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the walk to paradise garden

A Review of Federal and State Statutes and Policies, Contributing Factors and Research Findings Supporting Public Kinship Care

Hawaii DHS Presentation

1/26/06

Defining Kinship Care

- **Informal and Formal/Public** (Report to Congress on Kinship Foster Care, 2000; Connolly, 2003; NRCFCPP, undated; Jones, Chipungu & Hutton, 2003; Leos-Urbel, Bess & Geen, 1999)
- **Broad versus Narrow**
 - Slightly less than half of states (24), including DC, define kin related to “blood, marriage or adoption” (Leos-Urbel, Bess & Geen, 1999; Jantz, Geen, Bess, Andrews & Russell, 2002)
 - 22 states broadly define kin “beyond blood, marriage or adoption;” (Jantz, Geen, Bess, Andrews & Russell, 2002)

*Hawaii has used a broad definition of kin since the late 1990's.

Factors in Public Child Welfare Systems in Addition to Changes in Federal Policy Contributing to Increased Use of Public Kinship Care

- Lack of sufficient non-kin foster care to meet the increasing need for out-of-home care
- Shift in agency philosophy/values and attitudes to strengths-based, family-centered services and
- Court rulings such as *Miller v. Youakim*, 1979 which supported kinship providers rights to receive the same funding as non-kin providers.

(DHHS Report to Congress on Kinship Foster Care, 2000; Berrick, 1998)

Number of Children in Formal (Public) Kinship Care

- 9/30/03- Children in Care: 523,000
 - 121,030 were in a kinship family foster home (23%) nationally
(DHHS/ACF/ACYF/CB, AFCARS Report, April 2005)
- It is estimated that this represents about half of the total number of children in kinship care when the informal kinship care is included.

Number of Children in Informal Kinship Care

- Approximately 2.3 Million children living with relatives (National Survey of Families, 1999)
- Approximately 1.4 Million children living with grandparents without parents (U.S. Census, 1999)

Federal Legislation/Policies Supporting Kinship Care

- Social Security Amendments of 1950
 - Allowed relatives to receive ADC (later AFDC) for the “child-only” in kinship care (DHHS Report to Congress on Kinship Care, 2000)
- 1979 Supreme Court Decision, *Miller v. Youakim*
 - Illinois class action suit resulted in allowing relatives to receive same funding for foster care as non-kin. (DHHS Report to Congress on Kinship Foster Care, 2000; Berrick, 1998)
- Social Security Amendments of 1994
 - Authorized waivers for innovative programs within the states funding. Some states requested waivers for subsidized guardianships to kinship providers. (N. C. developed “a kinship care assessment tool for assessing relatives as potential guardians.”) (DHHS, 2005)

Federal Legislation/Policies Supporting Kinship Care

- Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PL 104-193)
 - Authorizing legislation for states to consider giving preference for placement to kin
 - Sec. 505. Kinship care added to Sec. 471(a) of the Social Security Act (42 U.S.C. 671(a): "(18) provides that the State shall consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant State child protective standards."

Federal Legislation/Policies Supporting Kinship Care

- Adoption and Safe Families Act of 1997 (PL 105-89)
 - Supported foster care as temporary through expedited permanency. (See next slide for additional information.)
 - Provided more flexibility in permanency for children in kinship care, e.g., timely termination of parental rights and concurrent recruitment for adoption not required.
 - Supported consideration of relatives for placement beyond initial placement, e.g., initial or subsequent permanency hearings
 - Required kinship advisory panel (Sec. 301)
 - Required Report to Congress on Kinship Foster Care (Sec. 301) (ASFA of 1997)

Foster Care is Temporary

- The National Foster Parent Association defines foster care as follows:
 - “Foster care is the temporary placement of children and youth with families outside of their own home due to child abuse or neglect. The goal is to provide a safe, stable, nurturing environment.”

(Retrieved from http://www.nfpainc.org/aboutFP/htb_fp.cfm?page=2,
12/5/05)

Federal Regulations Addressing Kinship Care: Adoption and Safe Family Act

- On January 25, 2000, DHHS published a final rule in the Federal Register addressing foster care requirements related to licensing of kinship care.
 - “For the Federal foster care program, States are required to have the same licensing or approval requirements for relative foster homes as they do for non-relative homes, with some exceptions for requirements not related to safety. The State cannot receive Federal reimbursement for foster care expenses for children placed in temporarily licensed foster homes or in foster homes that fail to meet all licensing or approved requirements.” (DHHS, 2000)

Comparison of States in National Surveys

Re: Preference for Kin *

- The Urban Institute conducted national surveys of kinship policies in all 50 states and DC in 1997, 1999 and 2001.
 - 1997: 48 states + DC gave preference to kin in placing a child
 - 1999: Only 2 states did not give preference to kin in placing a child
 - 2001: 49 states required preference for kin in placing a child

*Since the last national survey, all 50 states + DC have developed kinship preference policies.

Research Findings Support Kinship Care in Providing Safety

- Children in kinship homes are less likely to be abused than in non-kin homes. (Zuravin, Benedict & Sommerfield, 1993)
- Berrick (1998) concluded from a review of another study that “when kin caregivers are screened and supported, they cannot only protect children from harm but foster their development.”
- Kinship caretakers are required to meet state licensing standards. No safety requirements may be waived. (ASFA Final Rules, 2000)

Research Findings Support Kinship Care in Promoting Permanency for Children in Their Care

- Research findings support kinship care as providing more stability including fewer placement changes for children in their care than non-kin care. (Berrick, 1998; George, 1990; Testa, 1992, 1993; Benedict, Zuravin & Stallings, 1996; Iglehart, 1994; Wulczyn & George, 1992; Courtney & Needell, 1997; Webster, Barth & Needell, 2000; Scannapieco & Jackson, 1996; Scannapieco, Hegar & McAlpine, 1997; National Abandoned Infants Resource Center, 2005)
- Kinship care has been found to support quality relationships. (Hunt, 2003; Altshuler, 1999; Stelmaszuk, 1999; GAO, 1999)
- Altshuler (1999) found “greater depths of bonding” of children in kinship care.

Research Findings Support Kinship Care in Promoting Permanency for Children in Their Care

- Research findings indicate kinship care is less traumatic and disruptive than non-kin foster care. (Gleeson and Craig, 1994; Johnson, 1994; Zwas, 1993; Billing, Ehrle & Kortenkamp, 2002)
- Children in kinship care have more continuity in family relationships and community ties. (DHHS Report to Congress on Kinship Care, 2000; GAO, 1999)
- Children in kinship care visit siblings and birth parents more frequently than in non-kin care. (GAO, 1999, Chipungu, Everett, Verdieck & Jones, 1998)
- Federal policy provides for more flexibility permanency options for children in kinship care, e.g., subsidized guardianships and long-term foster care without termination of parental rights. (GAO, 1999; Jantz, Geen, Bess, Andrews & Russell, 2002)

Research Findings Support Kinship Care in Promoting Well-Being for Children in Their Care

- Siblings are more likely placed together in kinship care reinforcing the family bond. (Berrick, 1994; Testa and Rolock, 1999) This also relates to permanency.
- The contact with siblings and other family members supports family connections for children in kinship care over non-kin care. (GAO, 1999; LeProhn and Pecora, 1994) This relates to permanency, too.
- Research findings support less serious mental health and behavioral problems for children in kinship care. (Berrick, Barth & Needell, 1994; Le Prohn, 1994; Thorton, 1991)
- Kinship care "can offer growth and development within the context of the child's culture and community."
(Ingram, 1996)

Cultural Practices and Statutes Supporting Kinship Care: Family Continuity, Community and Cultural Ties

- Indian Child Welfare Act of 1978 (PL 95-608)
- Aboriginal Child Placement Principle in Australia (Spence, 2004)
- New Zealand Children, Young Persons, and Their Families Act of 1989 (Worrall, 2001)
- Mediation “drawing from ancient Chinese, Japanese, and African cultures, among others” (Wilhelmus, 1998)
- Family Group Conferencing in New Zealand; Ohana Conferencing in Hawaii
- Prevalence of kinship care greater “in African American communities, and...in Hispanic communities than the U. S. population as a whole” (Hegar & Scannapieco, 2005)

Best Interests of Children in the Long-Run

- Relatives are now the fastest-growing source of permanent adoptive homes for foster children.
- Research shows that placement of foster children with their kin is preferable and more beneficial in the long-run for these children, even if a change in placement is necessary.

Resiliency & Multiple Attachments

Children can form multiple attachments, including attachments to fathers and other non-maternal caregivers, as well as to mothers.

(Retrieved from <http://aspe.hhs.gov/hsp/prison2home02/parke-stewart.htm>)

Attachment theory has developed considerably beyond Bowlby's initial formulations. From Bowlby's early basis of maternal deprivation and the centrality of the mother-child relationship, it is now accepted that children can and do form multiple attachments.

(Retrieved from <http://www.vuw.ac.nz/mckenzie-centre/research/complete/reports/Changing-family.doc>)

Locating Kin

- It is preferable to locate kin and establish a strong connection early after a child is taken into the Department's custody.
- The Department has made significant changes in the front end of our child welfare system to intensify our effort to locate kin. This includes new confidentiality rules allowing CWS staff to share the identity of foster children with genealogists who can find the children's kin, expanding Ohana Conferencing for effective family mediation to find kin, and partnerships with faith-based and community organizations to locate absent parents and kin.
- The Department is developing a new RFP (Request for Proposal) for a statewide contract to search, locate, study, approve and train kin for placement of foster children.

Kinship Policy Clarification

Kinship policy would not apply on cases, where the Department has placed a child for adoption, after the Department has exhausted all reasonable efforts to locate kin, with PRIDE-approved applicants who only want to adopt, and not foster, a child.

The Formula

Exception To Policy = Exception To What
Research And Evidence-Based Best Practice Tells
Us Is In the Best Interests Of Children

Child Welfare Services Branch Administrative Review Panel

- The Administrative Review Panel is the process which CWSB workers should use to seek an exception to any policy on a specific case.
- The review process is designed to respect the assigned CWSB worker's professional opinion and utilize a hierarchy of examination by the worker's professional peers. This helps CWSB reach a final consensus decision that becomes the Department position in a specific case that may be an exception to our existing policy.

Kinship Care

- What are implications for practice?
- What are questions, concerns, issues for future training and research?