

The GrandKin Guide



Frequently Asked Questions and Answers for Relatives Raising Children

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preface

Since the passage of the Fostering Connections Act of 2011, national attention has been increasing on the preservation of family ties when children become known to the child welfare system. As this has occurred, local, and state child welfare agencies are more frequently seeking out extended families to take responsibility for children when parents are unable to provide safe homes for their children. The protocols, programs, and policies throughout the United States vary as it relates to finding and supporting extended families caring for children. Although one theme has remained a constant; children have a right to be raised in their family of origin .The role of government in child welfare has shifted from a primary focus on finding foster parents able to care for children on a permanent basis to finding and placing children with their family of origin. Workers are being trained to place children as quickly as possible with families of origin¹ either temporarily without custody changes, through legal custody transfers, or foster care.



This shift in philosophy has a rippling effect on families as well as government agencies. Families find themselves torn between family allegiance to the child's parents and rescuing the child. These same families have often not financially prepared to raise the children of another family member. The children will often be facing many emotional and/or physical traumas for which the extended family has not been equipped to manage and support.

The lack of an infrastructure for providing care to children in extended families following neglect, abuse, or abandonment creates a shadow child welfare system. In the shadows, the children may not receive:

- care they need to recover and cope with their trauma;
- financial resources necessary to develop emotionally, physically, and socially;
- legal representation to defend their rights to appropriate and adequate care; or
- appropriate housing and educational services necessary to support their safety and growth.

The national recognition that family connections are essential for children is applauded; though, it must come with assurances that children outside of foster care who have been removed from their parent's home are afforded the equal protections and services received by those children who live in the foster care system.

The National Kinship Alliance for Children joins the voices of these extended families into one voice speaking out on behalf of these children. This GrandKin Guide has been written to help explain what extended families can expect when asked to care for children. Please share this with others you may know and join with us to bring our children out of the shadows and into the light. They, too, deserve our protection and our commitment.

¹ Origin here means in the extended family of legal parents.

what is kinship care?

Full-time care provided to a child by a relative² or even a close family friend for whom the child has a family-like bond.

EVERY STATE USES ITS OWN TERMS AND DEFINITIONS. FOR THE SAKE OF CLARITY WE PRESENT THESE DEFINITIONS AS IT PERTAINS TO THIS GUIDE.

Informal non-subsidized Kinship Care is the term used to define arrangements in which relatives are providing the full-time care for children and there has been no transfer of legal authority from the parent and the family receives no state government financial support for the children.

Informal subsidized kinship care is the term used to define arrangements in which relatives are providing the full-time care for the children and there has been no transfer of legal authority from the parent, but the family is receiving some form of state government financial support for the child

Legal Custody in this guide refers to the legal authority for the child. In some states, this may be called guardianship.



Formal prevention in this guide refers to situations in which a relative steps in to care for a child at the request of a government authority and is preventing the child from entering foster care.

Formal non-subsidized Kinship Care is the term used to define arrangements in which relatives are providing the full-time care for children when there has been a transfer of legal authority from the parent, usually in the form of custody or guardianship, and the family receives no state government financial support for the children.

Formal subsidized Kinship Care is the term used to define arrangements in which relatives are providing the full-time care for children when there has been a transfer of legal authority from the parent, usually in the form of custody or guardianship, and the family receives state government financial support for the children.

² Relative is an extended family member by birth or adoption.

what is kinship care?

FOR THE PURPOSE OF THIS GUIDE YOU WILL FIND THESE DEFINITIONS USED TO DESCRIBE DIFFERENT FORMS OF KINSHIP CARE.

Kinship Foster Care

is the term used to define arrangements in which relatives have become licensed/approved foster parents. As foster parents, the kinship caregivers are required to care for the child under the guidance and instruction of a government child welfare authority for which they receive monthly foster care payments.

Informal prevention

refers to situations in which a relative steps in to care for a child without the government getting involved and that relative is preventing any child welfare involvement in the child's life.

Diversion

means the efforts on the part of government to keep children out of foster care. Diversion may happen through CPS involvement or police involvement AND legal authority for child is kept with the parent or by court order transferred to a relative from the parent or the government.

Temporary Assistance for Needy Families (TANF)

is a federal program that is administered by state government based on a plan each state submits outlining how the state will use the money. In some states TANF funds are used to fund a kinship care program while in others the funds may be used to provide monthly stipends to relative caregivers. Most states also provide other types of supports to relative caregivers based on the family's TANF eligibility. These supports may be childcare, Medicaid, and other supports. Check on your state government's human services website for the term TANF and Kinship to learn of what programs may be available in your state.

What choices exist when relatives are asked by child welfare to care for their related child?

While each state uses different terms and operates differently, in general, the following describes typical options depending on whether or not the child is already in foster care.

For children removed by CPS, but not in foster care: When Child Protective Services (CPS) makes a decision that a child must be removed from a family home, then they must ask for names of a relative who may be willing to care for the child while a CPS decision is being made about the safety of the child in that home. CPS is also required by federal law to notify relatives within 30 days of removal that the child has been removed from the home. CPS may ask the family to provide temporary care during the investigation. While each state is somewhat different, in general, the relative can provide this care as a formal legal guardian/custodian (requires court order) or as an informal caregiver while waiting for the parent to resume caregiving.

Here are questions you might consider asking, if CPS contacts you; but only after you state, *“Of course, I want to help the children, but I have a few questions that will help me understand the situation.”*

Where are the children now?

Is this an emergency placement or are the children already in an emergency placement?

What condition are the children in and what are their immediate needs?

Are you asking me to take legal custody that requires we go to court or just to provide temporary care without court involvement?

What will my authority be for medical care, education, therapy, and other services?

Will you be conducting a home study prior to placement or while the child is in our home?

What is expected of me in terms of the parents' involvement in the child's life?

What is the agency's role in our lives, if we take custody/guardianship? Will agency staff visit the child and me prior and post custody/guardianship? How often? What is the purpose of the visit?

You may or may not want to ask this: Will you be conducting a criminal background checks on all adults in the home prior to or during the placement?

If you are on a limited income, then may also want to ask: Since I am on a very limited income, will there be any financial help for clothing, food, childcare, or other expenses?

For children in foster care when a relative is not becoming a foster parent: In some cases the state/court may allow relatives to accept a child into their home short-term without a custody transfer to give the relative time to decide what they can do long-term. Relatives may also accept the child into their home long-term and ask for legal custody of the child or may share legal custody with the agency or parent. Relatives should ask the caseworker what legal custody options are available in their state and consult an attorney. The legal custody option may void any possibility of adoption assistance later, however, unless the child has been deemed eligible for Social Security Income (SSI) prior to adoption.

For children in foster care when a relative is becoming a foster parent: Relatives can request to become licensed/approved as a foster home. The relatives must meet the state's requirements for becoming a foster parent that includes criminal background checks, home visits and may also include training and other activities, depending on the federally approved foster care plan. Although in some states there are waivers for some non-safety related requirements. As a foster parent, the relative should have input into agency decisions regarding the child but the agency will make the ultimate decisions, in most states.

Here are questions you might consider asking, if a foster care worker contacts you; although you may want to first say, *"Of course, I want to help the children, but I have a few questions that will help me understand the situation."*

Where are the children now?

Is this an emergency placement?

What condition are the children in and what are their immediate needs?

Are you asking me to take legal custody that requires we go to court, become their foster parent, or just to provide temporary care without court involvement?

What will my authority be for medical care, education, therapy, and other services?

Will you be conducting a home study prior to placement or while the child is in our home?

What is expected of me in terms of the parents' involvement in the child's life?

What is the agency's role in our lives, if we foster? Will agency staff visit the child and me? How often? What is the purpose of the visit?

What are the requirements regarding the size of my living quarters and my current abilities to care for the child?

You may or may not want to ask this: Will you be conducting a criminal background checks on all adults in the home prior to or during the placement?

If you are on a limited income, then may also want to ask: Since I am on a very limited income, will there be any financial help for clothing, food, childcare, or other expenses?

For children in foster care (adoption option): If you are a foster parent to the child, then the worker may begin asking you about your willingness to adopt the children. For children in foster care, it is likely that they are eligible for an adoption assistance subsidy that MAY be equal to the foster care funding and services. There is a federal requirement that children be moved out of foster care in a timely manner into a permanent home. In most states this means the children need to be adopted or they need to be placed in legal custody of a person meeting specific safety-related requirements in a timely manner. There are a number of states that also have the federal permanency option of providing subsidized custody/guardianship to relatives who have provided foster care for the children for at least 6 months. Relatives can also request to be considered as adoptive parents for the child. Relatives will be required to meet all requirements of their state's home study and adoption process, although in some states there are waivers for some non-safety related requirements so that relatives can adopt.

As a prospective adoptive parent you may want to consider asking:

*What are all my options in this state for providing a permanent home for the child?
What are the pros and cons of each option?*

What are the steps in the adoption process? What are suggested ways for me to prepare for the process?

What is the agency's role in our lives, if we adopt? Will agency staff visit the child and me prior and post adoption? How often? What is the purpose of the visit?

What is expected of me at court hearings? How long will the court be involved?

How will the child's parents be involved? Do the parents still have any rights? Can the children still have contact with their parents prior to and after the adoption is finalized? What are they?

What benefits are available for the child? Will financial assistance, food stamps, medical insurance for the child, and child-care be provided? Will services be provided to the child?

Each option means something different in terms of on-going agency and court involvement; reimbursement for the child's expenses; the role of the child's parents in the child's life; and future decisions about the child's long-term permanent home. Be sure to fully understand which option is being proposed to you and the implications of accepting that option.

If I do not take the child into my home when I am asked, what will happen if I change my mind later and want to have him or her come live with me?

Agencies are required by law to notify relatives within 30 days of removal that a child has been removed from the birth parents home. At this time they may ask the relative to take responsibility for the child on a temporary basis during the child protective services investigation. If the relative is not able to take responsibility for the child, then the agency will either look for another relative or take custody and place the child with a foster parent.

If you decide that you are able to care for your relative's child after the child is placed with a foster parent, the agency must consider the child's bond with the foster parent and the best interest of the child before making any placement change. You may live in a state with certain rights for relatives, such as grandparents, be sure to review your state law to determine if you may have specific legal rights in this situation. One source for checking this information is www.grandfamilies.org.

If I do not take the child into my home but want to have a relationship with the child, can I?

Maintaining family ties is important for children and much of the federal legislation in recent years addresses the importance of finding relatives and supporting the relatives' ties to the child. Agencies and courts will consider if and when communication and contact with relatives is in the child's best interests. Relatives should ask about the kind of contact allowed and make it clear what kind of contact they want to have with the child. Be specific and be willing to negotiate. Often agencies will support the foster parent and the relative working out the details of the on-going contact so reaching out to the foster parents and discussing what works for them as well is a good place to start. There are a few states with visitation rights afforded to relatives in these situations, please be sure to check the laws in your state to determine if you have legal visitation rights. One resource for reviewing state laws is www.grandparents.org. Legal visitation rights must be upheld by child welfare agencies when a visitation order exists.

What if the parents decide to surrender their parental rights to the child when the child is taken into custody by the child welfare agency and I am called by the agency to take the child? What options exist for me and how much time do I have to decide what to do?

The relative should ask the agency caseworker how much time there is to decide and what options exist. The relative may also want to explore taking the child into their home temporarily while deciding what to do next. However, the agency may or may not agree to such a temporary placement, so it is important to understand the agency's expectations, as quickly as possible.

There are formal team meetings held to discuss and make decisions as to where the child will live and who will provide long-term care for the child. In most states, the meetings bring together professional child welfare staff, relatives, the child (if able to participate), foster parents to the child, if applicable, and other supportive individuals to strategize about how everyone can help meet the child's needs. Relatives should certainly ask about the availability of such a meeting as the information shared can help the relative make an informed decision.

Relatives will usually have options such as adoption, guardianship/legal custody of the child or becoming a kinship foster parent. Depending on which option is available and whether the child is in foster care, the financial supports and services for the child will vary.

What are some of the documents and other items I should ask for when taking responsibility of a child from the child welfare system?

While every child and situation is different, in general, regardless of whether you foster, adopt, or take legal custody of a relative's child from foster care or child protective services. You should ask for the following:

- Legal documents that will explain your official relationship with the child as a caregiver; such as a foster care placement agreement (if you are fostering).
- Medical records the agency may have acquired while responsible for the child.
- School records the agency may have copies of which document the child's progress and any special needs, such as an Individualized Educational Plan (IEP), if the child has special educational needs.
- Any clinical or therapeutic progress notes or diagnostic work-ups the child may have had done while in care.
- Names and numbers of any previous placements or relatives that want to stay in touch with the child.
- Names and contact information of friends with whom the child may want to stay in contact.



Quick Financial FAQ's

Informal Kinship...

Financial help is limited to what you can work out with the birth parents and other family members.

Formal Kinship...

When legal custody is taken of a relative's child, then TANF, Medicaid, or Child Care may be available to provide assistance. Often these are income eligible programs and eligibility may be based on child, parent, or relative income. Each state has authority to decide what financial and support programs it will offer relatives caring for children. You will want to check with your state benefit or public assistance program to learn what is available in your state. Other programs such as WIC and Free School Breakfast/Lunch programs are available to relative's raising children. Check with your health department regarding eligibility for WIC and your child's school regarding free school breakfast/lunch programs.

Kinship Foster Care...

Monthly stipends, services, and supports are available, but decisions regarding the child ultimately rest with the agency.

If I decide to become a foster parent to the child, what resources can I expect in terms of funding and services?

To receive foster care funding for the child, your state or local government must approve your home. This means going through a licensing or other approval process to become a foster parent. Federal law allows states to decide if they want to waive non-safety related licensing/approval standards (such as number of bedrooms) for relatives on a case-by-case basis. Relatives who become fully licensed foster parents can receive monthly foster care payments, Medicaid for the child, and often other services and supports such as childcare, respite care, and clothing allowances. Licensed/approved kinship foster parents receive the same benefits as other foster parents.³

If I cannot meet the licensing or approval standards for foster care and the child is in foster care can I still take the child even though I am not a licensed/approved foster parent? Will I still get assistance to provide for the child?

Some states have special rules for relatives who don't meet the licensing/approval standards. In these states, unlicensed relative caregivers may receive benefits but they might be lower than other foster care benefits. In a few states there are Kinship Care Programs specifically developed to offer benefits and supports to relatives raising children, please check your state government website for the term "Kinship Care". The child's worker may be the best person to explain options in your state.

³ Federal law requires that fully licensed relative foster parents receive the same benefits as other foster parents if the child is Title IV-E eligible, meaning the children meet a number of eligibility standards set by the federal government. About half of all children in foster care are IV-E eligible but the percentage varies by state

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If I decide to take legal custody instead of becoming a foster parent, what can I expect in terms of funding and services?

If the child never legally enters foster care and you take legal custody of the child instead of becoming a foster parent, the child is typically eligible for some benefits. In most states, caregivers are able to receive TANF child-only grants, which are usually significantly lower than foster care payments. Usually there are no income restrictions on the caregivers for the TANF child-only grant. [Be aware that these grants, usually, increase only slightly if the family is caring for more than one child.] Children whose caregivers are eligible for TANF child-only grants are also eligible for Medicaid. If you receive TANF child-only payments, you may also be eligible for childcare. Eligibility for other services will depend on program eligibility requirements that apply to all families in the community (such as your income or where you live). The child should also be eligible to receive free school breakfast and lunch as well as WIC and Head Start.

Children with significant income or assets of their own (which can include Social Security payments, trust funds or investments, or child support payments) may not be eligible for TANF child-only payments or may receive a lower benefit.

If your income is low, you may qualify for a higher TANF family grant (meaning a typical welfare payment) instead of a child-only grant. Family grants are based on both the child and the caregivers' income, have a five-year time limit, and work requirements, although some states may exempt relative caregivers from certain eligibility requirements.

A few states offer special programs to support kinship caregivers who are caring for children outside the foster care system. These are usually referred to as Kinship Care programs, so

please check your government human services or public assistance website to learn what may be available in your state.



Should I consider applying for Social Security benefits for the children?

Whether the relative child in your care is your foster child or in your legal custody, you can apply for Social Security benefits if the child is disabled or in some cases if the child's parent passed away or was disabled.

There are two types of social security benefits. Supplement Security Income (SSI) is based on the child having a chronic disability. Qualifying for SSI depends on income and assets. When children are in the foster care system, the state is considered the parent so the Social Security Administration (SSA) will determine a child's eligibility solely based on the disability.

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rather than income, since the state has no income or asset to attribute to the child. If you have legal custody, eligibility will depend on your income and assets.

The other type of social security benefit is OASDI—Old Age, Survivor's, and Disability Insurance. A child is eligible for OASDI if their parent passed away or was disabled and if the parent contributed to the Social Security system when he or she was employed. These benefits are based on the amount the child's parent contributed to Social Security during their life.

When children are in foster care, the state can choose to take either type of Social Security benefit to offset their costs in caring for the child. When children are in the legal custody of the relative, the relative will be the person who receives either type of Social Security benefits as the child's representative payee. SSA requires that representative payees keep records of expenses, and when the SSA requests a report, a payee must provide an accounting to SSA of how benefits were used or saved. This is done to ensure that beneficiaries are financially protected.

How can Social Security affect any funding and services I may get for the child from the state?

If the state takes the Social Security payment for a child in foster care, it will not affect the foster care payments or other services the child might be eligible for. If the child continues to receive the benefit in foster care, the SSI payment will be reduced by the amount of any Title IV-E foster care payment.

If the child is in your legal custody, SSI payments are higher than TANF child-only grants, so your family will have more support for the child. The family will not receive the TANF child-only grant.

If a family adopts a child who is receiving Social Security benefits, the adoption may affect the benefit. For children who receive SSI based on their disability, the SSA will examine the income and assets of the adoptive family. If the adoptive parent receives OASDI benefits,



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the adopted child will be eligible for dependent benefits based on the adoptive parent's contributions to Social Security.

There is a family maximum to Social Security benefits, so if your family is already at that maximum, an adoption of a child receiving SSI benefits will not increase the benefits you receive.

Does my personal income have any effect on my eligibility to adopt my relative's child?

When children are in foster care, the state wants to ensure that the family has enough financial resources to care for a child they adopt. As a result, families with lower incomes may be asked to explain their plan for financially supporting the child. Most states have exceptions to their income guidelines for adoption when relatives are adopting.

If I take legal custody and then later decide to adopt, can I get an adoption assistance contract from the state?

Adoption assistance benefits are almost exclusively for children who are adopted directly from foster care. Therefore, in most cases, you would not receive adoption assistance benefits if you adopted a child of whom you had previously taken legal custody. There are two situations, however, where you can receive adoption assistance benefits even if the child is not in foster care at the time of the adoption:

1. If you took legal custody of a child who was in foster care through a federally funded (Title IV-E) subsidized guardianship program, you may receive adoption assistance benefits if you choose to adopt that child. The child would need to meet the state's definition of special needs.
2. If the child receives SSI based on the child's disability. Children who receive SSI for a disability can receive adoption assistance even if they weren't in foster care. You would need to apply for, and enter into, an adoption assistance agreement with your state department of human services before adoption finalization.

If neither of the above situations applies, in almost all states the only way to receive adoption assistance is if the child re-enters foster care before the adoption and is determined to meet the state's definition of special needs. There are states with state funded adoption assistance programs. These programs usually have criteria that are governed by that state's statutes and/or regulations. To find out if your state has a state funded adoption assistance program it is best to search the state's child welfare website or the state's legislative/regulatory website.



There are many laws that apply to non-parents who are caring for children, including child welfare and family court laws, and laws governing their authority, access to records, custodial rights, financial assistance, and access to services. Most of these laws don't use the term "kinship care." Instead, laws use other terms, like "person in parental relation", person "upon whom a child is dependent," "in loco parentis", "de facto" custodian, etc. Some laws only apply to grandparents, some to grandparents and relatives, some to all caregivers, even non-related caregivers.

What are my rights as a grandparent or as another relative, if the child comes into state care?

States laws provide some limited rights to relatives. Federal law mandates that relatives be notified within 30 days when a child is removed from his/her parents and placed in state care because of parental abuse, neglect, or abandonment.

No state treats grandparents as the natural guardians of their grandchildren, and there is no automatic grandparent right to assume custody when parents cannot parent. However, in certain limited circumstances laws may provide family members more "rights" than strangers. To support placement with relatives as the first choice in child welfare, federal laws insist upon a search for relatives when children are removed from their parents.

Statutory rights are just part of a larger discussion about families having a "fundamental right" to raise children when parents are unavailable. In other words, the extension of parental rights to family members who've assumed parental duties or who want to assume such duties. The U. S. Supreme Court has declared that under certain circumstances when relatives have assumed parental duties, such a transfer of rights does occur. However, few courts have chosen to provide parental rights to family members. However, all states, either in statutes or case law, do provide that anyone who is caring for a child may petition for custody.

What is the difference between guardianship and custody?

In practice, guardianship and legal custody are treated as having almost identical authority. There are, however, practical distinctions between guardianship and custody that are the subject of much confusion, even among legal professionals. Usually there are numerous state statutes governing guardianship, with fewer related to custody. A discussion of the similarities and distinctions breaks down into three areas: court procedures, statutory powers, and actual practices.

For court procedures, the standards in disputes between parents and non-parents are the same for both guardianship and custody. However, different courts may have "jurisdiction. For instance, in some states, guardianship decisions are only made in probate courts, while custody is handled exclusively in a family (juvenile) court. Both courts will protect parental interests, but permit petitions by non-parent caregivers when there are extraordinary circumstances such as allegations of parental unfitness, mental illness, abandonment, abuse, neglect, etc. Once a hearing determines the accuracy of the allegations, the court will consider the best interests of the child when making a placement decision. But the procedural investigations differ. Only guardianship proceedings routinely include reports on criminal record checks and child abuse registries.



Do I need a lawyer to file for custody/guardianship?

If you have the consent of the parent(s), then an attorney may not be necessary. Also, if the evidence is very strong to prove that a parent is unfit then you may be able to prevail without an attorney. If the outcome is uncertain, and it is likely that the proceedings will go to trial, then a lawyer is certainly an important consideration for you. However, under all circumstances you have a legal right to represent yourself "pro se," which means on your own. While there is very little free legal representation for kinship caregivers, some legal service organizations provide representation for low-income caregivers, and some states have "indigent" (poor) legal assistance programs that cover non-parent caregivers.

If the child is in the legal custody of the state, then you should discuss the various options including custody/guardianship. You may want to review the questions discussed in the options section of this guide (pages 4-6).

How does Child Protective Services (CPS) determine who is a "suitable" relative when a child is removed from the home?

Once a child is removed, the state or local department must go to court and start a proceeding. The Family Court judge will then make all decisions regarding the placement of children. The judge is legally obligated to ask the department about relatives, including

all grandparents, who might care for children, and the department is obligated to search for relatives - including grandparents. The scope and diligence of this search depends on many factors, including the local department's resources and priorities. The search must occur within thirty days of a child's removal and all notified relatives must be informed of their options and the consequences of children entering foster care with non-relative foster parents.

If a relative is identified as a suitable resource, then the court may place the child with the relative. Courts have a variety of ways to facilitate the placement ranging from temporary care to kinship foster care, or sometimes permitting the relative to begin a separate proceeding for custody.

I was never notified that the child was removed or my rights. What can I do?

You can talk to the state or local department staff and ask if they are able to and willing to identify you to the court as a suitable relative or you can go to court on your own and seek to "intervene" in the proceedings. Some states may have special proceedings for kin seeking to become caregivers for children in foster care.

Federal law mandates that relatives be notified when children come into care. However, at this time it is unknown how relatives can enforce this law or legally hold the state or local department accountable for failure to notify the relative.

What is helpful as evidence if I am filing for custody/guardianship?

Petitions for custody and guardianship can be significantly different. Custody petitions are often simpler. However, for either petition you will need to show that the parents will consent or that you can claim extraordinary circumstances. Extraordinary circumstances are facts that show a parent's unfitness or inability to parent. Other extraordinary circumstances are mental illness, abandonment, or situations where you've been caring for the children for an extended period of time. If this is not a consensual petition, then outlining any extraordinary circumstances in your petition is an absolute necessity in order to go forward. Your petition must describe some facts that, if proven, would fulfill the extraordinary circumstances test in your state.



I would like to adopt my grandchild. What will change?

Adoption means that you become the legal parent of the child. The birth parents no longer have any parental rights. The new adoptive parent can make all parental decisions and assumes all parental responsibilities, including the obligation to support the children. By assuming the support obligation, you can no longer get a "child-only" (non-parent) grant. However, if you adopt the child from foster care and the child meets your state's requirements for adoption assistance, then you are likely eligible to receive adoption assistance payments and services. The child may also be eligible for benefits under any program that cover parents and children, like social security benefits.

Adoption makes you the legal parent and this means that you can change the child's name, get access to all records, make all decisions, and travel anywhere.

Can kinship caregivers enroll children in school?

Laws differ regarding under what conditions kinship caregivers may enroll children in school. If the caregiver has court ordered custody or guardianship, then the school district is required to enroll in all states. In many states, the kinship caregiver is not able to enroll children in school or make educational decisions without having legal custody/guardianship of the child. If the child can be proven to be homeless, then there is a federal law requiring schools to allow caregivers to enroll children and make educational decisions. Each state's implementation of this law (McKinney-Vento Act) differs slightly in terms of process and documentation, so check with your school districts McKinney-Vento or Homeless Children Coordinator.



trauma-informed parenting

What issues are likely to surface as a result of a child being removed from their parent's home or coping with the affects of abuse or neglect?

It is important to understand that most children are removed from their parent's home as a result of neglect. Neglect can be the result of a parent's willfulness; a lack of knowledge about caring for a child; or conditions which render the birth parent unable to properly care for a child. While we tend to think of the severely abused child when we hear "child protective services or foster care", it is important to note that neglect can create severe scars on the physical and emotional health of a child as well.

Children who are survivors of abuse, neglect, or abandonment may have significant issues in the areas of trust, respect, socialization, and bonding. The field of research in caring for children in child welfare has favored the treatment term, "trauma-informed care." The process of identifying a child's need for trauma-informed parenting/care; seeking services; and participating in the therapeutic process are key steps in becoming a trauma-informed parent to the child in your care.

No matter the reason which has brought the child into the child welfare system the child has likely faced some level of trauma and has some level of need for trauma-informed care even if all that they need is a support through the grief and loss process. Nearly every child in child welfare will have need for assistance through the grieving process. The losses they have experienced in their young lives is significant. Because every person handles grief differently, it is important to work with a therapist to understand the best approach to support a child through the grieving process.

What are some symptoms that a child may require trauma-informed care?

Trauma will impact children differently and at different times. For the most part you may expect a child to need trauma informed parenting and care if they have

- had an unsafe or unstable home environment for long periods of time,
- experienced a long-term separation from family, including the birth parent who may have been responsible for the abuse, neglect, or abandonment,
- physical, emotional, or sexual abuse, or
- repeatedly witnessed domestic violence.

Children who have survived these conditions and are experiencing trauma as a result of those experiences may continually demonstrate:

- anger, irritability, or mood swings,
- sadness, depression, or regression,
- withdrawal from friends, family, or typical childhood social interactions,
- anxiety, helplessness, fear, guilt, self-loathing/blaming themselves, or difficulty in concentrating, or
- In severe cases of child sexual abuse, some children may begin starting fires.

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There may also be physical symptoms of trauma, in addition to any physical injury the child may have had from physical abuse:

- Insomnia
- Nightmares
- Fatigue
- Muscle stress
- Enuresis (bed-wetting)

If I suspect, that the child requires trauma informed care and parenting, what can I do?

ANSWER: If you have a temporary or foster care arrangement with social services, then you are encouraged to approach the child's social services worker and ask for an assessment and services for the child as well as parent training to help you better care for the child and to meet the child's needs.

If you have adopted the child, then you are encouraged to approach the child's adoption worker in much the same way as you would if the child was in your temporary or foster care.

If you have taken legal custody of the child, you are likely to need to seek out services and support for the child on your own. If the child has Medicaid, then most states will have a directory of therapists accepting Medicaid. When calling the therapist, it is up to you to determine if that therapist is trained in trauma-informed care and can meet the child's needs.

Questions you may want to consider after you meet with a therapist:

Did the therapist suggest conducting an assessment to determine the level and type of trauma and how it has impacted the child?

Did the therapist have an understanding of the family relationship you have with the child and show you compassion and respect for the responsibility you have accepted?

Did the therapist explain the type of therapeutic approach they generally use in these situations and were you comfortable with that approach?

Here are some forms of trauma-informed therapy that therapists may discuss with you.

- Somatic Experiencing is a therapeutic process which begins by helping the person get in touch with how they are feeling at the time until they have the ability to release the traumatic tension.
- Eye Movement Desensitization and Reprocessing (EMDR) uses a therapeutic cueing to back and forth eye movements which help to "unfreeze" the person from the trauma.

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This is a cognitive-behavioral approach which has been extensively researched with war veterans.

- Cognitive Behavioral Therapy will help the person process and think about the traumatic experiences and it is combined with other therapeutic approaches to help the person heal from the trauma.



Until I am able to find a therapist for the child, what can I do to help them?

Help the child find a place for him/herself in your home. In providing, responsibilities as well as privileges the child may begin to feel a part of your home. It is that stability and connection which can help throughout the therapeutic process as well as in daily life.

Give the child permission to express their feelings in words to you. Encourage a child who is able to write to keep a diary of how they are feeling. They may want to write letters to an old friend, an imaginary friend, Santa Claus, or their parent. If the child is interested in writing letters to express their feelings, work with them to create a mailbox outside your room or elsewhere in the house where they can deliver their letters. Promise to read them and talk with them about the letters when they are ready. Set up a time that might work for them to discuss the feelings they have shared, but be flexible; our feelings don't run by the calendar or the clock and neither do theirs.

As a trauma-informed parent, your patience will be tried. Sometimes you may feel lost or powerless. There will be much stress that comes with accepting this new responsibility—seek out local, state, or national support organizations. These organizations, such as the National Kinship Alliance for Children (formerly known as the National Committee of Grandparents for Children's Rights), can offer support from others who have experienced caring for a relative's child. Peer support can be one of the most freeing and healing experiences you can have for yourself. It is important that you take time to care for yourself as the caregiver.

professional guide: questions kinship families ask

The following frequently asked questions are designed to assist foster care professionals in understanding the dilemmas faced by kinship families when asked to step in to care for relative's children.

I have budgeted to cover my expenses, but I have not planned on taking on additional financial responsibilities. I don't want to appear as though I don't want to help the children; I just don't know how I can afford to meet their needs. What should I do?

This is a common concern of kinship families. It is important for workers to help the family not only look at budgeting and finance, but assuring them that it is understandable that they are concerned about the financial responsibilities. These families often feel guilty about even thinking twice about making this commitment to their relative's child.

Even though I can't take full responsibility, can I still be involved in the child's life?

Recognizing that family connections are important for children, workers can help families stay involved in the life of a child by working with foster and adoptive families. When foster and adoptive families understand the mutual benefit of family connections they are often willing to help children maintain their family relationship with relatives. It is important to recognize, however, that the decision to allow relatives to maintain relationships with children is determined by the foster care worker and parent or the adoptive parent.

I want to help, but I do not have a good relationship with the birth parent and I don't need anything else adding to that stress. What might be done to help us resolve the relationship, so that I can be a good caregiver?

Workers may need to step in to help find a family mediation service to help resolve family conflicts and develop mutual agreements between family members, so that children are not caught in the cross-fire of the family stressors. Communications and visitation agreements as well as agreements regarding conduct around the children are important tools to securing positive living arrangements for the children.

In addition, workers should demonstrate empathy for both families in order to be considered a part of the family healing team that will support stability for children after placement with relatives. Letting relative caregivers and birth parents know that you can understand both sides of the issues will help them to gain respect for the work you are trying to accomplish.

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Workers may also want to start their work with the families by brainstorming together with them the aspiration and goals they each have for the children. This helps to keep the focus on the children and should help to neutralize conflict between kinship caregivers and birth parents.

What are the pros and cons to becoming a foster parent to the child and opting for legal custody of the child?

One of the most important facts families need to know is that as a foster parent there are few rights they will have in directing the care of the children. Explaining to the kinship caregiver that while they may be able to get approved as a foster parent; as a foster parent the government will make almost every decision about the care of the child, including about whether or not the child will remain in their home.

It is important to balance that revelation with the fact that under foster care there would be more financial support available than is available under legal custody in the majority of states.

I am worried that the child may resent me for taking them from their birth parent. How do I deal with their resentment?

Workers may need to assist families in identifying counseling services with a professional experienced in addressing the needs of children in out-of-home placements prior to the final decision and action regarding placement, so that children get an age appropriate venue for asking questions and understanding the benefit of living with their relative. The counselor should include the relatives at some point in the therapeutic process, so that they can learn techniques for helping the child as well.

Will the child have emotional or behavioral issues that have resulted from abuse or neglect?

It is essential that information about the condition's surrounding the child's removal from home be discussed with the kinship caregiver. This helps them to understand any reasoning behind court orders and removal or visitation, so that they can more likely follow through with requests and orders around the placement and birth parent contact/visitation. Providing the kinship caregiver with this information also helps them to have a more empathic view of the child's emotional and behavioral needs.

Be frank with the kinship caregiver about what they might expect to see in terms of behavioral or emotional needs. Provide them with a community resource guide to help them

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find services when necessary. You will, also, need to help them understand the financial options available to them for covering these costs. If there are none, tell them that and don't promise more than you can deliver. Nothing destroys a positive relationship more for a kinship caregiver than being told "If something comes up just call me. I will be here and I will try to help". And, then they call and never get a return call, because you just don't have any resources available to help them.

Why should I adopt rather than just take legal custody?

When there is no longer a possibility that a birth parent can care for the child, and a relative has been found who is willing to care for the child; then, it is critical that time is taken to explain the specific advantages or disadvantages between adoption and legal custody for that child and that family. Be sure that this is not a cookie cutter conversation. Treating each family and each child as unique will help to develop the respect and trust of the family and child. Respect and trust is not everything, but it is a good place to start. With that accomplished, everyone may be more willing to move forward and really HEAR what you have to say.

If the child is in foster care, and the relative is willing to adopt there are more likely to be financial and service benefits for the child that would actually come close to meeting the child's needs.

If the child is in foster care, and the relative is willing to take legal custody it is important that they see in writing the financial differences. In this case, it may be advisable to identify a community resource for exploring the financial implications of legal custody as it relates to the families' income and expenses. Helping the family complete the benefits application; explaining the benefits that may or may not be available; and identifying potential services the child may need and stating what options if any are available to pay for those services should be done prior to making a placement with a kinship caregiver.

Full disclosure can help to limit the potential for a placement disruption as the child becomes more comfortable in the placement and, perhaps, begins to act out in ways not understood by the kinship caregiver.

Adopting my relative's child may confuse the child who used to call me Grandma, Grandpa, Aunt, or Uncle. How do I handle the day-to-day reality of going from that relationship to being Mother or Father?

Assuring families that there is no set requirement about how the day-to day reality of being an adoptive family must be carried out. Let them know it is OK for the child, when age appropriate, and the kinship caregiver to decide how they will reference one another. In some families, the preference is to remain Grandma/Grandpa or Aunt/Uncle or Brother/Sister and let the adoption simply be the legal status that supports permanency. In other families, the approach is to let the

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references evolve over time to mom/dad and child. Assure families that this should be decided based on what is best for their family.

What happens if I take legal custody while I am thinking about whether or not to adopt?

In most states, this action will significantly limit any financial benefits that may have been available if family had adopted while the child was in foster care. If so, it is important to have this distinction in writing and then to meet with the family to explain the benefits available if they move directly to adoption. Providing the information in writing and having that face-to-face meeting can go a long way in avoiding misunderstandings that will impact the future of the child.

references

Financial FAQ References

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www.sidran.org
A private foundation and service center specializing in trauma-informed care.

www.nysnavigator.org
The New York Kinship Navigator program helping relatives raising relative children in New York state.

www.davethomasfoundation.org
A private foundation supporting the formation of permanent families for children from foster care.

www.kinshipalliance.org
The website of the American Kinship Alliance for Children

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