WELCOME

Kin-Specific Foster Home Licensure: Overview of New Federal Rule & Release of Recommended Standards

October 11, 2023

• We will begin at the top of the hour
• Please type in the chat - your name, state, tribe (if applicable), and role
• We’ll pause for questions throughout – please type your questions in the chat box at any time
• All participants will receive a link to the slides and recording by the end of the week
• 5-year (2021-2026) cooperative agreement with Administration for Community Living

• Purpose is to provide technical assistance to the array of tribal, state, and territorial government agencies, as well as non-profit organizations that serve kinship families

• Not designed to serve the families directly – working to improve systems for families
How We Help

Learning Collaboratives and Information Dissemination
The Network hosts webinars and facilitates learning collaboratives.

Individual Assistance
We respond to individual requests for help from government agencies, and nonprofit organizations.

A Centralized Hub
The Network is elevating exemplary kinship/grandfamily practices and programs from around the country on its new accessible website, www.GKSNnetwork.org.
Agenda

1. The Final Rule
2. Kin-Specific Approval Standards
3. Next Steps
4. Questions
Final Rule
Final Rule

• The U.S. Administration for Children and Families issued a final rule that gives all title IV-E child welfare agencies the option to use kin-specific foster care licensing or approval standards
• Changes a federal regulation interpreted as dictating that each title IV-E agency can only have one set of standards that apply equally to kin and non-kin - 45 CFR § 1355.20
• Federal law has long required that title IV-E agencies create and maintain their own foster care standards, and this new rule does nothing to change that state, territorial, and tribal flexibility
Agency Standards

- Standards that bar many kin from becoming licensed or approved are **not federal**
- Title IV-E agencies continue to have the power to omit nonsensible and socioeconomically biased standards and ACF is encouraging agencies to do so
- Agencies have had federal authority to waive “non-safety” licensing standards, but this process creates administrative burdens for overtaxed agencies and not all agencies use this authority
What The Rule Says

- **Encourages** title IV-E agencies to establish kin-specific standards limited to long-standing federal law that requires title IV-E agencies to:
  - Align their standards “reasonably in accord with recommended standards of national organizations... which shall permit the use of the reasonable and prudent parenting standard” 42 U.S.C. § 671 (a)(10)(A).

- **Requires** title IV-E agencies to ensure that licensed or approved kin foster family homes receive the same foster care maintenance payments as non-kin foster homes.
Kin-Specific Foster Home Approval:
Recommended Standards of National Organizations
National Nonprofit Partners

- A Second Chance, Inc.
- American Bar Association Center on Children and the Law
- Children’s Rights
- CWPolicy
- Generations United and its Grandfamilies & Kinship Support Network: A National Technical Assistance Center

- National Association for Regulatory Administration (NARA)
- National Indian Child Welfare Association (NICWA)
- New America’s Resource Family Working Group
- Think of Us
Standards & Tribal Country

- The new rule is not applicable to tribes that do not operate a title IV-E program

- We recognize the great diversity in Indian Country with 574 federally-recognized tribal nations with sovereign authority to develop their own licensing standards
Focus on Federal Requirements Only

Developed with input from:

100+ Kin Caregivers  
45 Title IV-E Agencies  
Subject Matter Experts

Serve as “recommended standards of national organizations”
Standards for Kinship Caregivers
What the Standards Include

- Standard background checks
- Caregiver suitability assessment
- Safety and needs assessment

That’s it!
What the Standards Don’t Include

- Tuberculosis tests
- Medical exams
- Financial reviews
- Pet registrations
- and other barriers - like not enough rooms or misdemeanor criminal charges from 20 years ago - that have kept children in foster care from living with people who love them
What Else is Included

- Implementation guidance
  - **Offer solutions** for all identified issues
  - **Provide material goods and support** to the best of the agency’s ability
  - **Exercise flexibility and make accommodations** based on child’s needs
  - **Communicate with transparency** by providing context about the importance of requirement(s) during the assessment and if possible, share the checklist ahead of visit

- Example template forms for optional agency use, to make it as simple as possible to adopt the standards
Benefits to Children, Families, & Agencies
Benefits of Implementing Kin-Specific Standards

• An increase in kin placements
• Greater and equitable support for children, including the disproportionate numbers of children who are Black, Indigenous, and/or in living underserved rural areas
• Significantly expedited timeframe for receiving title IV-E reimbursement for FCMPs to kin caregivers
• An increase in title IV-E reimbursement for the 29+ agencies that currently use their own funds to pay full or partial foster care maintenance payments to kin
• Increase in the use of, and a faster path to, title IV-E guardianship assistance, because the six-month clock can now begin far sooner
• Reduced administrative burden for families and employees
Additional Benefits of Implementing Kin-Specific Standards

- Ability to redirect employees to other priorities, because no longer need to follow burdensome administrative processes to approve kin
- A streamlined ICPC process between two agencies that both adopt these same standards
- Cost savings from reduced administrative burden ($5-10k per family)
- Reduced administrative overhead related to placement moves, because well-supported kin are associated with fewer placement disruptions
- Implementation of this process could lead to further examination of unnecessary/unintended barriers for licensing of non-kin too through NARA Model Standards
Next Steps
Pilot Work

- Six title IV-E agencies are piloting the standards
- **Sign up** to get updates on the standards and pilot work
- Feedback will inform any revisions
Process & Policy Improvements

- Fingerprinting - LiveScan machines, UPS stores to take fingerprints, train staff to review results
- Out-of-state checks
  - Do not require a notarized or witnessed signature
  - Do not charge a fee
  - Accept and prioritize electronic inquiries
  - Use a general inbox, not a specific person’s address or email
  - Send results to the requestor, not the caregiver or the overarching agency

- Work on inclusive definition of relative/kin:
  “Individuals related to a child by blood, marriage, tribal custom and/or adoption and other individuals who have an emotionally significant relationship with the child or the child’s parents or other family members.”
Other Steps To Take Now

- Read the standards
- Provide comments
- Reach out for assistance
Additional National Resources
See [www.grandfamilies.org/Resources/Foster-Care-Licensing/Kin-Specific-Foster-Care-Licensing](http://www.grandfamilies.org/Resources/Foster-Care-Licensing/Kin-Specific-Foster-Care-Licensing)
About the Rule
On September 28, 2023, the U.S. Administration for Children and Families (ACF) published a rule granting Title IV-E eligibility for kinship families. This optional rule allows states to consider kinship families for Title IV-E participation, thereby increasing the number of children safely cared for by people who know and love them. This rule also provides the way for providing children with the same level of financial assistance when living with relatives and kin caregivers as they would receive when placed in mandated foster homes.

This optional rule would allow states and tribes to streamline their licensing or approval foster home processes for kin thereby increasing the number of children safely cared for by people who know and love them.

The final rule, for the first time, explicitly allows child welfare agencies to adopt kin-specific licensing or approval standards for kinship foster family homes to address longstanding inequity faced by relatives and kin caregivers and the children they care for in foster care.

Key Provisions
Specifically, the ACF rule:
- Revises the definition of “foster family home” for the purpose of Title IV-E eligibility;
- Allows agencies to provide Title IV-E foster care maintenance payments (FCMP) on behalf of an otherwise eligible child who is placed with a relative or kinship caregiver licensed or approved under different standards specifically developed for relative or kinship foster family homes;
- Encourages Title IV-E agencies to develop kin-specific licensing or approval standards that are limited to federal requirements only such as the safety requirements in sections 411(a)(10)(A) and (a)(20) of the Social Security Act, and not additional standards; and
- Requires Title IV-E agencies to ensure that they provide all licensed or approved relative or kinship foster family homes with the same amount of FCMP that would have been made if the child was placed in a non-related/non-kinship foster family home.

Background
Before the new rule, federal regulations required Title IV-E agencies to use the same licensing standards for both kin and non-kin caregivers, disregarding the unique needs of kinship homes. This has resulted in kin caregivers either being denied the ability to care for children or requiring them to care for these children without the same support given to non-related foster parents.

This rule was based on years of research showing that children placed with kin have better behavioral and mental health outcomes, increased stability, a better sense of belonging, higher rates of permanency, and greater school success.

Benefits
In addition to the clear benefit to children and families, taking the option to implement kin-specific licensing standards could have the following benefits for states and tribes:

- Reduced administrative costs: Title IV-E agencies spend substantial resources helping kin caregivers navigate existing processes (states we interviewed estimated $5-10K per placement). With kin-specific licensing standards, this process would be streamlined and resources could be redirected toward other priorities.
Children in care do better when they’re placed with family members or other adults they know and trust. But identifying and connecting with extended family members can be a challenge for foster care programs.

Children can’t have too many adults who care about them. A strong support system of adults supports young people’s resiliency and long-term health and well-being. Yet, most youth enter foster care with more connections than they leave with.
Stay Connected & Access Support

Sign up for our monthly newsletter, which will provide you with updates on new Network resources.
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.