



COMMONWEALTH OF VIRGINIA

Commission on Youth

Study of School Enrollment Practices for Virginia's Kinship Caregivers

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Presentation Outline



- Study Mandate
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Study Mandate



- In 2010, the Commission on Youth conducted a study on the *Barriers to Kinship Care in Virginia*.
- One issue identified was the challenges an informal kinship caregiver faces when enrolling the child placed in their care into school in the school division where they reside.
- At its April 5, 2011 meeting, the Commission adopted a study plan providing for an advisory group of representatives from impacted stakeholder organizations to study ways to clarify the school enrollment process for informal kinship caregivers.

Study Mandate (cont.)



Advisory Group Membership

- Albemarle County Public Schools
- Catholic Charities of Hampton Roads
- Commission on Youth Members
- FACES of Virginia Families
- Hanover County Public Schools
- JustChildren
- Local Departments of Social Services
- Norfolk Department of Human Services
- Project HOPE
- Special Advisor to the Governor
- Supreme Court of Virginia
- United Methodist Family Services
- Virginia Association of Secondary School Principals
- Virginia Department of Aging
- Virginia Department of Education
- Virginia Department of Social Services
- Virginia Poverty Law Center
- Virginia School Board Association
- Voices for Virginia's Children

Study Mandate (cont.)



Advisory Group Meeting Dates

June 7, 2011

August 30, 2011 (Drafting Group)

September 7, 2011

October 18, 2011

Background – Kinship Care



Kinship care is defined in § 63.2-100 of the *Code of Virginia* as “the full-time care, nurturing, and protection of children by relatives.”



Background – Kinship Care



- Kinship care arrangements can be either informal or formal. In Virginia, informal is the more common of the two types.
- Unlike formal kinship care (which typically refers to relative foster placements) informal kinship care allows parents to make temporary arrangements with a family member when they are unable to care for their child during a serious family hardship and/or absence, but do not want to relinquish their parental rights. There is no child welfare involvement or formal action by a local department of social services and, as a rule, caregivers do not go through the custody process.

Background – Kinship Care (cont.)



- The number of children living with grandparents has nearly doubled since 1991. Some 7.8 million children lived with at least one grandparent in the household as of 2009, a 64 percent jump since 1991. In 2008, 2.9 million children were living with grandparents who were the primary caregivers. This is a 6% increase between 2007-2008 and a 16% increase since 2000.*
- A recent survey of the Virginia Department of Social Services found that 94% of Virginia's LDSS agencies diverted children from foster care to informal kinship care in FY 2010. It is estimated that the number of children cared for in informal kinship care in Virginia ranges from 1,400 to 1,800.

Background – Kinship Care (cont.)



Why is Kinship Care Important?

- It enables children to stay connected to their family when they have been voluntarily or involuntarily removed from the care of their parents.
- Most children fare better when connections to family and loved ones are maintained.
- Kinship care provides children with better outcomes and is less expensive than the foster care system.
- Permanency is more likely to be achieved in a kinship care arrangement.

Background – Kinship Care (cont.)



The Fostering Connections to Success and Increasing Adoptions Act of 2008

Designed to:

- connect and support relative caregivers;
- improve the lives of children in foster care;
- support tribal foster care and adoptions; and
- improve incentives for adoption.

Identified Issues



School Enrollment Practices

- Informal kinship caregivers face challenges when they attempt to enroll the child placed in their care in school.
- In some Virginia school divisions, relative caregivers must prove that they have legal custody of the child in order to enroll him/her in school, a rule intended to prevent parents from “shopping” for schools by using a relative’s address.
- Section 22.1-3. of the *Code of Virginia* states that public schools in each school division shall be free to each person of school age who resides within the school division and further outlines various categories which create “presumptions of residency” for purposes of receiving a free public education.

Identified Issues



School Enrollment Practices

- The issue of school enrollment by informal kinship caregivers was addressed in two separate Attorney General's Opinions dated December 1, 1987 and June 14, 2007.
- These Opinions state that residence solely for school attendance purposes is not considered *bona fide* pursuant to the § 22.1-3 of the *Code of Virginia*. However, situations in addition to those listed in the *Code* may entitle persons to free admission to public schools in the locality.
- School divisions must provide the opportunity to demonstrate a *bona fide* residence and make a determination based on all pertinent facts. School divisions may not refuse to provide free education to a *bona fide* resident of the school division based solely on the categories set forth in the *Code*.

Recommendation



According to NCSL, 21 states allow kinship caregivers to enroll children in schools in their community. Some states require:

- signed and notarized caregiver authorization affidavits or consent forms;
- “power of attorney” status for caregiver; and/or
- penalties for false statements.

Recommendation



Issues for Consideration

- Include kinship care as defined by § 63.2-100 of the *Code of Virginia* as a person to whom public school shall be free.
- Allow local school divisions to require one legal parent and the relative providing kinship care to sign affidavits detailing the reason for the kinship care arrangement.
- Enrollment should not be delayed by the lack of a parental affidavit.
- Parental affidavit should be submitted within 30 days.
- Providing false information regarding the child's residency is a Class 4 misdemeanor.
- Require kinship caregivers to notify the school division if circumstances have changed and the child is no longer in their full-time care.
- Require annual verification of the kinship care arrangement.

Recommendation



Amend §22.1-3 of the *Code of Virginia* which addresses persons to whom public school shall be free to include a relative providing kinship care as that term is defined in § 63.2-100. Local school divisions may require one legal parent and the relative providing kinship care to sign an affidavit detailing the reason for the kinship care arrangement. Language will also be included stating the lack of a parental affidavit will not delay enrollment, provided it is submitted within 30 days, and acknowledging that providing false information regarding the child's residency is a Class 4 misdemeanor. The kinship caregiver will be required to notify the school division when the kinship care arrangement ends, at which time the person will cease to be enrolled in the school. Annual verification of the kinship care arrangement will be required.