



# Kinship Caregivers and the Child Welfare System



A number of grandparents and other relatives find themselves serving as parents for children whose own parents are unable to care for them. Sometimes, the arrangement (referred to as “kinship care”) is an informal, private arrangement between the parents and relative caregivers; in other situations, the child welfare system is involved. This factsheet is designed to help kinship caregivers—including grandparents, aunts and uncles, and other relatives caring for children—work effectively with the child welfare system.

## What’s Inside:

- Different types of kinship care
- How the child welfare system becomes involved in kinship care
- What to expect from the child welfare system
- Services
- Involvement of the courts
- Permanent families for the children
- Further resources



The child welfare system varies from State to State, but it generally includes public agencies such as departments of social services or family and children's services. These State agencies often work with private child welfare agencies to provide services for families and children. Caseworkers at these agencies are required by law to ensure the safety, well-being, and permanent living arrangements of children. Their responsibilities include investigating reports of child abuse and neglect and arranging for services for children and families.

This factsheet addresses a number of topics relevant for kinship caregivers:

- Different types of kinship care, including private, voluntary, and formal care
- How and when the child welfare system becomes involved in kinship care
- What kin caregivers might expect from the child welfare system
- Services that may be available and how to access them
- Involvement of the courts
- Permanent living arrangements for the children
- Resources

## Different Types of Kinship Care

Children may come to live with their grandparents or other relatives in a number of ways, and only some of these ways involve the child welfare system. Kinship care arrangements fall roughly into three categories: (1) informal kinship care, (2) voluntary kinship care, and (3) formal kinship care.

**(1) Informal kinship care** refers to arrangements made by the parents and other family members without any involvement from either the child welfare system or the juvenile court system. A parent may leave children with a grandparent while he or she is sent overseas, or an aunt may care for nephews whose parents are ill or otherwise unable to care for them. In this type of arrangement, the legal custody of the children remains with the parents, and the parents can legally take back the children at any time. The kin caregivers in these circumstances may have difficulty enrolling the children in school, obtaining health insurance, authorizing medical care, and obtaining some other benefits, because they do not have legal custody of the children. Generally, the only type of financial assistance available to kin caregivers in this type of arrangement is the child-only TANF benefit (see below under "Services").

**Physical custody** refers to where the child lives. If your grandchildren or niece and nephew live with you, you have physical custody of them. You may feed and clothe them, help them with their homework, and take care of them when they are sick.

**Legal custody** refers to the legal right to make decisions about the children, such as where they live. Parents have legal custody of their children unless they voluntarily give custody to someone else (e.g., the parent is sent overseas) or a court takes this right away and gives it to someone else. For instance, a court may give legal custody to a relative or to a child welfare agency. Whoever has legal custody can enroll the children in school, give permission for medical care, and give other legal consents.

The same person does not necessarily have both physical and legal custody. For instance, as a grandparent, you may have physical custody of your grandchildren because they live with you, but their mother or father may still have legal custody or the State agency may have legal custody.

**(2) Voluntary kinship care** refers to situations in which the children live with relatives and the child welfare system is involved, but the State does not take legal custody. In some cases, children have been placed with relatives by a court, and in other cases an arrangement is made by the child

welfare agency with no court involvement.<sup>1</sup> This type of kinship care covers a wide variety of circumstances and varies greatly from State to State. Some situations that might result in voluntary kinship care include:

- Child welfare workers find signs of abuse or neglect by the parents, but the evidence is not serious enough to take the children into State legal custody; instead, the caseworkers, parents, and kin work out a voluntary kinship care arrangement where the children move in with the kin.
- Under the guidance of child welfare workers, parents voluntarily place their children with relatives while they (the parents) receive treatment for substance abuse or mental illness.

Some jurisdictions will require the parents to sign a voluntary placement agreement with the child welfare agency when the children are placed with relatives. In many situations, the kinship care arrangement comes about because the parents understand that if they refuse to voluntarily place the children with kin, the child welfare agency will go to court and ask the judge to remove the children from the parents' care and award legal custody to the State.

In voluntary kinship care, the children are in the physical custody of the relatives but they may remain in the legal custody of the parents, or the parents may sign over temporary legal custody to the kin. Some States have consent forms that parents can sign to allow kin caregivers to have some

<sup>1</sup> For a fuller discussion about this type of kinship care, see Ehrle, Geen, and Main's (2003) "Kinship Foster Care: Custody, Hardships, and Services" at [www.urban.org/urlprint.cfm?ID=8649](http://www.urban.org/urlprint.cfm?ID=8649).

temporary decision-making power regarding the children (for instance, to seek medical treatment or enroll the children in school).

(3) **Formal kinship care** refers to cases in which the children are placed in the legal custody of the State by a judge, and the child welfare system then places the children with grandparents or other kin. In these situations, the child welfare agency, acting on behalf of the State, has legal custody and must answer to the court, but the kin have physical custody. The child welfare agency, in collaboration with the family, makes the legal decisions about the children, including deciding where they live. The child welfare agency is also responsible for ensuring that the children receive medical care and attend school. If the court has approved visitation with parents, the child welfare system is responsible for making sure that the visits occur between parents and children. In formal kinship care, the child's relative caregivers have rights and responsibilities similar to those of nonrelative foster parents.

## How the Child Welfare System Becomes Involved in Kinship Care

The involvement of the child welfare system in kinship care situations varies from State to State, since each State has its own laws and practices that govern these situations; it also varies from case to case, depending on the children's age, safety needs, the legal

custody, and other differences. If American Indian or Alaska Native children are involved, the Federal Indian Child Welfare Act must be followed.<sup>2</sup>

The child welfare caseworker may be the person who initially approaches a grandparent or other relative and asks that person to take care of the children. In other situations, the family may contact the child welfare system for help. Some examples of these two types of contact are discussed here.

### The Child Welfare System Makes the Contact

- **A report of child abuse or neglect is made.** Child protective services screen reports of child abuse and neglect, according to State policies and practices. If investigators believe that children are in danger in their own home, they may be removed. Since the passage of the Fostering Connections to Success and Increasing Adoptions Act of 2008, agencies are required to exercise due diligence in finding and notifying all grandparents and other adult relatives within 30 days after children are removed. Caseworkers often ask a relative to keep the children until the case goes to court. If the case goes to court and the charges are proven, the court and the child welfare system may select relatives to care for the children until a parent can safely care for them, or an alternative placement may be made.

<sup>2</sup> The Indian Child Welfare Act (ICWA), P.L. 95-608, states that Tribes have the right to be involved in the child welfare and placement of tribal children. For more information, visit the website of the National Resource Center for Tribes at [www.nrc4tribes.org](http://www.nrc4tribes.org).

- **Parents are arrested.** Police may arrest a parent or parents but be willing to leave the children with a relative. The police then notify the child welfare agency of this temporary placement. Depending on the State laws and practice, the agency may leave the children with the relatives, take them into the State's legal custody and place them into nonrelative foster care, or take them into State custody but place them with the relatives.
- **Parents die.** In the event that both parents die or the parent with custody dies, the child welfare system may be responsible for locating relatives with whom the children can live. If no relatives can be located who are willing to take the children, they come into the legal custody of the State and may be placed into nonrelative foster care.

### Parents or Other Family Members Make the Contact

- **A parent leaves the children with grandparents or other relatives and does not return.** This abandonment by a parent, even if it is temporary, may prompt the kin caregivers to call child welfare services and ask for help. In these situations, caseworkers may be able to offer services or they may help the kin to seek temporary legal custody through the court. However, if the parent remains missing and the kin cannot continue to care for the children, the children may be taken into the State's legal custody and placed in another home.
  - **Grandparents or other kin are no longer able to care for children under an informal arrangement.** In these situations, the kin caregiver may have planned to care for the children for a long time without agency help, but an unexpected circumstance forces the caregiver to seek help from the child welfare agency. For instance, the caregiver may become ill, a child may suddenly need special services, or the caregiver may lose a job and no longer be in a position to financially support the children. The child welfare worker may be able to help arrange services for the kin caregiver or arrange other placements for the children.
- **Parents voluntarily give up custody due to their own illness.** Parents suffering from mental illness or from a debilitating illness such as HIV/AIDS may contact the child welfare agency themselves and ask the agency to take their children into legal custody. In such situations, caseworkers may seek out relatives with whom the children can be placed (physical custody), rather than placing them with unrelated foster parents. Many States have standby guardianship laws to address the needs of parents with debilitating or terminal illness. For more information on these State laws, see Information Gateway's *Standby Guardianship*: [www.childwelfare.gov/systemwide/laws\\_policies/statutes/guardianship.cfm](http://www.childwelfare.gov/systemwide/laws_policies/statutes/guardianship.cfm)
  - **Parents no longer want a child or children to live with them.** In such situations, the parents may turn over custody to the child welfare agency. This is more common when the children are teenagers. Most child welfare agencies are reluctant to take custody in these situations. However, if they do, the child

welfare workers may look for relatives with whom the children can live.

## What to Expect from the Child Welfare System

After the children are placed in their home, kin caregivers may wonder what they can expect in their future dealings with the child welfare system. Much of the ongoing relationship with child welfare will depend on whether the legal custody of the children remains with the parents or kin caregiver (voluntary kinship care) or with the State or child welfare agency (formal kinship care). These two situations are addressed separately below:

**Voluntary kinship caregivers** may expect a range of assistance from child welfare caseworkers. In States where this type of arrangement is accepted and promoted by child welfare, kinship caregivers may find that caseworkers are involved in the following ways:

- **Ensuring safety.** Caseworkers may need to ensure that the kin caregivers and their homes meet minimal requirements for the safety of the children. For instance, most States require that child welfare workers check on whether anyone in the household has a criminal record or a previous record of child abuse or neglect. The primary concern of the caseworker is for the safety of the children.
- **Visiting.** In some States, the caseworker may make periodic visits to ensure that the children remain in a safe environment.

- **Offering services.** Some States have services available for children and families in voluntary kinship care. For instance, these might include referrals to therapy for the children. (More information on “Services” is provided below.)
- **Changing the custody status.** If the children’s parent is not meeting the requirements set out in the service plan or if the children are placed in dangerous situations by the parent who has legal custody, the caseworker may help the kin caregiver to petition the court for temporary legal custody of the children. Or, the caseworker may go to court and petition to have the children placed in the legal custody of the State.

In some voluntary kinship cases, there may be very limited contact with the child welfare agency. Once the caseworker has completed background checks on the kin, the caseworker may be satisfied that the children are in a safe environment and may not contact kin again. In such situations, kinship caregivers who need help or services may need to contact the caseworker or locate community services themselves.

**Formal kinship care** includes much more involvement with the child welfare system, because the State has legal custody of the children. All States have requirements that nonkin foster parents must meet before they can care for children in their home through the foster care system. Also, kin caregivers are usually given some flexibility in the amount of time needed to meet the State’s requirements, because the placement of the children is often unexpected.

Compared to voluntary kinship placement, caregivers in formal kinship care will find that they have more structured involvement with the child welfare system, as well as access to more services. Caregivers may find that some of this structure is helpful in dealing with the children's parents, schools, or medical care arrangements; on the other hand, caregivers have less freedom to make decisions on their own about the children. The following are some of the ways that the child welfare system may be involved in kinship foster care:

- **Ensuring safety or licensing standards.** Caseworkers will check to see if the kinship caregiver or any other adult living in the home has a criminal record or a record of child abuse or neglect. Caseworkers may be required by the State to consider the size of the home, the income of the caregiver, others who live in the home, and available transportation. While the passage of the Fostering Connections Act in 2008 gave States the option to waive nonsafety licensing standards on a case-by-case basis in order to place children with relatives, most States require relative caregivers to complete all standard requirements for licensure. Some States will waive some requirements if they do not affect the child's health or safety. Kinship caregivers may be required to enroll in foster parent training. Caregivers should ask whether they are required to be licensed in order to care for the children, and whether licensing will allow them to receive foster care payments.
- **Supervision/Support.** The caseworker will support all the family members to ensure the children are safe and doing

well. To do this, part of the caseworker's job includes making telephone calls and periodic visits to the home. The caseworker may also provide referrals for services, such as counseling. In most situations, the relative caregiver will be the person who takes the children to the doctor or health clinic and deals with any school situations. In some situations, the caseworker will have more responsibility for making arrangements for these services. The caseworker and family members, including the kin caregivers, should work together to ensure that the children's needs are met.

- **Arranging parent-child visits.** In most situations, the court will encourage the parent or parents to visit their children. The caseworker will work with the parents and kin caregivers to set up the schedule and make arrangements for the visits. In some cases, kin caregivers may be responsible for providing transportation for the children or for supervising the visits in their own home.
- **Service planning.** With input from the parent(s) and often from the children, other relatives, and other involved adults, the child welfare agency will develop a service plan (sometimes called a "case plan" or "permanency plan"). The service plan covers two major issues:
  1. **A permanency goal** for each child. The permanency goal states where that child will grow up. In most situations, the permanency goal for a child is to move back with a parent (sometimes called "family reunification"). Many States require "concurrent planning,"

## QUESTIONS FOR THE NEW KIN CAREGIVER TO ASK THE CHILD WELFARE CASEWORKER ABOUT TAKING RESPONSIBILITY FOR THE CHILDREN:

- Who has legal custody of the children?
- What rights and responsibilities does legal custody give in this State? Physical custody?
- May I receive a copy of the signed voluntary placement agreement? (when applicable)
- May I be involved in developing the service plan and receive a copy of the plan?
- Will I or the children have to go to court?
- Who is responsible for enrolling the children in school, obtaining health insurance, granting permission for medical care and obtaining it, signing school permission forms, etc.?
- Will someone from child welfare services visit my home on a regular basis?
- What are the requirements for me and my home if I want the children to live with me?
- Are the requirements different if the children are with me just temporarily?
- What services are available for me and for the children, and how do I apply?
- Are there restrictions on the discipline I can use (such as spanking) with the children?
- What subsidies or financial assistance is available? What do I need to do to apply?
- Am I eligible to become a licensed foster parent and receive a foster care subsidy?

which means that the child welfare agency must create a primary plan and a backup plan. Often, the primary plan or goal will be to return the child to a parent. If this is not possible, the backup plan may be for the kin caregiver to become the child's adoptive parent or legal guardian.

**2. Actions that the parent and child welfare system need to take so that the children can be allowed to return home to that parent or so that another permanency goal can**

be achieved. For parents who have abused alcohol or drugs, the service plan will state that the parent must successfully complete substance abuse treatment. For parents who have abused or neglected their children, the plan may include parent training. There may also be requirements for others involved with the children.

Service plans should be reviewed at least every 6 months to see if everyone is meeting their goals. Kinship foster caregivers should be involved in or consulted about the

creation of the plan and should receive copies of the plan.

## Services

The child welfare agency is often involved in providing services to children and families or making referrals to other groups that provide services. Services and referrals are more likely to be available to children in formal kinship care than to those in voluntary kinship care. Early on in their involvement with the child welfare system, kin caregivers should ask about available services. Some of the different types are discussed below.

### Therapy and Counseling

Children who have experienced abuse or neglect should be assessed to see what services they may need. Such services may include therapy or counseling. If children are assessed and it is determined that they require other special services, these may be available through child welfare agency referrals or through the schools. When the children are in the legal custody of the State, as in kinship foster care, it is the responsibility of the child welfare agency to have the children assessed and to arrange for needed services, although kin caregivers may have to take the lead in arranging for these services. Kin caregivers should also follow the progress of the children's therapy and counseling.

### Financial Support

Many grandparents and other relative caregivers struggle to provide for the

children under their care. Depending on a number of factors, including the caregiver's age, caregiver's income, child's income, child's disability status, number of siblings, and the legal status of the caregiving arrangement (i.e., voluntary or foster care), there may be financial support available. Some of the programs include:

- **The Temporary Assistance to Needy Families (TANF)** program is designed to provide financial assistance while helping low-income families become self-sufficient. Caregivers do not need to have legal custody in order to apply for TANF benefits, but they do need to meet their State's TANF definition of a kin caregiver. A caseworker can provide information or refer a caregiver to the correct place to find information on eligibility for TANF, how to apply for benefits, documents and other information needed, and whether to apply just for the children or for the entire family. Even if a relative caregiver or the caregiver's family does not qualify for TANF benefits, it is possible to apply for and receive benefits for the relative children being cared for in the home. In these situations, only the children's income is considered for eligibility. If the children have little or no income, it is likely that they will be eligible to receive TANF benefits, and these benefits will be available until their 18th birthday.
- **Food stamps** are available to families with incomes below a certain level. In this case, the entire household's income is considered, and the relative children can be included in family size for determining benefit amount. A caregiver cannot apply for food stamps for the children only. Application for food stamps is generally

made at the same office where TANF applications are made.

- **Supplemental Security Income (SSI)** may be available to children or caregivers who are disabled. This is also available to anyone over age 65. Information about SSI benefits is available from the local Social Security office or online at [www.socialsecurity.gov/ssi](http://www.socialsecurity.gov/ssi).
- **Kinship guardianship or foster care payments** may be available to relative caregivers. The requirements for receiving these payments vary from State to State. However, since the passage of the Fostering Connections Act in 2008, States have the option to use title IV-E funds for kinship guardianship payments to support children and youth placed in guardianship arrangements with relatives.<sup>3</sup> Relative caregivers who are licensed foster parents taking care of children placed with them by their local child welfare agency or court also may be eligible for such payments. These payments are generally higher than other forms of reimbursement, such as TANF. (Subsidized guardianship is described below under “Permanent Families for the Children.”)

## Health Insurance

Many children being raised by relatives are eligible for medical insurance through either Medicaid or the Children’s Health Insurance Program (CHIP). Medicaid provides coverage for many health-care expenses for low-income children and adults, including

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<sup>3</sup> States differ. To read the full text of the Federal Fostering Connections to Success and Increasing Adoptions Act, visit [www.govtrack.us/congress/bill.xpd?bill=h110-6893](http://www.govtrack.us/congress/bill.xpd?bill=h110-6893).

visits to the doctor, checkups, screenings, prescriptions, and hospitalization. State CHIPs cover many of these costs for children who are not eligible for Medicaid, although each State has different rules for eligibility and coverage. In most cases, only the child’s income is used to determine eligibility for Medicaid or CHIP, not the income of the kin caregiver. The child welfare worker should be able to point the caregiver to the appropriate agency to apply for health insurance coverage through these programs. Every State permits grandparents or other kin caregivers to apply for Medicaid or a CHIP on behalf of the children for whom they are caring. Most States do not require the caregiver to have legal custody in order for the children to be eligible.

## Respite Care

Grandparents and other relative caregivers seeking a break from full-time child care may find some relief in respite care. Respite care refers to programs that give caregivers a break by taking over care of the children for short periods of time—either on a regular schedule or when a caregiver needs to travel, go into the hospital, or otherwise be away for a few days. In some respite programs, a respite caregiver comes into the home to care for the children; in other cases, the children attend a camp or other program away from the home.

Availability of respite care may be limited, and such availability may depend on the needs of the caregiver and/or the child. The child welfare agency should have more information about the availability of such programs, and caregivers should ask about these programs.

## Involvement of the Courts

Kin caregivers who are part of the foster care system are likely to have some involvement with the court—in most States, this occurs in a family or juvenile court.<sup>4</sup> In cases in which the children have been removed from their parents because a parent has been accused of child abuse, neglect, or abandonment, the following steps may happen:

1. Child protective services investigators follow up on the report of child abuse, neglect, or abandonment.
2. If the investigators find enough evidence, they may decide to remove the children from their home for their own safety. The children may be placed with kin, who then have physical custody.
3. There is a **preliminary hearing** (sometimes called an emergency removal or a shelter care hearing) before a judge. The investigator from the child welfare agency presents evidence for the legal finding of abuse or neglect, and the court determines whether to temporarily allow the children to be placed elsewhere, such as with the kin caregiver, until the trial.
4. At the **trial** (also called the “adjudicatory hearing”), the judge decides whether there is enough evidence to prove that child abuse, neglect, or abandonment actually happened.
5. If the judge decides that the child or children should be removed from the parents, even temporarily, a **dispositional hearing** may also take place at this time. At this hearing, the judge determines where the children will live for the time being and who will have legal custody of them. For instance, the children may be taken into the custody of the State child welfare agency (legal custody) and then placed with kin (physical custody) in kinship foster care.
6. At least every 6 months after that, there will be **review hearings** before the judge to determine how the parents are progressing with their service plan (for treatment, parenting classes, or other requirements), how the children are doing in the home of their kin caregiver, and whether the service plan or goals for the children should be revised.
7. In addition to the review hearings, a **permanency hearing** is held 12 to 14 months after a child is removed from the home and every 12 months after that. At this hearing, the judge makes decisions about where the child will live permanently. The permanency hearing in court may involve a

<sup>4</sup> A full description of how the court process works in child welfare cases can be found in “The Court Experience” in Section 5 of McCarthy et al.’s *A Family’s Guide to the Child Welfare System* at <http://gucchd.georgetown.edu/72140.html>.

number of individuals with an interest in the child, including parents, caseworkers, relatives, and foster care providers. Many of these parties will have lawyers, and at least one person will be appointed to represent the best interests of the child. This representative may be a lawyer, a guardian *ad litem* (usually a lawyer), or a community volunteer called a Court-Appointed Special Advocate (CASA). The child may have one or more of these representatives, depending on the State's practice.

8. Another type of hearing that may or may not occur is a **termination of parental rights hearing**. Under the Federal Adoption and Safe Families Act (ASFA), there is a specific timeframe for parents to meet the goals in their service plan in order for their children to move back home with them. If parents are unable to do this and children spend 15 out of 22 months in foster care, the child welfare agency is required to seek termination of parental rights or to document their reasons for requesting a time extension. When parents' rights are terminated in court, the parents no longer have any legal relationship to the child, and the child is free to be adopted by someone else. However, if the child is living with a relative and the State has decided that this is an acceptable permanency plan, then the agency does not need to ask the court to terminate the parents' rights.

Whenever possible, grandparents or other relative caregivers should make arrangements to attend court hearings; they may even be asked to testify at them. It is important for kin caregivers to give their view of the situation and to get a full understanding of the court's decisions. It is also important for the caregiver to be there to support the children if they appear before the judge.

#### QUESTIONS TO ASK THE CHILD WELFARE CASEWORKER ABOUT COURT HEARINGS:

- When and where is the hearing?
- Is this a permanency hearing or a review hearing?
- What will be decided at the hearing?
- Who will be present?
- Who will have a lawyer?
- Do I need a lawyer? If so, who can help me find one?
- Who will represent the child or children? May I speak to that person?
- May I speak at the hearing?
- What is the schedule of future hearings?

### Permanent Families for the Children

"Permanency" is a term used by child welfare workers to mean a permanent

family or family relationship for a child. A “permanency plan” is a plan for determining where a child will grow up. Some of the options that might be considered by the court for permanency include reunification, guardianship, and adoption.

## Reunification

Returning the children home and reuniting them with a parent or parents is the first choice of child welfare agencies when this option will ensure the safety and well-being of the children and provide a permanent family for them. Reunification of the family can occur when the judge agrees that the parents have met the goals set out in their service plan, for instance, completion of substance abuse treatment. Each State has different laws, and it is the judge in a review hearing or permanency hearing who makes the decision to give custody of the children back to the parent. The judge bases this decision on evidence from the parent, the child welfare worker and agency, other adults who may be involved, and often, the children and the kin caregiver.

## Guardianship

Guardianship is a legal option for permanency, and it may be especially appropriate in kinship care. Federal law encourages States to consider a relative rather than an unrelated person when seeking a guardian for a child who cannot return home.

When a grandparent or other relative becomes the child’s legal guardian, legal custody is transferred from the State to the relative by a court; therefore, in

most circumstances there is no further involvement by the child welfare agency. In guardianship arrangements, the parents’ parental rights are not terminated. Thus, the grandparent or other relative who becomes a child’s guardian has legal and physical custody to act as the child’s parent and make decisions about the child, but the birth parent often retains some visitation or other rights. Guardianship is especially appropriate if the children are older and want to maintain some ties with their parents, or if the grandparent or other relative caregiver prefers not to have the parents’ rights terminated (as in adoption) but needs to establish a permanent legal arrangement with the children in order to be able to make education, health-care, and other decisions for the child.

Some States have **subsidized guardianship** programs so that the guardian continues to receive a payment similar to the payment he or she received as a foster parent. This allows the children to have a permanent family relationship without causing the guardian to lose necessary monthly subsidies. The Fostering Connections Act of 2008 gave States the option to use Federal title IV-E funds for kinship guardianship assistance. In subsidized guardianship, there is some ongoing involvement of the child welfare agency, although it is significantly less than in foster care. For instance, the child welfare worker may visit once a year to make sure that the child is still living with the relative and to determine if services are still needed.

## Adoption

Some kin caregivers choose to adopt their grandchildren, nieces and nephews, or other relative children in order to give them a

permanent home. Also, since adoption is often the agency's preferred permanency plan for children not returning home, relatives may adopt in order to keep from losing the children to nonkin families who are willing to adopt them. Adoption assistance (subsidies) may be available to kin families who adopt.

As with foster care and guardianship, the child welfare agency will have to ensure that the home and prospective adoptive parents meet certain State standards for the safety and well-being of the children. Standards for adoption may be more stringent than those for foster care in some States. These requirements and standards will apply even for kin who have been caring for the children under a foster care arrangement.

Children can be adopted only after the court has terminated all the legal rights of the parents or the parents have voluntarily surrendered all of their rights permanently. A court must finalize the adoption. Depending on their age and the State law, courts will often ask the children if they agree to the adoption. For children with special needs who have been in foster care, there may be ongoing adoption assistance (subsidies) available to kin who adopt.

Once the adoption is finalized, the grandparent or other relative becomes the legal parent of the child; there is generally no further involvement by the child welfare agency after that finalization, except in circumstances involving adoption assistance. (For more information on adoption assistance, see Child Welfare Information Gateway's *Adoption Assistance for Children Adopted From Foster Care* at [www.childwelfare.gov/pubs/f\\_subsid.cfm](http://www.childwelfare.gov/pubs/f_subsid.cfm).)

### QUESTIONS TO ASK THE CHILD WELFARE CASEWORKER REGARDING LONG-TERM ARRANGEMENTS:

- What is the current permanency goal for each child? (Siblings may not have the same goal.)
- What are options for the children if they can never return to their parents?
- What are my options if the children cannot return to their parents?
- Under what circumstances can I receive a subsidy to help pay for the children's care?
- Will the legal arrangement be affected when the children turn 18?
- How will the child welfare agency continue to be involved with my family?

## Conclusion

Dealing with the child welfare agency can be confusing and, sometimes, even frustrating for grandparents and other relatives who are trying to provide the best care they can for children whose parents cannot care for them. It may be helpful to keep in mind that child welfare caseworkers are following Federal and State requirements to ensure the safety and well-being of all children. Using the information in this factsheet may help kin caregivers work with the child welfare system to provide the best

outcomes, including a permanent family, for their relative children.

## Resources

### For information on the child welfare system

- *How the Child Welfare System Works* (Child Welfare Information Gateway) [www.childwelfare.gov/pubs/factsheets/cpswork.cfm](http://www.childwelfare.gov/pubs/factsheets/cpswork.cfm)
- *A Family's Guide to the Child Welfare System* (National Technical Assistance Center for Children's Mental Health at Georgetown University Center for Child and Human Development, Technical Assistance Partnership for Child and Family Mental Health at American Institutes for Research, Federation of Families for Children's Mental Health, Child Welfare League of America, and the National Indian Child Welfare Association) <http://gucchd.georgetown.edu/72140.html>

### For information on kinship care

- State Factsheets on Kinship Care (Child Welfare League of America)—[www.cwla.org/programs/kinship/statefactsheets.htm](http://www.cwla.org/programs/kinship/statefactsheets.htm)
- Generations United—[www.gu.org](http://www.gu.org)
- Grandfamilies State Law and Policy Resource Center—[www.grandfamilies.org](http://www.grandfamilies.org)
- *Grandparents Raising Grandchildren* factsheet series (University of Georgia College of Family and Consumer Sciences)—[www.fcs.uga.edu/ext/pubs/ecd.php?category=Grandparents%20Raising%20Grandchildren](http://www.fcs.uga.edu/ext/pubs/ecd.php?category=Grandparents%20Raising%20Grandchildren)

- *Through the Eyes of a Child—Grandparents Raising Grandchildren* series (University of Wisconsin extension)—[www.uwex.edu/relationships](http://www.uwex.edu/relationships)
- *Grandparents Raising Grandchildren* (Full Circle of Care)—[www.fullcirclecare.org/grandparents/welcome.html](http://www.fullcirclecare.org/grandparents/welcome.html)

### HOW THE CHILDREN'S BUREAU SUPPORTS KINSHIP CARE

There may be a new kinship navigator program in your area. With the passage of the Fostering Connections Act in 2008, the Federal Government funded 24 Family Connection Grants, administered by the Children's Bureau in the U.S. Department of Health and Human Services. Six of these grants are for kinship navigator programs, and seven more are combination project grants that also include a kinship navigator program. To learn if there is a new kinship navigator program in your area, visit the Family Connections Grants webpage: [www.hunter.cuny.edu/socwork/nrcfcpp/grantees.html](http://www.hunter.cuny.edu/socwork/nrcfcpp/grantees.html)