

## Definition of Kinship Caregivers

### KINSHIP CARE ACTIVITIES IN VIRGINIA

PAGE 1

YEAR	AGENCY/MANDATE	NAME/DESCRIPTION	SUMMARY
1994	Virginia Department of Social Services/HJR 642	<p><b><i>Kinship Care in Virginia</i></b> (House Document 71, 1995)</p> <p>Study</p>	<p>Virginia Department of Social Services (VDSS) studied kinship foster care and ways to assist kinship caregivers within the foster care system. Final study recommendations were:</p> <ul style="list-style-type: none"> <li>• Evaluate the low utilization of relatives in kinship foster care;</li> <li>• Work cooperatively with a university to conduct a more in depth assessment of the needs of children in private kinship care and determine the best approaches for meeting needs;</li> <li>• Develop and distribute an informational packet for kinship care providers explaining possible assistance and services, including how and where to apply;</li> <li>• Assess the feasibility and cost of providing additional financial support and services to private kinship caregivers;</li> <li>• Evaluate the need for additional funding to support non-relative care by friends and neighbors, in order to provide a safety net to children through kinship care, and prevent foster care;</li> <li>• Study new permanency options for children who cannot return to a parent such as kinship adoption, open adoption, and "standby guardianship" for ill parents and should evaluate other states' legislation for these areas;</li> <li>• Develop and provide training for both local social services staff and kinship caregivers on such topics as Family Dynamics in Kinship Care and Permanency Planning with Kin, utilizing existing resources and exploring additional sources;</li> <li>• Analyze the impact of the proposed definition of kinship care used in the report on child protective services, prevention, foster care and adoption policies and, if necessary, modify child welfare policies;</li> <li>• Examine local agency reports of difficulties in recruiting kinship foster homes due to "red tape" of the foster home approval process to identify and remove barriers to relative placements for children in foster care; and</li> <li>• Develop guidelines for emergency placements with kin that will ensure at least minimal safeguards until further assessment can be completed for emergencies in child protective services.</li> </ul>
2001	Virginia Commission on Youth/SJR 208	<p><b><i>Kinship Care Report</i></b> (Senate Document 23, 2001)</p> <p>Study</p>	<p>The Commission on Youth conducted a study of kinship care in Virginia. The resolution identified four issues as a mandate: the role of kinship care in the child welfare system; Virginia's policies and practices; other states' experiences; and constituents' perceptions.</p>

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2004	VDSS/Local Departments of Social Services	<b>Definition of Kinship Care</b> § 63.2-100 and § 63.2-900 of the <i>Code of Virginia</i>  Enacted Legislation	Legislation passed during the 2004 General Assembly Session (SB 78, Miller) defines the practice of kinship care as the full-time care, nurturing, and protection of children by relatives. The bill requires a local board of social services to seek out kinship care options to keep children out of foster care and as a placement option for those children in foster care, if it is in the child's best interest.
2006	VDSS/Local Departments of Social Services	<b>Addition of Kinship Foster Care</b> § 63.2-900.1 of the <i>Code of Virginia</i>  Enacted Legislation	Legislation passed during the 2006 General Assembly Session (SB 48, Miller) requires local boards of social services to determine whether a child has a relative eligible to become a kinship foster parent. Any kinship foster care placement would be subject to the requirements, and receive the benefits, of other foster care placements, including payments at the full foster care rate for the care of the child.
2008 to Present	VDSS/Local Departments of Social Services	<b>Children's Services System Transformation</b>  Policy/Practice Guidelines	<p>The Children's Services System Transformation provides information on how to transformation a community by providing information on:</p> <ul style="list-style-type: none"> <li>• community-based continuum of care;</li> <li>• family engagement;</li> <li>• kinship care;</li> <li>• intensive care coordination;</li> <li>• managing by data;</li> <li>• national youth in transition database;</li> <li>• quality service review;</li> <li>• safe measures;</li> <li>• resource families; and</li> <li>• training.</li> </ul> <p>The Transformation addresses kinship care across the entire child welfare continuum. VDSS has developed a strategic work plan that addresses the following areas where kinship care affects the foster care system:</p> <ul style="list-style-type: none"> <li>• Kinship as diversion;</li> <li>• Kinship as foster care placement;</li> <li>• Kinship as a step down option; and</li> <li>• Kinship as permanence.</li> </ul> <p>One of its key performance outcomes for the Transformation is to "Increase the number of children placed with relatives," i.e., the number of children in local Departments of Social Services (LDSS) custody placed with approved relatives as their foster parents. VDSS has developed two brochures about kinship care: <i>A Guide to Exploring the Kinship Care Options</i> and <i>Virginia's Legal Options For a Relative When a Child Cannot Live With His Parents</i>.</p>

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2009	VDSS	<b>Kinship Diversion Study</b>	<p>In the fall of 2009, the Outcome Based Reporting and Analysis Unit (OBRA) of VDSS conducted a study to measure the number of children diverted from foster care and placed with kinship providers. OBRA received responses from 49 local departments of social services on 86.9% of the sampled cases (361 total). Because of this study, OBRA calculated that the percent of children diverted to relatives ranges from 8.3% - 11.6%.</p> <p>If this percentage is applied to the total population of referrals for the month of August of 2009, between 179 and 251 children were diverted from foster care and placed with kin. If applied over 12 months then local departments could potentially be diverting anywhere between 2,148 and 3,012 children from foster care via informal kinship placement.</p>
2009 to present	VDSS	<b>Custody Assistance</b> <i>(pending)</i>	<p>In 2009, VDSS convened a diverse workgroup responsible for assessing the feasibility of custody assistance in Virginia and developed an implementation plan. Custody Assistance is the same as “Subsidized Guardianship” as authorized in the <i>Fostering Connections to Success Act of 2008</i>. The Act allows states to claim federal funds to provide assistance for children to leave foster care and live permanently with relatives who become their legal guardians. These children are likely to remain in foster care until they “age out” of the system. States may use federal Title IV-E funds for kinship guardianship assistance payments for relatives who take legal guardianship of children in foster care. The program supports permanency for children and youth in foster care, with the goal of placement with relatives.</p> <p>In 2010, the work group updated the implementation plan.</p>
2010	Virginia Commission on Youth	<b>Barriers to Kinship Care in Virginia</b> (Report Document 17, 2012)  Legislative Study	<p>The Commission on Youth approved a study to assess barriers to foster and kinship care placements. The study addressed policies, training and funding factors affecting kinship care placements and assessed if Virginia’s barrier crime laws impact placements in foster and kinship care. The recommendations were:</p> <ul style="list-style-type: none"> <li>• Support the continued implementation of Virginia’s Children’s Services System Transformation.</li> <li>• Request the Department of Social Services clarify policies and provide training to ensure kinship care, both formal and informal kinship care, is identified as a goal for permanency.</li> <li>• Request the Virginia Department for the Aging Kinship Care Task Force develop a plan for the creation of a Kinship Care Navigator.</li> <li>• Request DSS develop a plan for using Virginia 2-1-1 to serve as a resource tool for juveniles released into the community in assisting them transition back to the community.</li> <li>• Request the DSS move forward with implementing the Custody Assistance Program (formerly Subsidized Custody to a Relative Program).</li> <li>• Request DSS report on the costs of providing formal kinship care as compared to</li> </ul>

*Barriers to Kinship Care in Virginia (continued)*

therapeutic foster care, residential treatment, and even the cost of incarceration. The benefits and positive outcomes experienced by children who are placed with family members will also be included in this report. The Department shall report these findings to the Commission on Youth prior to the 2012 General Assembly Session.

- Request DSS update the Commission on Youth on the Kinship Care Diversion Project, which will help identify the number of children diverted from foster care and placed with kinship providers. This update will include outcome data and cost savings of such diversion.
- Request the Crime Commission evaluate Virginia's barrier crime statutes in the *Code of Virginia* and offer recommendations which will make provisions consistent while reducing existing gaps in these statutes.
- Request the DSS, with assistance from the Office of the Attorney General, to annually review and update the listing of barrier crimes affecting the licensure of foster or adoptive parents approved by child-placing agencies and family day homes approved by family day systems. The barrier crime listing will be distributed annually to all local departments of social services.
- The Commission on Youth will convene an advisory group of representatives from impacted agencies and stakeholder organizations to study ways to clarify the school enrollment process for informal kinship caregivers. Legal guardianship will also be addressed in this review. The advisory group will formulate recommendations to be shared with the Commission on Youth prior to the 2012 General Assembly Session.
- Request the Virginia Department of Education (DOE) to issue a Superintendent's Memorandum outlining the Attorney General's Opinions which state local school divisions may not refuse to provide free education to *bona fide* residents and that enrollment determinations be made based on all pertinent facts.
- Request the Virginia Association of Elementary School Principals, the Virginia Association of Secondary School Principals, the Virginia School Board Association, and the Virginia Association of School Superintendents include information from the Attorney General's Opinions clarifying local school divisions may not refuse to provide free education to *bona fide* residents and enrollment determinations be made based on all pertinent facts at their annual conferences and trainings.
- Support DSS in their efforts to provide training to local departments of social services on family engagement, technical assistance on the requirements of diligent family search, and strategies for rural localities.
- Support DSS' efforts to obtain funding for a family locator search engine, e.g., Accurint®, which will assist local departments of social services in their efforts to perform due diligence searches and identify extended family to help children maintain connections with their families.

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2011	Virginia Department for the Aging and Rehabilitative Services	<b><i>Kinship Care Navigator Plan</i></b>  Study	<p>The Commission on Youth requested that the Virginia Department for the Aging Kinship Care Task Force develop a plan for the creation of a Kinship Care Navigator as a recommendation from its 2011 study – <i>Barriers to Kinship Care in Virginia</i>. The Department submitted the plan to the Commission, its focus being to provide a system of tools to assist the Commonwealth’s relative caregivers. Elements of the plan included:</p> <ul style="list-style-type: none"> <li>• Increased hours at a warm-line (telephone support);</li> <li>• A tool-kit;</li> <li>• A revised Grandparents Raising Grandchildren Guide;</li> <li>• A Kinship Care Solution Center of Virginia Navigator;</li> <li>• “Live” Navigators;</li> <li>• Information on a publicity campaign for the Kinship Navigator;</li> <li>• Data collection;</li> <li>• Program evaluation and oversight; and</li> <li>• An estimate of costs, and possible funding sources.</li> </ul>
2011	Virginia Commission on Youth	<b><i>School Enrollment Practices for Virginia’s Kinship Caregivers</i></b> (Report Document 135, 2012)  Legislative Study	<p>In 2011, the Commission adopted a study plan to assess school enrollment practices for Virginia’s kinship caregivers. This emerged as a recommendation from the Commission’s 2011 study – <i>Barriers to Kinship Care in Virginia</i>.</p> <p>The Advisory Group considered several legislative options that would have created a school enrollment process for Virginia’s kinship caregivers; however, the Group was unable to reach consensus on the options considered. As a result, at the Commission’s December 19, 2011 meeting, the Commission approved the following recommendation:</p> <p style="padding-left: 40px;">Request the State Executive Council to review the work of the Commission on Youth and develop a plan to ensure school stability for children in out-of-home care, including children in kinship care arrangements, both formal and informal.</p>
2012	VDSS/Local Departments of Social Services	<b>Variance from foster care requirements</b> § 63.2-900.1 and § 63.2-901.1 of the <i>Code of Virginia</i>  Enacted Legislation	<p>Legislation passed by the 2012 General Assembly (SB 299, Howell) provides that the Commissioner of Social Services may grant a variance from requirements governing approval of foster care placements and may approve an arrangement for kinship foster care/kinship foster care provider when he determines (i) the requirement would impose a hardship on the kinship foster care provider, and (ii) the variance will not adversely affect the safety and well-being of the child.</p> <p>The legislation also provides that a local board of social services or child-placing agency may approve an application for approval as an arrangement for kinship care or a kinship foster care provider when the applicant has been convicted of a felony related to the possession of drugs other than felony offenses related to possession with the intent to distribute drugs, a misdemeanor conviction for arson, or an equivalent offense in another state, provided 10 years have elapsed since the date of the conviction and the local board or child-placing agency makes a specific finding that the placement would not endanger the safety or well-being of the child.</p>

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Inactive	VDSS	<b>Kinship Care Task Force</b>  Work Group	The Kinship Care Task Force addressed the needs of grand-parents and others caring for minor children in their families, as well as the needs of the those children. The Task Force was created to examine the feasibility of establishing a Kinship Care program in Virginia. The Task Force is currently not active.
Ongoing	Privately funded/Non- Profit	<b>FACES (Family Advocacy, Collaboration, Empowerment, and Support) of Virginia Families</b>  Advocacy/Information and Referral	FACES (Family Advocacy, Collaboration, Empowerment, and Support) of Virginia Families is a not-for-profit association funded by the Virginia Department of Social Services (DSS). FACES supports recruitment and retention of foster, kinship and adoptive parents, provides information to the State about what families need in terms of support and training, and advocates for the needs of youth and families. FACES also provides a warm-line and provides an online Kinship Care resource toolkit. Tip sheets about medical, legal, educational, and other resources are provided on their website ( <a href="http://www.FACESofVirginia.org">www.FACESofVirginia.org</a> ).