

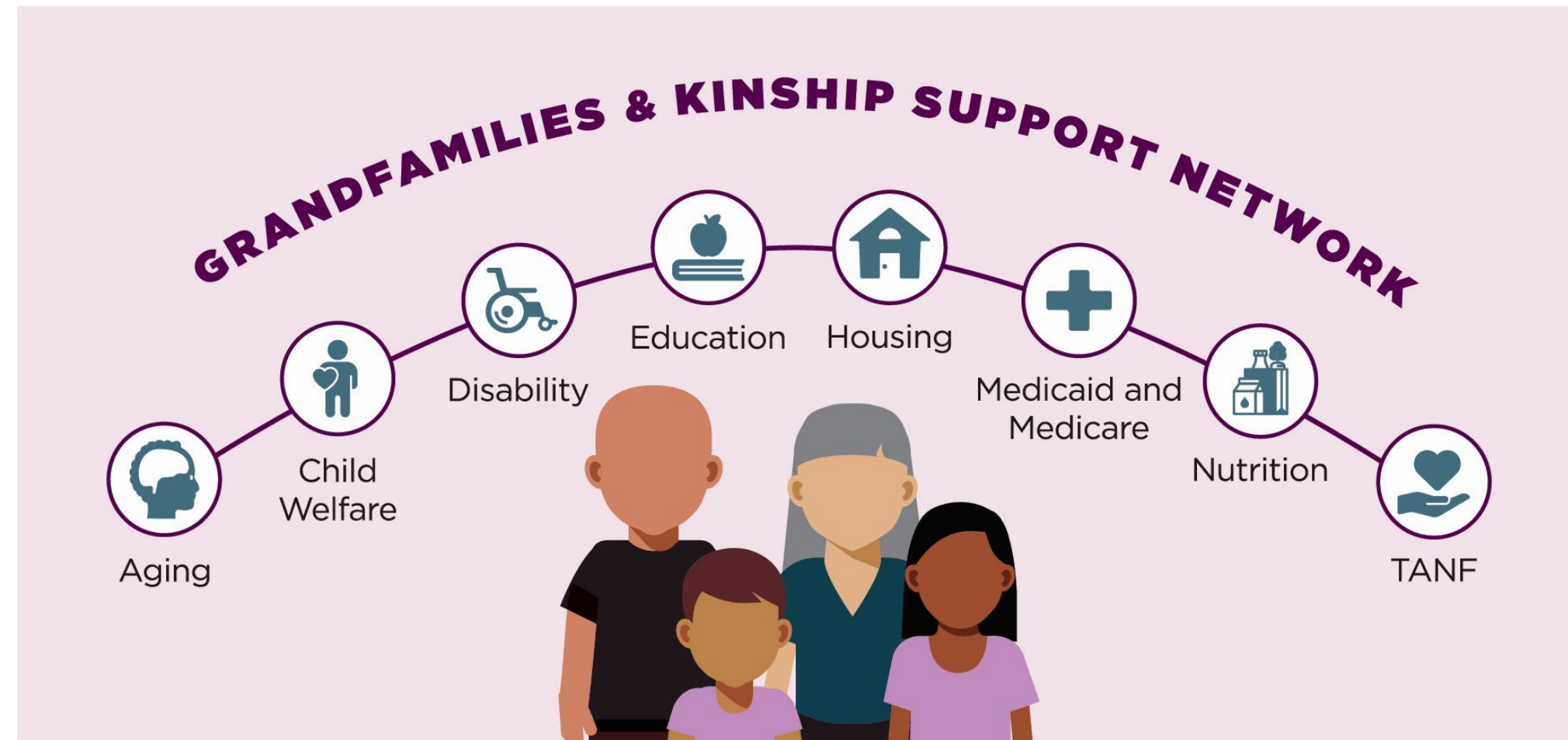
# WELCOME

## **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



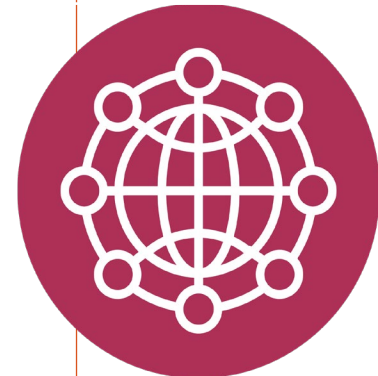
## Learning Collaboratives and Information Dissemination

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.GKSNetwork.org](http://www.GKSNetwork.org).

# Agenda

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

# Final Rule

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# Final Rule

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- 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

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- Standards that bar many kin from becoming licensed or approved are **not federal**
- Title IV-E agencies continue to have the power to omit nonsensical 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

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- **Encourages** title IV-E agencies to establish kin-specific standards limited to long-standing federal law that requires title IV-E agencies to:
  - Conduct criminal and child abuse background checks under the federal Adam Walsh Child Protection and Safety Act. [42 U.S.C. § 671\(a\)\(20\)](#).
  - 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

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# National Nonprofit Partners

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- 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

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- 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

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

**That's it!**

# What the Standards Don't Include

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- 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

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- 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

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- 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

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- 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

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- 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

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- 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

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- Read the [standards](#)
- Provide [comments](#)
- Reach out for [assistance](#)



# Additional National Resources





# KIN-SPECIFIC FOSTER CARE LICENSING

Resources / Foster Care

Kin-Specific Foster Care Licensing

General Licensing Resources

National & NARA Model Licensing Standards Resources

General Foster Care Resources



## Draft Kin-Specific Foster Home Approval Standards

Heidi Epstein / Tuesday, October 10, 2023 0 1

Review these draft Kin-Specific Foster Home Approval Standards: Recommended Standards of National Organizations Version 1.0.

READ MORE



## ACF Information Memorandum- Final Rule on Separate Licensing Standards for Relative or Kinship Foster Family Homes

Steven Jessen-Howard / Tuesday, October 10, 2023 0 0

Information memorandum summarizing the final rule released on 9/28/23 that allows states to adopt separate licensing

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)

## New Rule to Provide Title IV-E Agencies the Opportunity to Streamline Foster Home Approval and Provide Equal Support for Kin

ABA Center on Children and the Law

October 2023

### About the Rule

On September 28, 2023, the U.S. Administration for Children and Families (ACF) published a [rule](#) granting title IV-E agencies flexibility to respect the unique circumstances of kin caregivers. 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. This rule also paves 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 nonrelated foster 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 471(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 this 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 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 a longstanding inequity faced by relatives and kin caregivers and the children they care for in foster care.

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.

### 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;
- ▶ **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.



← Resources

GENERAL RESOURCE

## New Federal Rule Supports Kinship Families in Foster Care

Download This Resource

On September 28, 2023, the U.S. Administration for Children and Families (ACF) issued a [final rule](#) that explicitly gives all Title IV-E child welfare agencies the option to use kin-specific foster care licensing or approval standards and encourages them to limit those standards to federal safety requirements. This change will allow more children to be cared for by those they know and love and be financially supported like children with non-kin foster parents.



< Resources

TIP SHEET

## Kin-Finding Toolkit

Download This Resource

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.





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