

Transforming Foster Care: What the September 2023 Rule Means

An important federal rule for title IV-E child welfare agencies around the country has changed to support kinship families in the foster care system. Here we've outlined some of the most fundamental questions and answers about the change.

1. What's changed?

A [September 2023 rule](#) from the U.S. Administration for Children and Families (ACF) allows agencies to implement foster family home licensing or approval standards tailored to relatives and kin. Implementing this option will allow more children to be cared for by those they know and love and be financially supported in the same way as children with traditional, non-kin foster parents.

2. Why was this change needed?

We know that children placed with kin caregivers [do better](#) than those placed with strangers. However, thousands of children in foster care with kin do not receive the same monthly foster care maintenance payments as other children in foster care. These payments are tied to licensing standards and processes that were designed for traditional foster parents who, unlike kin, get licensed well before children are placed with them. By allowing tailored licensing or approval standards for kin, the rule promotes equity for all children in family foster homes and will facilitate the placement of children with loving and supported kin rather than in group homes or institutions.

3. Who is considered kin?

ACF continues to give agencies discretion in defining relatives and/or kin. Most agencies have expansive definitions that include adults who are close to the family, even if they are not legal or blood relatives. The Grandfamilies & Kinship Support Network also uses an expansive definition.

4. Does the rule specify requirements for kin standards?

The rule encourages agencies to limit their standards to long-standing federal requirements. The [information memorandum](#) from ACF goes so far as to encourage agencies to “strongly consider” limiting their standards.

5. What are the federal requirements?

Long-standing federal law basically only requires that agencies (1) conduct safety checks to ensure that foster parents have not been convicted of certain violent felonies and (2) align their licensing or approval standards “reasonably in accord with recommended standards of national organizations.”

6. Are there standards for kin recommended by national organizations?

Yes, a coalition of national nonprofit organizations, including the Network, worked with over 100 kin caregivers to develop [Kin-Specific Approval Standards](#). Agencies in need of assistance on this issue

can reach out to the Network using this [short form](#), and our technical assistance team will respond promptly to provide support.

7. How do the new Kin-Specific Approval Standards differ from the NARA Standards?

The [NARA Standards](#) were developed at a time when federal policy did not allow for kin-specific standards. The NARA Standards remain a key resource to consult for non-kin licensing standards.

8. What steps do agencies need to take to implement the option for kin-specific licensing standards?

The steps will vary. In some states, the legislature may need to be involved. All states, territories, and tribes operating title IV-E agencies that want to implement the final rule must amend their title IV-E Plan as instructed [here](#).

9. Does the rule require anything from agencies?

Yes, each agency must review their foster care maintenance payments to ensure that licensed or approved kin foster family homes receive the same foster care maintenance payments as non-kin foster homes. Each title IV-E agency **must** submit an [amendment](#) to the title IV-E plan implementing such procedures by February 8, 2024.

10. How can we address other barriers to children in foster care being placed and supported with kin?

Child welfare agencies can be proactive in adopting “[kin first](#)” policies and practices, including [kin-finding](#). To take steps towards creating a kin-first agency, consult this [kinship assessment tool](#).

For a more detailed explanation of the rule change, see [this resource](#).

The Grandfamilies & Kinship Support Network: A National Technical Assistance Center (Network) helps government agencies and nonprofits in states, tribes, and territories work across jurisdictional and systemic boundaries to improve supports and services for families in which grandparents, other relatives, or close family friends are raising children whose parents are unable to do so. For more information, please visit www.GKSNetwork.org.

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.

© Generations United, 2023

The Network is a project of
Generations United.

**generations
United**

Because we're stronger together®