

## DEFINITION OF KINSHIP CAREGIVERS

### STUDY PLAN

#### Study Mandate

The Commission on Youth will convene an advisory group of representatives from impacted agencies and stakeholder organizations to clarify the definition of kinship caregivers. The Advisory Group will formulate recommendations to be shared with the Commission on Youth prior to the 2013 General Assembly Session.

#### Issues

- Kinship care, as set forth in § 63.2-100 of the *Code of Virginia*, is defined as the full-time care, nurturing, and protection of a child by relatives.
- The term “kin” is often used interchangeably with “relatives”. The way states define relatives for purposes of kinship care is important because it influences placement, access to information, and eligibility for program benefits.
- In Virginia, the definition of “relative” varies from program to program.
  - The Virginia Department of Social Services (VDSS) narrowed the definition of “relative” for the Custody Assistance program to mean only those related by blood, marriage, or adoption.<sup>1</sup>
  - In Virginia, for the purposes of adoption, a close relative is defined as “the child’s grandparent, great-grandparent, adult nephew or niece, adult brother or sister, adult uncle or aunt, or adult great uncle or great aunt.”<sup>2</sup>
  - Virginia’s Temporary Aid to Needy Families (TANF) regulations specify, for eligibility purposes, that the relative with whom the child is living who is designated as the caretaker must be a relative by blood, marriage, or adoption.<sup>3</sup>
- The federal *Fostering Connections to Success and Increasing Adoptions Act of 2008* does not define relative.
  - The U.S. Office of Personnel and Management utilizes the Child Welfare League’s definition of kinship care as the “... full time care, nurturing and protection of children by relatives, members of their tribes or clans, godparents, stepparents, or any adult who has a kinship bond with a child.”
  - A national survey conducted by Casey Family Programs noted that the definition of relatives could be either broad or narrow. Broad definitions of kin includes persons not related to the child but who have an established relationship with the child; including godparents, close friends, and neighbors. Narrow definitions of kin include only blood relatives or those related by marriage or adoption.
- Kinship care is one of the least restrictive family-like settings for children requiring out-of-home placement. Research has shown that children living with relatives in kinship care placements generally have a greater likelihood of being successful and not experiencing negative outcomes (e.g., dropping out of school or incarceration).<sup>4</sup>
- Virginia has increasingly turned to kinship care as a viable placement option for children when the family is in crisis. Virginia policy strives to preserve families and requires that family members be considered first when out-of home placements are sought.<sup>5</sup>

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<sup>1</sup> Virginia Department of Social Services. (2011). *Virginia’s Annual Report on the Five Year Child Welfare Plan*. [Online]. Available: [http://www.dss.virginia.gov/files/about/reports/children/annual\\_progress\\_services/aprs2011.pdf](http://www.dss.virginia.gov/files/about/reports/children/annual_progress_services/aprs2011.pdf). [March 2012].

<sup>2</sup> Va. Code § 63.2-1242.1. (2011).

<sup>3</sup> 22VAC40-295-20.

<sup>4</sup> Rubin et al., Impact of Kinship Care on Behavioral Well-being for Children in Out-of-Home Care. (2008). 162 *Archives for Pediatric & Adolescent Med.* 6.

<sup>5</sup> Va. Code § 63.2-900. (2011).

- Legislation passed during the 2010 General Assembly Session (HB 718, Peace) requires the Governor and the VDSS, and other appropriate agencies, to develop a plan to increase the safe and permanent placement of children with families to reduce the number of children in foster care by 25% by 2020.
- According to VDSS, 94% of Virginia's local social service agencies diverted children from foster care to kinship care in Fiscal Year 2010. VDSS calculated that local departments of social services are diverting between 2,000 and 3,000 children from foster care to kinship care, with the percent of children placed with relatives ranging from 8 to 12%.

## Study Activities

- Convene Advisory Group to assist in study effort.
  - Invite representatives from the impacted groups including:

Special Advisor to the Governor on Virginia's Children's Services System	Family Assessment and Planning Teams (FAPT)
Virginia Department of Social Services	Virginia Department for the Aging
Local Departments of Social Services	Area Agencies on Aging
Virginia League of Social Service Executives	Advocacy Organizations
Special Advisor to the Governor on Virginia's Children's Services System	Parent Representatives
Office of Comprehensive Services	Faith-Based Community
State Executive Council (SEC)	Private child placing agencies
State and Local Advisory Teams (SLAT)	CASA Representatives
	Guardians Ad Litem
- Review federal legislation/statutes
  - *The Fostering Connections to Success and Increasing Adoptions Act* (P.L. 110-351)
  - Titles IV-B and IV-E of the Social Security Act
  - Temporary Assistance for Needy Families (TANF) block grant
  - *The Adoption and Safe Families Acts of 1997*
- Review Virginia laws, regulations, and terminology
  - Kinship care, adoption, and foster care statutes
  - Child welfare regulations
  - Statutes pertaining to relative caregivers
- Analyze Virginia practices and data
  - Review state and local Department of Social Services' (LDSS) policies and practices
  - Review Virginia's custody assistance guidance documents
- Analyze other states' practices and procedures
  - State Policy Database from Casey Family Programs
  - Child Welfare League of America literature on state definitions/practices
- Develop recommendations
  - Synthesize findings
  - Develop recommendations
- Solicit feedback to recommendations
- Refine findings and recommendations
- Present findings and recommendations to the Commission on Youth
- Prepare final report