so.<sup>2</sup> Kinship care helps maintain family and cultural bonds, and gives children a sense of identity and belonging. Kinship caregivers provide safety, stability and support for children to avoid foster care or to maintain family connections when foster care is necessary.

About 108,000 children in Ohio live with their kin.<sup>3</sup> Most of these families make these arrangements without the assistance of the child welfare agency. A small portion of these families require the assistance of Public Children Services, as a result of a report of child abuse or neglect.

## Kinship Care Options and Public Children's Services

Kinship families may be involved with Public Children Services at different points in a child's life, and the caregiving arrangement may differ based on family circumstances. However, whenever a kinship

<sup>1</sup> Kinship families, sometimes referred to as the kinship triad, include the child(ren), kinship caregiver, and birth parents.

<sup>2</sup> Ohio Department of Job and Family Services, Office of Children and Families. Retrieved from [https://jfs.ohio.gov/ocf/kinship\\_care.stm](https://jfs.ohio.gov/ocf/kinship_care.stm)

<sup>3</sup> Annie E. Casey Foundation, Kids Count Data Center, Children in Kinship Care in Ohio, 2017-2019. Retrieved from <https://datacenter.kidscount.org/data/tables/10455-children-in-kinship-care#detailed/2/37/false/1757/any/20160,20161>

arrangement is made as a result of a report of child abuse or neglect, Children Services has an obligation to ensure the safety of children who cannot safely stay at home.

Public Children Services can be involved with a kinship family in 3 different ways:

- **Kinship foster care:** The child is in agency custody and placed with a relative who is licensed by the state to care for the child as a foster parent
- **Approved or unlicensed kinship placement:** The child is in agency custody, but placed with a relative who has been vetted and approved by the agency, but is not licensed as a foster parent
- **Diversion:** The child is not in agency custody but there is some level of Public Children services involvement with the family (e.g. no case, current or past open case with Children Services)

A family's involvement with Public Children's Services may shift over time along this continuum of kinship care options. Agency decisions about how to serve families across this continuum can be a balancing act of planning resources and providing adequate support. Communication to kin about foster home licensure options is required by the county, but its quality and frequency varies widely. In addition, each agency's approach can differ significantly in terms of the level of oversight by the agency and courts, the level of supports and services provided to families, and the support to parents to safely resume their caregiving role. Additional state guidance is needed to ensure Public Children Services Agencies (PCSAs) are equipped to improve consistency in communication and supports provided to kinship families.

## The Current Kinship Care Challenge

Currently 4,141 children in agency custody are cared for by approved kinship caregivers. Most kinship caregivers care for children with limited supports, which may compromise their ability to provide safe and nurturing care. This may lead to challenges with meeting the needs of the child, disruptions in the kinship arrangement, and other challenges that can be avoided with the proper services and supports.

### *Failure to address the unique needs of kinship families*

Kinship caregivers find themselves in unique circumstances that make them different from non-kin foster parents. They have established relationships with birth parents which lead to complicated family dynamics. They often have to step in with no forewarning and little preparation, and have limited knowledge on how to engage with the child welfare system-including the courts. Programs and services often misunderstand or underestimate these unique circumstances, leaving caregivers with little support to manage these family dynamics effectively. Caregivers can find themselves lost in a system that doesn't fit their needs, with services they can't access, and programs that are ill-equipped to help.

### *Imbalance in supportive services and resources for kinship families across the continuum*

There is a general imbalance in the services and resources available to kinship families involved with Public Children Services. Kinship caregivers in diversion arrangements and approved kinship caregivers do not

receive the same access to services as licensed caregivers (non-kin or kin). In all kinship arrangements, caregivers help children cope with the trauma of being separated from their parents, challenging histories, and other special needs. These needs often require therapeutic supports, which is mostly not accessible to kinship caregivers. In addition, the added cost of food, utilities, school, and medical needs can have a significant impact on their households. Approved kinship caregivers typically cannot access training, a monthly stipend to support the child's living expenses, a family case manager, or ongoing financial supports if they pursue guardianship or legal custody of the child. With kinship diversion, the family has even less support and eligibility for services than approved kinship caregivers.

### ***Lack of supports for permanence***

When a child is placed with a kinship caregiver, permanency must remain a priority. Some families are reluctant to pursue adoption because it requires courts to sever the child's legal ties to his or her parents, and they may prefer legal custody or guardianship. However, there is no ongoing financial support for legal custody or guardianship, which leaves some caregivers afraid to take the step towards legal permanence. In diversion arrangements, kinship caregivers without legal custody need the authority to make caregiving decisions, such as school enrollment and approval for medical procedures. Post-custody supports, which work to keep families together after

they pursue custody, are important safeguards to ensure families have the skills to stay intact. These supports are available statewide for adoptive families, but not for families who pursue legal custody or guardianship.

### ***Community acknowledgment of kinship care challenges***

The community has recognized the need to provide a greater layer of support for kinship families. The Public Children Services Association of Ohio (PCSAO) has acknowledged the need for a consistent and intentional strategy to better support children living with kinship caregivers. Several community organizations including the Ohio Children's Alliance, Ohio Family Care Association, Kinnect, the Ohio Grandparent-Kinship Care Coalition, and the Ohio Federation for Health Equity and Social Justice, share this concern. The United States Court of Appeals for the Sixth Circuit recently determined in the court case, *D.O. v. Glisson*, that all caregivers caring for children in the agency's custody have a right to monthly foster care maintenance payments, regardless of their licensure status.<sup>4</sup> The Sixth Circuit has jurisdiction over six states of which Ohio is included. This provides a greater sense of urgency to ensure that all caregivers caring for children in the state's custody have access to the same resources as other caregivers.

<sup>4</sup>D.O. v. Glisson, No.16-5461, Sixth Cir. (2017). Retrieved from <https://law.justia.com/cases/federal/appellate-courts/ca6/16-5461/16-5461-2017-01-27.html>

# Ohio needs a more balanced approach to serving kinship families

When kinship families step in to care for Ohio's most vulnerable children, they should have access to all the resources and services required to provide a safe and stable home for the children in their care. Ohio's communities and systems should be proactive to ensure kinship families have everything the need to care for their kin children.

The state has an important role to play to ensure that kinship families across the continuum have the service and supports needed to help children thrive. This can be accomplished in two primary ways: first, by ensuring that kinship caregivers

caring for children in agency custody have the services and supports they need to be successful. And second, by ensuring that a comprehensive prevention system, including prevention of foster care as envisioned under the federal Family First Act, identifies kinship providers as a population of focus to address children in kinship diversion arrangements. This includes ensuring that any use of evidence-based services includes specific interventions for kinship families. In terms of the immediate need, we believe that the state should focus on the following strategies.

## #1 Promote licensure of kinship foster parents

### WHY THIS MATTERS

- Licensure allows families to access a monthly payment to ease the financial burden and provide more stability in the home.
- Licensure is often the gateway to additional supports such as a dedicated family case manager and therapeutic supports such as in-home mental health services, on-call phone support, and crisis intervention.
- Licensure provides the agency with an opportunity to better understand the needs of the kinship family, align services and supports with those needs, and provides greater oversight of the kinship arrangement for safety and well-being.
- Licensure provides a sustainable pathway to legal permanence through subsidized legal guardianship.
- Without pursuing kinship licensure, there are millions of dollars being left at the table. The state can tap into a dedicated federal funding stream to offset the costs of providing financial support to families.

## HOW CAN WE MAKE THIS HAPPEN?

### **Strengthen licensure requirements for kin**

➤ *Establish provisional or expedited licensure policy:* Provisional licensure allows for immediate placement of children with their kin, while simultaneously beginning the licensure process. This can enable faster background checks, quicker turnaround on paperwork, and faster home assessments, to overcome one of the biggest licensure challenges – time. The policy should outline clear timelines and expectations for completing paperwork to avoid any delays. Several other jurisdictions have developed expedited licensure policies that accommodate Title IV-E regulations.

➤ *Develop waiver policy:* A clear waiver policy for various non-safety foster home standards can eliminate licensure barriers and provide a standardized process to ensure family members are given a fair assessment of their potential to step in as caregivers. This policy should list the specific non-safety requirements (e.g., square footage of the home, sleeping arrangements, criminal background, etc.) that may be waived, based on a review of the family’s circumstances. The policy should establish a review and approval process that also specifies how staff are trained and informed of waivers.

➤ *Increase flexibility of pre-service training requirements:* The state should revise pre-service foster parent training for kinship caregivers to make training more relevant to kin and reduce the training hours. The state should support incentives to ensure that families are able to attend (e.g. child care, food, etc.).

### **Pay the non-federal share**

The federal government provides reimbursement for monthly payments to relatives and the administrative costs associated with licensing the home. The state should cover the non-federal match of those costs for licensed caregivers to incentivize this practice, and accommodate the limited county resources available for the federal match.

### **Establish full disclosure policy**

A full disclosure policy outlines a standard process for staff to continuously inform kin of their caregiving options, which may mean diversion from foster care, or the option to become a foster parent. Full disclosure is especially important at the time of the agency’s initial engagement with the family as the decision at this time point can have a long-term impact on eligibility for services later on.

## #2 Make it easier for kinship families involved with the agency to access the services they need

### WHY THIS MATTERS

- A family's need varies based on individual circumstances and timing. The ability to access supports at the time of need ensures children can remain safely with their caregivers.
- When a caregiver does not have to worry about paying their bills and has the proper supports to maintain their caregiving relationships, they are better equipped to effectively support and care for children with trauma and challenging histories.
- Public systems were not designed to consider the needs of kinship caregivers in terms of eligibility and application for services. Having streamlined requirements limits errors and delays in being approved for services.

### HOW CAN WE MAKE THIS HAPPEN?

#### Provide universal access to key supports for all children in kinship foster care placements and diversion arrangements

- *Training:* Make training available to kinship caregivers through the Ohio Child Welfare Training Program and through their licensed foster care agency when applicable. The trainings should include transportation stipends and childcare assistance.
- *Child care:* The Kinship Caregiver Program<sup>5</sup> should be available to provide "child-only" child care assistance for all kinship caregivers involved with Public Children Services. To ensure its long-term sustainability, the state should develop concrete program parameters which outlines clear policies and procedures, and establish staff contacts at the state level.
- *Case managers:* Family case managers should be provided for all licensed or approved caregivers. PCSAs may consider partnering with private foster care agencies, which are equipped to provide family case managers. Diverted kinship families should have access to a kinship navigator program for help with accessing services. For counties with no family case managers, kinship foster families should have access to the navigator program. Kinship navigators can help caregivers navigate the licensing process to meet stricter timelines for licensure.
- *Financial:* Though we recommend that PCSAs promote licensure, the reality is that all families may not become licensed. The state should establish a minimum monthly payment rate for all families in kinship foster care, regardless of licensure status.
- *Legal representation for children and parents:* States are now allowed to claim

<sup>5</sup> The Kinship Caregiver Program (KCP) assists kinship caregivers by providing reasonable and necessary relief of child caring functions through family stabilization and caregiving services. The program covers child care costs for eligible kinship caregivers and costs incurred when a child transitions to the kinship home.

title IV-E administrative costs of independent legal representation by an attorney for a child who is a candidate for foster care, or in foster care, and his/her parent.<sup>6</sup> Recent research has shown positive outcomes for children and parents with legal representation, including less time in foster care, and faster times to permanency (including reunification as well as guardianship and adoption).<sup>7</sup> Better legal representation

will create stronger decision-making and stronger family engagement and planning, especially around kinship diversion practice and full disclosure of placement and licensure options.

- *Post-custody supports:* The state should expand eligibility for the current post-adoption program or develop a post-custody program for families who obtain legal custody or guardianship.

## #3 Prioritize legal permanence

### WHY THIS MATTERS

- The safety and stability provided by a kinship placement should not be compromised by a lack of legal permanence for a child. Legal custody or guardianship provides an option for families when adoption is not appropriate or desired.
- The federal government provides a funding source to support legal guardianships, through the Kinship Guardianship Assistance Program. (KinGAP).<sup>8</sup>
- Agencies often struggle with finding legal permanency options for older youth in foster care. Providing regular monthly payments once they achieve legal custody or guardianship can give caregivers more confidence in committing to legal permanence for an older youth.
- Legal custody or guardianship honors cultural beliefs, as some cultures do not believe in severing parental ties to children.

### HOW CAN WE MAKE THIS HAPPEN?

#### Pursue the KinGap program for federally eligible children

The state should elect to participate in the federal Kinship Guardianship Assistance program. The state should cover the non-federal share of guardianship payments, which includes administrative costs associated with licensing kin, to prevent an impact on limited county resources.

#### Avoid restrictions with subsidized guardianship

Limiting any restrictions (such as age requirements) to subsidized guardianship beyond the federal requirements, can ensure that as many children as possible have access to subsidized guardianship.

<sup>6</sup> U.S. Department of Health and Human Services, Children's Bureau. Child Welfare Policy Manual. Retrieved from [https://www.acf.hhs.gov/cwpm/public\\_html/programs/cb/laws\\_policies/laws/cwpm/policy\\_dsp.jsp?citiD=36](https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citiD=36)

<sup>7</sup> Guggenheim, M & Jacobs, S. Providing parents multidisciplinary legal representation significantly reduces children's time in foster care. (June 2019). *Child Law Practice Today*, American Bar Association.

<sup>8</sup> Caregivers must be licensed and care for a child in custody for at least six months, and adoption must be ruled out in order for families to be eligible.

### **Provide post-custody supports**

Establish a post-custody program comparable to the current post-adoption program, or expand access to the current

program to prevent disruptions in legal custody and guardianship placements, and provide a network of community supports for kinship families.

## #4 Establish stronger kinship care policy

### WHY THIS MATTERS

- Clear policies can ensure a comprehensive approach and philosophy around serving kinship families across the kinship continuum.
- Establishing standard policies and procedures can help the state have consistent messaging around kinship care, hold PCSAs accountable, and improve practice.

### HOW CAN WE MAKE THIS HAPPEN?

#### **Develop streamlined kinship policy**

The state should establish a streamlined kinship care policy that takes into consideration kinship licensure, provisional licensure (if applicable), kinship navigation, full disclosure of kinship placement options, guidance on when and how to pursue kinship diversion, and kinship adoption and legal custody or guardianship. Policies should be aligned to avoid misinformed staff and

families, and disjointed messaging from the state.

#### **Engage stakeholders**

The state should consider convening a group of stakeholders to provide input and feedback on kinship policies. Kinship families, which include children, their parents, and their kinship caregivers, should be included.

## #5 Establish stronger data tracking of kinship families

### WHY THIS MATTERS

- Establishing data tracking can help the state better assess the impact of policy and practice decisions on children and families, as well as on PCSAs and the state.
- Stronger processes for collecting and reporting data lays the groundwork for developing an evidence base for kinship families to ensure alignment with the Family First Act.

- Tracking the demographics and experiences of families who come in contact with Public Children Services

helps to predict the need for services, plan resources, and uncover potential racial biases.

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## HOW CAN WE MAKE THIS HAPPEN?

### **Establish kinship outcome goals**

The state should establish key outcome goals, which should include child and caregiver well-being, placement stability, child safety, and time to permanency.

### **Establish data tracking and reporting**

PCSAs should begin collecting data on kinship families involved with the agency into the statewide automated child welfare

information system (SACWIS). Diverted kinship families are an important part of the system that should be included. Example data measures include child and family characteristics, reasons for the child's move, how long placements last, the number of licensed and approved kin, and time to licensure. The state should also establish kinship outcome reports that can be disseminated statewide and by county.