

Improving Family Connections: Creating a Kin-First Courtroom

CWLA 2023 National Conference
April 2023



ABA Center on Children and the Law

- **Mission:** promote access to justice for children and families
- **Structure:**
 - 20-person team of attorneys and core staff
 - Grant projects across the country focused on:
 - improving legal representation, and
 - improving legal systems that impact children and families' lives
 - Connect child welfare and other legal topics (e.g., immigration, education access, kinship)
- **Approach:**
 - Collaboration and coalition building
 - Local, state and national levels



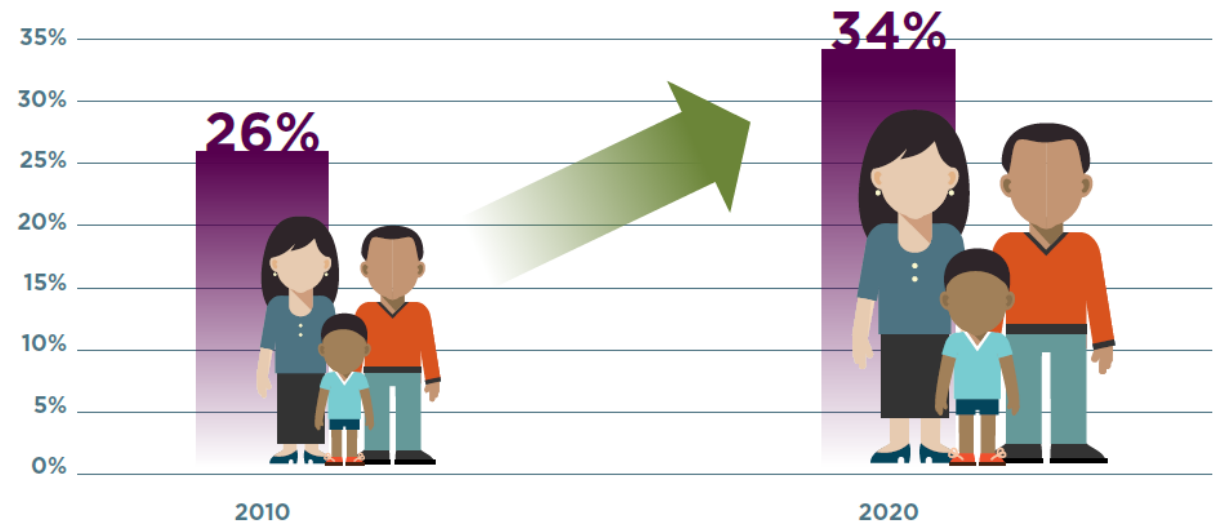
www.americanbar.org/child

Kinship By Numbers



For every **1** child raised by kin in foster care, there are **18** being raised by kin outside of foster care

Percentage of Children in Foster Care Being Raised by Relatives



Kinship Family Strengths: Children Thrive



* See Children Thrive in Grandfamilies fact sheet handout. Also available at www.grandfamilies.org and www.gu.org

Paths to Kinship Placement and Permanency

INSIDE FOSTER CARE

State has legal custody of the child

Licensed kin:

Monthly financial assistance

Unlicensed kin:

Financial assistance varies

Usually only Temporary Assistance for Needy Families (TANF)



- Reunification
- Adoption
- Legal Custody
- Guardianship
(subsidized = KinGAP or unsubsidized)

OUTSIDE FOSTER CARE

No automatic legal relationship to child

Temporary legal authority possible through power of attorney or consent laws

Only source of ongoing financial assistance typically TANF



- Reunification
- Adoption
- Legal Custody
- Guardianship

Financial Comparisons

ONE CHILD	Outside the foster care system or in unlicensed kinship foster care: <ul style="list-style-type: none"> National average from TANF child-only grants: \$249/month Typically must apply separately for Medicaid 	Licensed kinship foster care: <ul style="list-style-type: none"> National average of minimum foster care maintenance payments: \$511/month Automatic Medicaid 	Kinship guardianship and adoption assistance: <ul style="list-style-type: none"> Up to the foster care rate, based on the minimum payment: \$511/month Automatic Medicaid
TWO CHILDREN	Outside the foster care system or in unlicensed kinship foster care: <ul style="list-style-type: none"> National average from TANF child-only grants: \$344/month Typically must apply separately for Medicaid 	Licensed kinship foster care: <ul style="list-style-type: none"> National average of minimum foster care maintenance payments: \$1,022/month Automatic Medicaid 	Kinship guardianship and adoption assistance: <ul style="list-style-type: none"> Up to the foster care rate, based on the minimum payment: \$1,022/month Automatic Medicaid
THREE CHILDREN	Outside the foster care system or in unlicensed kinship foster care: <ul style="list-style-type: none"> National average from TANF child-only grants: \$423/month Typically must apply separately for Medicaid 	Licensed kinship foster care: <ul style="list-style-type: none"> National average of minimum foster care maintenance payments: \$1,533/month Automatic Medicaid 	Kinship guardianship and adoption assistance: <ul style="list-style-type: none"> Up to the foster care rate, based on the minimum payment: \$1,533/month Automatic Medicaid

*National averages are from 2011 GAO report at <https://www.gao.gov/assets/590/585649.pdf>

Judicial Tip Sheet

Judicial Tip Sheet

Kin First

Keeping Families Together

THE ANNIE E. CASEY FOUNDATION | ABA | NCJFCJ

- 1 The Importance of Kin**
 - Kin can maintain and preserve family relationships and connections.
 - Kin can mitigate trauma caused by removal.
 - Kin can reinforce a child's sense of identity and culture.
 - Kin can serve as excellent placement and visitation resources. Kin placements are more stable, allow for more frequent family visits, and help keep siblings together.
 - Kin are more likely to be a permanent home through adoption or guardianship when reunification cannot be achieved.
- 2 Identifying, Engaging and Informing Kin**
 - Identification, location and engagement of maternal and paternal kin should start as soon as the agency begins working with a family. This includes inquiring about Native American or Alaska Native ancestry so that the Indian Child Welfare Act can be followed.
 - Good casework practices, including interviewing the child, typically result in identification of a child's extended family network. Internet searches can complement conversations with family to locate kin.
 - All options to be involved in the child's life must be explained to kin early.
 - The agency should document efforts to identify, notify and engage kin including: who was contacted, relationship to the child, willingness to be a placement option or assist in other supportive role.
- 3 The Role of the Court**

Court oversight is critical to achieving best practices and improving permanency outcomes. Judges can ask the following questions to create an expectation for a kin first culture:

 - What is preventing a kinship placement now?
 - What reasonable efforts were made to place siblings together?
 - Ask the agency at each and every hearing: What efforts has the agency made to identify and locate kin? What efforts have been made to engage kin beyond a notice letter so that they may be part of a child's life?
 - Ask the parents and child(ren) at first and all subsequent hearings to give the court information about their important family connections.
 - Has the agency explained all possible placement options to kin (i.e. guardianship, adoption, foster care, etc.)?
 - Order a visitation plan not only for parents, but for siblings and relatives so children can maintain family connections.
 - Inquire as to whether or not the Indian Child Welfare Act applies and ensure the agency makes efforts to identify appropriate placements.
- 4 Judicial Licensing Considerations**
 - Does your state require relatives to be licensed foster parents in order to care for children in state custody?
 - Are licensing waivers used in your jurisdiction?
 - If relatives are not licensed, the court should ask why. Is it by the relative's choice? Do the relatives fully understand all of their placement options? Is there an environmental barrier that can easily be fixed or waived (i.e. family needs a new bed or fire extinguisher, etc.)?
 - Do kin have the services and supports needed to meet the unique needs of the children placed in their home?
 - Ultimately, it is up to the agency to determine whether or not a relative can be licensed. The court cannot order a home to be licensed, but can inquire and provide oversight as needed.

For more information, visit www.grandfamilies.org.

Developed, in partnership with NCJFCJ, as part of a legal kinship curriculum to help create a kin first courtroom.

Available at:

<https://www.grandfamilies.org/Portals/0/Documents/General%20Kinship%20Publications/Kin%20First%20Judicial%20Tip%20Sheet.pdf>

Grandfamilies.org

HOMEABOUT USSEARCH LAWSTOPICS ▼RESOURCES ▼PUBLICATIONSNEWS



NEED HELP?

See State Fact Sheets to obtain important state specific kinship resources, information and data.

[LEARN MORE](#)



Search Laws

A searchable database of laws and legislation affecting grandfamilies both inside and outside the foster care system for all 50 states and the District of Columbia.


[Read More](#)



Resources

Free and online legal resources in support of grandfamilies within and outside the child welfare system.

[Read More](#)



Publications

View our publications that support grandfamilies including: Model Family Foster Home Licensing Standards, Using the Guardianship Assistance Program (GAP), and Relative Foster Care Licensing Waivers in States.

[Read More](#)

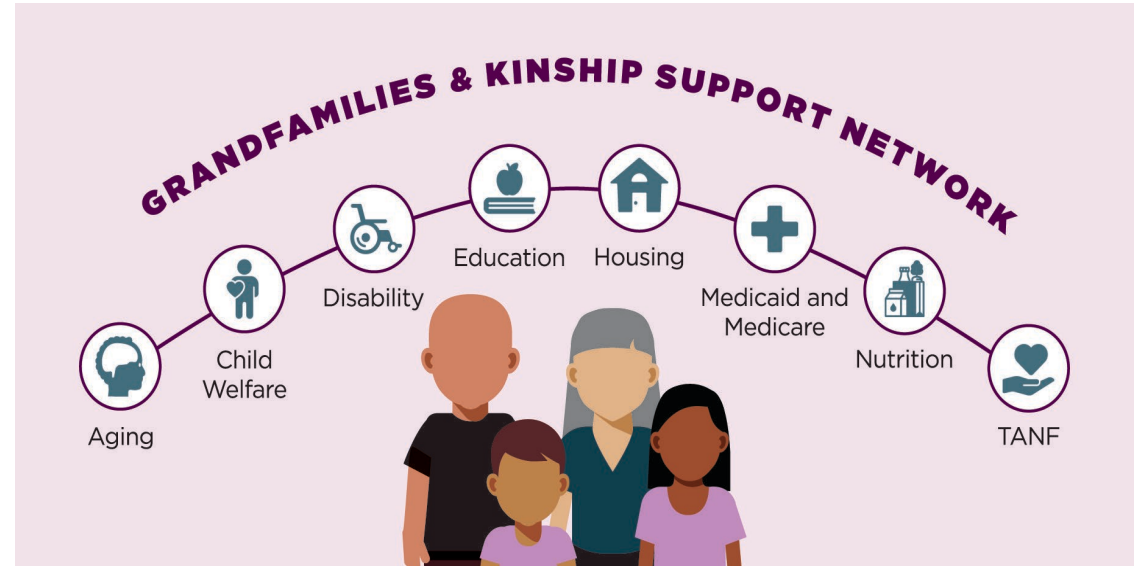


A collaboration of the
ABA Center on Children and the Law,
Generations United and Casey Family Programs

GRANDFAMILIES & KINSHIP SUPPORT NETWORK

A National Technical Assistance Center

- \$10 million for 5 years, awarded as a cooperative agreement in September 2021, overseen by the Administration for Community Living (ACL)
- Generations United has worked on behalf of and with kinship/grandfamilies since 1997
- Purpose is to provide technical assistance to the array of government agencies – aging, child welfare, disability, education, housing, Medicaid and Medicare, nutrition, and Temporary Assistance for Needy Families – and organizations that serve kinship families
- Not designed to help the families directly – will improve systems for families now and into the future



[Sign up](#) to access the Network:



The Network is supported by the Administration for Community Living (ACL), U.S. Department of Health and Human Services (HHS) as part of a financial assistance award totaling \$9,950,000 with 95 percentage funded by ACL/HHS and \$523,684 and 5 percentage funded by non-government sources. The contents are those of the authors and do not necessarily represent the official views of, nor an endorsement, by ACL/HHS, or the U.S. Government.

Meet the Panel

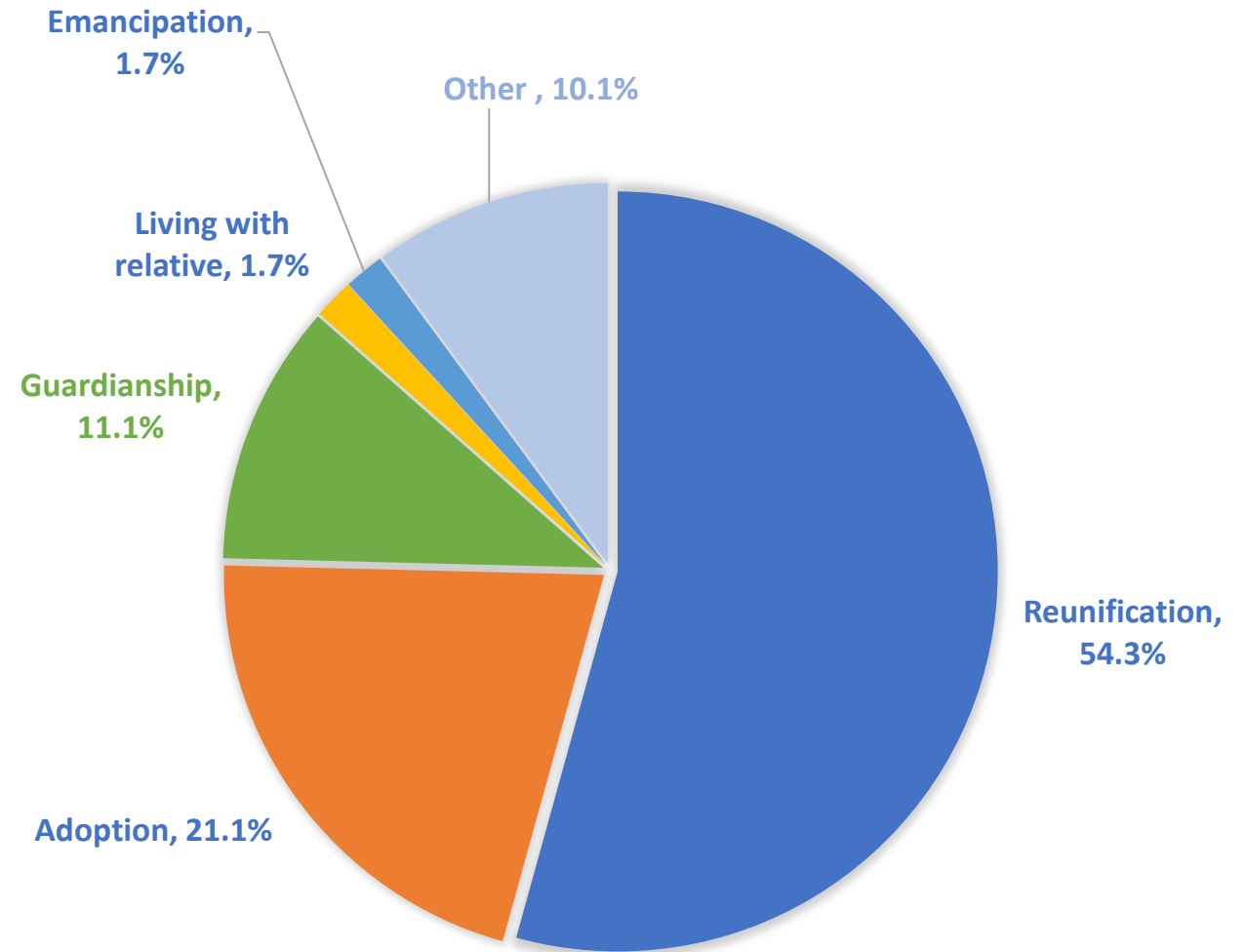
- Honorable Colleen F. Gilmartin, Judge Pro Tem, Clackamas County Circuit Court, Oregon
- Genia Newkirk, kinship caregiver from North Carolina
- Rebecca Schaleger, Attorney for Children/Parents
- Catherine Terwilliger, Attorney General for Oregon Department of Justice
- Seth Lyon, LCSW, Manager, Department of Human Services, District 15/Clackamas County
- Kevin Devonish, Social Service Specialist, Permanency Adolescent Unit, District 15/Clackamas County
- Moderator: Heidi Redlich Epstein, JD, MSW, Associate Director and Director of Kinship Policy, ABA Center on Children and the Law

Oregon Kinship Data - 2021

- Since 2018 more children left state care than entered every year
- **34%** of children in out of home placement were placed with relatives
- **46.2%** of children in certified resource homes* were with relatives
 - **83.6%** of those were placed with their siblings
 - More than half of certified resource homes were child specific = placed with kith (fictive kin) or kin

* resource homes = a certified family-home setting that has completed and been approved under the Oregon resource home licensing standards

EXITS FROM CARE:



Our Vision for Transformation is based on a belief that children do best growing up in a family and on values related to honoring and supporting cultural wisdom, building community resilience and voice, and ensuring the self-determination of our communities of color. The goal is an absolute transformation.

The Child Welfare Division's mission is to ensure every child and family is empowered to live a safe, stable and healthy life. This mission is based on a set of beliefs and core values:



By honoring the diversity and lived experiences of our families, Oregon Tribal Nations, community and stakeholders, we will build meaningful, authentic and community-centered relationships that will build our collective knowledge, expertise, and education on child safety and support.

“We all know that infants, children, adolescents and young adults do best growing up in a family that can provide love, support, life-long learning, shared values and important memories.”

Rebecca Jones Gaston
Oregon Department of Human Services
Child Welfare Director

Guiding Principles of Oregon Vision of Transformation

Grandfamilies.org

1. Supporting families and promoting prevention

Our child welfare transformation is built on trauma informed, family and community-centered and culturally responsive programs and services focused on engagement, equity, safety, well-being and prevention.

2. Enhancing our staff and infrastructure

Our child welfare transformation depends on a diverse, supported, skilled, respected and engaged workforce that reflects and embraces the communities we serve.

3. Enhancing the structure of our data by using data with continuous quality improvement

Our child welfare transformation is built on data-informed practice and is supported by continuous quality improvement and modernized information technology systems and tools.