

Study of Definition of Kinship Caregivers

KINSHIP CARE POLICIES How Kin/Relative is Defined By State

A broad definition of kin is defined as relatives AND other kin having the same treatment in all engagement with the child welfare agency, with the exception of preference for placement.

A narrow definition of kin is a stricter definition and only includes blood relatives or those related by marriage or adoption.

STATES HAVING A BROAD DEFINITION OF KIN/RELATIVES **(State Supervised, Locally Administered Programs)**

STATE	STATUTE	SUMMARY
California	California Relative Placement for Foster Care and Guardianship CAL. WELF. & INST. CODE §§ 361.3; 309(e).	For purposes of this section: <ul style="list-style-type: none"> • Preferential consideration means that the relative seeking placement shall be the first placement to be considered and investigated. • "Relative" means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand," or the spouse of any of these persons, even if the marriage was terminated by death or dissolution. However, only the following relatives shall be given preferential consideration for the placement of the child: an adult who is a grandparent, aunt, uncle, or sibling.
Colorado	Relative Placement for Foster Care and Guardianship COLO. REV. STAT. §§ 19-3-508; 19-3-60.	If the court finds that placement out of the home is necessary and is in the best interests of the child and the community, the court shall place the child with a relative; that relative can include the child's grandparent. Following an order of termination of parental rights, the court shall consider, but shall not be bound by, a request that guardianship and legal custody of the child be placed with a relative of the child. When ordering guardianship and legal custody of the child, the court may give preference to a grandparent, aunt, uncle, brother, sister, half-sibling, or first cousin of the child when such relative has made a timely request and, the court determines that such placement is in the best interests of the child.
Minnesota	Minnesota/ Relative Placement for Foster Care and Guardianship MINN. STAT. ANN. §§ 260C.212; 260C.007.	The term 'relative' means a person related to the child by blood, marriage, or adoption, or an individual who is an important friend with whom the child has resided or had significant contact. For an Indian child, relative includes members of the extended family as defined by the law or custom of the Indian child's Tribe or, in the absence of law or custom, nieces, nephews, or first or second cousins, as provided in the Indian Child Welfare Act of 1978.

STATE	STATUTE	SUMMARY
Nevada	Relative Placement for Foster Care and Guardianship NEV. ANN. STAT. § 128.110.	Preference may be given to placement of the child with any person related within the fifth degree of relation to the child whom the person or agency finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State. <i>(Legislation passed during the 2009 legislative session expanded the degree of relation from third to fifth.)</i>
New York	Relative Placement for Foster Care and Guardianship N.Y. FAM. CT. ACT §§ 1017; 1005-b.	<p>When the court determines that a child must be removed from his or her home, the court shall direct the local commissioner of social services to conduct an immediate investigation to locate any nonrespondent parent of the child and any relatives of the child, including all of the child's grandparents, all suitable relatives identified by any respondent parent or any nonrespondent parent, and any relative identified by a child over age 5 as a relative who plays or has played a significant and positive role in his or her life. The commissioner shall inform the relatives of the pendency of the proceeding and of the opportunity for becoming foster parents or for seeking custody or care of the child.</p> <p><i>Effective July 2, 2010</i></p> <p>At the conclusion of the dispositional hearing, the court may enter grant custody or guardianship of the child to a relative or other suitable person if:</p> <ul style="list-style-type: none"> • The relative or suitable person has filed a petition for custody or guardianship of the child. • The court finds that granting custody or guardianship of the child to the relative or suitable person is in the best interests of the child and that the safety of the child will not be jeopardized if the respondent or respondents under the child protective proceeding are no longer under supervision or receiving services. • The court finds that granting custody or guardianship of the child to the relative or suitable person will provide the child with a safe and permanent home.
North Carolina	<p>Relative Placement for Foster Care and Guardianship N.C. GEN. STAT. § 7B-903.</p> <p>Requirements for Placement with Relatives N.C. GEN. STAT. § 7B-903.</p> <p>Relatives Who May Adopt N.C. GEN. STAT. § 48-3-301(b).</p>	<p>In placing a child in out-of-home care, the court shall first consider whether a relative of the child is willing to provide care for the child.</p> <p>The relative must be willing and able to provide proper care and supervision of the child in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the child with the relative unless the court finds that the placement is contrary to the best interests of the child.</p> <p>A relative, including a grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, or great-grandparent, may adopt the child.</p>
Ohio	Relative Placement for Foster Care and Guardianship OHIO REV. CODE § 5101.85.	<p>A kinship caregiver is a person, age 18 or older, related to the child by blood or marriage, who is caring for the child in place of the child's parents. Relatives can include:</p> <ul style="list-style-type: none"> • Grandparents, including great, great-great, and great-great-great-grandparents • Siblings • Aunts, uncles, nephews, and nieces, including any relative with a great, great-great, or grand prefix • First cousins and first cousins once removed • Stepparents and stepsiblings of the child • Spouses or former spouses of any of the above • A legal guardian or legal custodian of the child

STATE	STATUTE	SUMMARY
Pennsylvania	Relative Placement for Foster Care and Guardianship PA. CONS. STAT. Tit. 42, § 6351; PA. STAT. TIT. 62, §§ 1302; 1303.	The custody of a dependent child may be transferred to a relative. When a child must be placed in foster care, first consideration shall be given to a relative of the child. A relative is an individual who is related within the third degree to the child or stepchild and at least age 21.
Virginia	Kinship Care VA. ANN. CODE § 63.2-100. Relative Placement for Foster Care and Guardianship VA. ANN. CODE § 16.1-281. Relatives Who May Adopt VA. ANN. CODE § 63.2-1242.1.	Kinship care means the full-time care, nurturing, and protection of children by relatives. If the Department of Social Services concludes that it is not reasonably likely that the child can be returned to his or her prior family within a practicable time, consistent with the best interests of the child, it shall design a placement plan to lead to the child's successful placement with a relative if a subsequent transfer of custody to the relative is planned. A 'close relative placement' shall be an adoption by 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.

STATES HAVING A NARROW DEFINITION OF KIN/RELATIVES
(State Supervised, Locally Administered Programs)

STATE	STATUTE	SUMMARY
North Dakota	Relative Placement for Foster Care and Guardianship N.D. CENT. CODE § 27-20.	The term 'fit and willing relative or other appropriate individual' means a relative or other individual who has consented in writing to act as a legal guardian. The term 'relative' means: <ul style="list-style-type: none"> • The child's grandparent, great-grandparent, sibling, half-sibling, aunt, great-aunt, uncle, great-uncle, nephew, niece, or first cousin, which relationship may derive from a marriage or former marriage • An individual with a relationship to the child, derived through a current or former spouse of the child's parent, similar to a relationship described above • An individual recognized in the child's community as having a relationship with the child similar to a relationship described above.

STATE	STATUTE	SUMMARY
Wisconsin	<p data-bbox="260 133 617 220">Relative Placement for Foster Care and Guardianship WIS. ANN. STAT. § 48.57</p> <p data-bbox="260 253 575 311">Relatives Who May Adopt WIS. ANN. STAT. § 48.02.</p>	<p data-bbox="642 133 1764 159">A 'kinship care relative' or 'long-term kinship care relative' means a relative other than a parent.</p> <p data-bbox="642 253 1978 464">The term 'relative' means a parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, brother-in-law, sister-in-law, first cousin, second cousin, nephew, niece, uncle, aunt, step uncle, step aunt, or any person of a preceding generation as denoted by the prefix of 'grand,' 'great,' or 'great-great,' whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. For purposes of the application of § 48.028 and the Federal Indian Child Welfare Act, 25 U.S.C §§ 1901 to 1963, 'relative' includes an extended family member, whether by blood, marriage, or adoption, including adoption under Tribal law or custom.</p> <p data-bbox="642 496 1978 610">The term 'extended family member' means a person who is defined as a member of an Indian child's extended family by the law or custom of the Indian child's Tribe or, in the absence of such a law or custom, a person who is age 18 or older and who is the Indian child's grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece, nephew, first cousin, second cousin, or stepparent. .</p>

ORGANIZATIONS' DEFINITIONS OF KINSHIP CARE

ORGANIZATION	DEFINITION
Child Welfare League of America	Kinship care can be defined as the provision of full time nurturing and protection of children by adults other than parents who have a family relationship bond with the children.
U.S. Office of Personnel and Management	Kinship care is 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. This definition is designed to be inclusive and respectful of cultural values and ties of affection. It allows a child to grow to adulthood in a family environment.
U.S. Department of Health & Human Services Administration for Children and Families Child Welfare Gateway	<p data-bbox="642 982 2003 1096">Kinship care refers to the care of children by relatives or, in some jurisdictions, close family friends (often referred to as fictive kin). Relatives are the preferred resource for children who must be removed from their birth parents because it maintains the children's connections with their families. Kinship care is often considered a type of family preservation service.</p> <p data-bbox="642 1136 1978 1250">Kinship care may be formal and involve a training and licensure process for the caregivers, monthly payments to help defray the costs of caring for the child, and support services. Kinship care also may be informal and involve only an assessment process to ensure the safety and suitability of the home along with supportive services for the child and caregivers. Approximately one-fourth of the children in out-of-home care are living with relatives.</p>

Sources: U.S. Department of Health and Human Services Administration for Children and Families Administration on Children, Youth and Families Children's Bureau. Placement of Children with Relatives. Last Updated July 2010.