

# Kinship Care and the Child Welfare System

Sometimes grandparents, other relatives, or family friends care for children when their parents are unable to care for them. This arrangement, known as kinship care, can occur with or without the involvement of a child welfare agency, depending on the situation. This factsheet is designed to help kin caregivers—including grandparents, aunts and uncles, siblings, and other relatives as well as family friends caring for children—work effectively with the child welfare system. It also includes resources, such as links to more detailed information or places to find support, to help you learn about and navigate the child welfare system.

## WHAT'S INSIDE

Kinship care and the child welfare system

The benefits of placement with relatives or kin

Different types of kinship care

What to expect from the child welfare system

Services and how to access them

Involvement with the courts

Permanent families for children

Conclusion

Additional resources

## KINSHIP CARE AND THE CHILD WELFARE SYSTEM

Child welfare systems vary from State to State, but they generally are coordinated by public agencies, such as departments of social services or departments of family and children's services. Caseworkers at these agencies are required by law to ensure the safety, well-being, and permanent living arrangements of children. Their responsibilities include investigating reports of child abuse and neglect and arranging for services for children and families.

Child welfare agencies strive to keep children in their homes with their families whenever possible by providing services and resources. State and county agencies often work with private child welfare agencies to provide these services and resources. Services might include parent education or therapy, and resources might include help with child care or housing. Caseworkers help parents build [protective factors](#)—such as parental resilience, knowledge of parenting, and social connections—to help ensure the safety of their children while they're living at home.

When children cannot remain safely with their parents, placement with kin is preferred over placement in foster care with nonrelatives. Placement with kin—or kinship care—may provide permanency for children and helps them maintain family connections. The term "kin" encompasses both relatives (those related by blood or marriage) and fictive kin (those who are unrelated but have such a close emotional relationship that they are considered like family to the children).

### Deciding Whether to Become a Kin Caregiver

You might have been asked by a relative to care for their children, or you might have been contacted by a caseworker through a process called [family finding](#), which child welfare agencies use to identify potential family connections. Either way, deciding whether to become a kin caregiver is a big decision. Consider asking yourself the following questions:

- Am I willing and able to care for children that are not my own?
- Am I able to provide a safe living environment for the children?
- Will my physical or mental health negatively impact my ability to care for the children?
- Am I willing to support the children in finding a permanent home, whether that means staying with me, reuniting with their parents, or pursuing another option?
- Am I willing to participate in or encourage activities for the children that contribute to their healthy social and physical development?
- How will becoming a kin caregiver impact the other members of my household or extended family?
- What supports or services might I need to care for the children (and myself)?

The involvement of the child welfare system in kinship care varies from State to State since each State has its own laws and practices. Child welfare agencies might explore kinship care for a variety of reasons, including if a child cannot remain safely at home due to a report of child abuse or neglect, the arrest or incarceration of a parent, the death of the parents, or severe parental illness. Child welfare agencies also may become involved with the family if parents leave children with kin who later contact the child welfare system because they can no longer care for the children.

## THE BENEFITS OF PLACEMENT WITH RELATIVES OR KIN

There are many benefits to placing children in kinship care, including the following:

- **Minimizes trauma.** Many children and youth who live in kinship care arrangements have experienced traumatic events, such as being abused or neglected. Being removed from their homes is often a traumatic experience as well, and children may suffer the loss of their parents, friends, neighborhoods, and schools. When children live with kin, they are often able to maintain connections and familiar supports, which can reduce the trauma of removal and help children heal from past trauma.
- **Preserves background identity.** Having a strong connection to [communities and cultural backgrounds](#) can lead to greater self-esteem, higher education levels, improved coping abilities, and decreased levels of loneliness and depression. Living with kin helps children preserve and strengthen these ties by maintaining connections to things like language, food, holidays, clothing, and more. Historically, informal kinship care (kinship arrangements that do not involve the child welfare system) has been a long-standing tradition of working together to raise and support each other's children in many communities. More information and resources are available on Information Gateway's [Kinship Care webpage](#).
- **Increases placement stability.** Children in kinship care are [less likely](#) to experience as many moves to various foster homes and families as children in traditional foster care.
- **Improves behavioral outcomes.** Children in kinship care display [fewer behavioral problems](#) than those in traditional foster care.
- **Promotes sibling ties.** Kinship care increases the likelihood that siblings will live together or remain connected to one another. Relationships that children have with their brothers and sisters are often the longest lasting relationships of their lives. These relationships can take on even more importance for children removed from their parents. If it isn't possible for a kin caregiver to provide a home for all the siblings in a family, it is especially important that they help siblings stay in touch. These ties can provide some stability and permanency for children.

## DIFFERENT TYPES OF KINSHIP CARE

Kinship care arrangements fall roughly into three categories: (1) informal kinship care, (2) voluntary kinship care, and (3) formal kinship care.<sup>1</sup> There are also other legal relationships that kin caregivers can pursue. It is important for you to understand the various forms of kinship care arrangements and their benefits to help decide which path is the best for you and the child.

### INFORMAL KINSHIP CARE

Informal kinship care refers to arrangements made by parents and other family members without any involvement from a child welfare agency or court. In this type of arrangement, the legal custody of the children remains with the parents, and the parents can legally take back their children at any time. Kin caregivers in these circumstances may have difficulty enrolling the children in school, obtaining health insurance, authorizing medical care, and accessing other benefits because they do not have legal custody of the children. However, most States have power of attorney laws that allow parents to give kin caregivers some temporary decision-making power regarding the children. For situations where the parents cannot be found, many States have [educational and health-care consent or authorization forms](#) that do not require parental signatures. Generally, the only type of financial assistance available to kin caregivers in this type of arrangement is the child-only Temporary Assistance for Needy Families (TANF) benefit. (See the "Services and How to Access Them" section of this publication for more information.)

### Physical vs. Legal Custody

**Physical custody** refers to where children live. If your grandchildren or niece and nephew live with you, you have physical custody of them. You may feed and clothe them, help them with their homework, and take care of them when they are sick.

**Legal custody** refers to the legal right to make decisions about the children, such as where they live. Parents have legal custody of their children unless they voluntarily give that custody to someone else or a court takes this right away and gives it to someone else. For instance, a court may give legal custody to a relative or to a child welfare agency. Whoever has legal custody can enroll the children in school, give permission for medical care, and give other legal consents.

The same person does not necessarily have both physical and legal custody. For instance, as a grandparent, you may have physical custody of your grandchildren because they live with you, but their parents or the State agency may have legal custody.

---

<sup>1</sup> Some organizations are moving away from these terms because they may be offensive or confusing. For example, these terms may indicate that a formal arrangement is more important or stable than an informal arrangement or that formal and informal arrangements are not voluntary. Instead, terms such as "kin caregivers who have a legal relationship" or "kin caregivers who do not have a legal relationship" may be used.

## **VOLUNTARY KINSHIP CARE**

Voluntary kinship care refers to situations in which children live with kin, the child welfare agency is involved, and the State does not take legal custody. In some cases, children have been placed with kin by a court, and in other cases an arrangement is made by the child welfare agency with no court involvement. Parents may agree to voluntary placements of their children with kin in order to prevent the child welfare agency from going to court to pursue involuntary placements.

## **FORMAL KINSHIP CARE**

Formal kinship care most closely mirrors traditional nonrelative foster care. In formal kinship care, children are placed in the legal custody of the State by a judge, and the child welfare agency then places the children with kin. In these situations, the child welfare agency, acting on behalf of the State, has legal custody of the children, and kin have physical custody. The child welfare agency is also responsible for ensuring the children receive health care and attend school. If the court has approved visits with parents or siblings, the child welfare agency is responsible for making sure these visits occur. In formal kinship care, children's kin caregivers are often not fully licensed, certified, or approved under the State's laws and policies. Consequently, these families may not have access to monthly foster care maintenance payments or other supports.

If you are a formal, fully licensed kin caregiver, you are typically eligible for more financial assistance than other types of kin caregivers. When you become licensed, you become eligible for certain State and Federal funding programs, such as the Title IV-E Guardianship Assistance Program (GAP), described in detail in the "Services and How to Access Them" section of this publication. Many States have implemented efforts to fully license more kin caregivers so that more of them qualify for financial assistance, allowing more children and youth to remain connected to their families and communities.

## **OTHER LEGAL RELATIONSHIPS**

Depending on the State, there are many legal relationships that kin caregivers can pursue privately or with the help of an agency. These include, but are not limited to, temporary guardianship, limited guardianship, standby guardianship, permanent guardianship, guardianship by probate court, and de facto custody. Definitions and summaries of each of these relationships are available on the [Care & Custody page](#) on the Grandfamilies.org website.

These legal arrangements allow legal rights related to the children's care, such as the right to make medical decisions, to be transferred from the parents to the relative caregivers in a court. Although laws vary from State to State, the transferring of legal rights often requires an attorney to draw up papers that are presented in court for a judge's approval. Once some form of legal relationship is granted, the kin can often make decisions, such as medical and education decisions, for the welfare of the children.

Guardianship is often a permanency goal that the kin caregivers can work toward, either with parental support or without it, if the agency and courts decide that's what is in the best interest of the child. More information about legal guardianship is in the "Permanent Families for Children" section of this publication.

## WHAT TO EXPECT FROM THE CHILD WELFARE SYSTEM

After children are placed in your home, you may wonder what you can expect in your future interactions with the child welfare system. This will often depend on the nature of the kinship care agreement. Two common situations are addressed in this section: being voluntary kin caregivers and being formal kin caregivers.

### AS VOLUNTARY KIN CAREGIVERS

In States where voluntary kinship care arrangements are accepted and promoted by child welfare, caseworkers are often involved in the following ways:

- **Ensuring safety.** Caseworkers may ensure you and your home meet minimal requirements for the safety of the children. For instance, most States require that caseworkers conduct criminal background checks and child abuse and neglect registry checks on household members.
- **Visiting.** In some States, caseworkers may make periodic visits to ensure children remain in a safe environment. Caseworkers may also provide support to kin caregivers during visits.
- **Offering services.** Some States have services available for children and families in voluntary kinship care. These might include referrals to therapy for children or support groups for family members. (More information is available in the "Services and How to Access Them" section of this publication.)
- **Changing the custody status.** If children remain in the legal custody of their parents, but the parents are not meeting their service plan requirements or are placing children in dangerous situations, caseworkers may help kin caregivers petition the court for temporary legal custody of the children. Caseworkers also may go to court and petition to have the children placed in the legal custody of the State.

Some voluntary kinship cases involve very limited contact with the child welfare agency. Once the caseworker has completed background checks on household members, the caseworker may be satisfied that the children are in a safe environment and may not contact you again. In these situations, if you need help or services, you may need to contact the caseworker or locate community services on your own.



## AS FORMAL KIN CAREGIVERS

Formal kinship care arrangements often have the most involvement with the child welfare system. Like foster care, the State has legal custody of the children in formal kinship care arrangements.

Compared to voluntary kinship placement, caregivers in formal kinship care placements have more structured involvement with the child welfare agency. This may provide the families with more supports and services, but they also may have less flexibility to make independent decisions about the children since the State maintains legal custody. The following are some of the ways the child welfare agency may be involved in formal kinship care:

- **Ensuring safety or licensing standards.** Caseworkers conduct criminal background checks and child abuse registry checks on all adult household members in the kin caregivers' home. In addition, they might consider the home's size and condition, the caregivers' incomes, others who live in the home, and available transportation. While States have the option to waive nonsafety licensing standards, most States require kinship foster homes to meet all requirements for foster home licensure. States usually give kin caregivers some flexibility in the amount of time they have to meet requirements because placement is often unexpected, and some States will waive requirements if they do not affect the children's health or safety. Kin caregivers may be offered foster parent training, which in many States is tailored to kinship foster parents. Caregivers should ask caseworkers about the [pros and cons](#) of becoming a licensed foster parent, including what financial and other supports they can access.
- **Supervision and support.** The caseworker will support family members to help ensure the children are safe and doing well. This includes making telephone calls and periodic visits to the home. The caseworker may also provide referrals for services, such as counseling. In most situations, relative caregivers will take the children to health-care appointments and work with children's schools. In some situations, though, caseworkers have more responsibility for these services.
- **Arranging visits with parents and siblings.** In many situations, the court will mandate parent and sibling visits, and caseworkers will work with parents and kin caregivers to arrange for these visits. In some cases, kin caregivers may be responsible for providing transportation for the children or for supervising the visits in their own home. For more information about how kin caregivers can support family connections, go to Information Gateway's [Promoting Reunification as a Kin Caregiver](#).

## Family Group Decision-Making, Family Group Conferencing, and Family Team Meetings

The child welfare system values family input in decision-making. One of the ways caseworkers can engage families is by hosting group discussions to facilitate [decision-making](#).

These terms are used to describe a meeting or series of meetings arranged by a child welfare agency and attended by family members, friends, teachers, and other adults who are important in the children's life. Sometimes children attend as well, especially older youth. The caseworker generally serves as an organizer and facilitator. Topics discussed at these meetings may include living arrangements for the children, goals for the children, goals for the parents, etc. The meetings may also be used to help build protective factors and social supports for the kinship family.

As a kin caregiver, you should be included in these types of meetings. If the children's caseworker has not arranged these meetings, you may want to ask about them.

- **Service planning.** The child welfare agency will develop a service plan (sometimes called a case plan or permanency plan) for each child involved with the child welfare system. The service plan covers two major issues:
  - **A permanency goal** for each child. This is the goal about where that child will live. In most situations, the permanency goal for a child is to return to a parent (called family reunification). Many States require concurrent planning, which means that the child welfare agency must create a primary plan and a backup plan. Often, the primary plan or goal will be to return the child to a parent (reunification). If this is not possible, the backup plan may be for the kin caregiver to become the child's adoptive parent or legal guardian.
  - **Actions that the parents and child welfare agency need to take** so the children can be allowed to return to their parents or so that another permanency goal can be achieved. For example, the service plan for parents who have substance use disorders may state that the parents must successfully complete treatment.

Kin caregivers should be involved in case planning and should receive copies of the final plan. Caseworkers should review service plans with everyone involved at least every 6 months to measure progress toward goals and decide whether the plan needs to be changed.



## Questions to Ask Your Caseworker About Taking Responsibility for the Children

Becoming a kin caregiver can be overwhelming and confusing. It may be helpful to ask your caseworker the following questions:

- Who has legal custody of the children?
- What rights and responsibilities does legal custody give in this State? Physical custody?
- May I be involved in developing the service plan and receive a copy of the plan?
- Will the children or I have to go to court?
- Who is responsible for enrolling the children in school, obtaining health insurance, granting permission for health care and obtaining it, signing school permission forms, etc.?
- Are there restrictions about contact with the parents or other family members?
- How often can I expect someone from child welfare services to visit my home?
- What are the requirements for me and my home if I want the children to live with me?
- Are the requirements different if the children are with me just temporarily?
- What services are available for me and for the children, and how do I access them?
- Are there restrictions on the discipline I can use (such as spanking) with the children?
- What subsidies or financial assistance is available? What do I need to do to apply?
- How can I become a licensed foster parent and receive a monthly foster care subsidy to help meet the children's needs?
- Will the child welfare agency or social services provide support for child care?
- Will I receive transportation help to take the children to health-care appointments?

## SERVICES AND HOW TO ACCESS THEM

Child welfare agencies often provide services for kin caregivers and the children in their care. They may also refer families to other organizations that provide services. Services and referrals are more likely to be available to children in formal kinship care than those in informal kinship care. When children are in the legal custody of the State, it is the child welfare agency's responsibility to ensure the children receive appropriate assessments and services.

When referring your family for services, your caseworker should ensure the service and the provider are appropriate for your family's cultural background.

## THERAPY AND COUNSELING

Children who have been removed from their parents may benefit from supportive counseling to address a range of issues, including any abuse or neglect they experienced, other trauma, and additional issues or conditions. Early identification and treatment for trauma and other issues can lessen the short- and long-term effects, so it may be beneficial to talk to a counselor early about whether therapy could help. For more information about the signs and treatment of trauma, explore Information Gateway's resources on [trauma-informed practice for parents and caregivers](#). Additional resources can be found on the [National Child Traumatic Stress Network website](#).

Kin caregivers should follow the progress of children's therapy and counseling and may be asked to participate in therapy sessions or use specific parenting strategies with children at home.

## FINANCIAL SUPPORT

Kin caregivers may struggle with the costs of providing for the children in their care. Depending on a number of factors, including age, income, the child's disability status, and the legal status of the caregiving arrangement (i.e., voluntary or foster care), there may be financial supports available. The following are some of the programs that may be available to you:

- **The [Temporary Assistance to Needy Families \(TANF\)](#)** program is designed to provide financial assistance to low-income families while also helping them become self-sufficient. There are two types of grants under TANF for which kin caregivers may be eligible: child-only grants and family grants. However, most States do not allow children cared for by fictive kin or family friends to access TANF child-only or family grants. To see whether fictive kin are included in your State's definition of relative under TANF, review Grandfamilies.org's "[TANF Fictive Kin Chart](#)." In most States, child-only grants are designed to consider the needs and income of only the children. Since most children do not have an income, nearly all children cared for by a relative are eligible for child-only grants. For family TANF grants, the State considers the relative caregiver's income. Since these grants are designed to address the needs of both the children and their caregivers, these are generally larger than child-only grants.
- **[Foster care payments](#)** are often available to caregivers in formal kinship care arrangements if they become fully licensed foster parents. The requirements for receiving these payments vary from State to State.
- **The Title IV-E Guardianship Assistance Program (GAP)** is a Federal program designed to promote permanency for children in foster care. In States that have opted to operate GAP, licensed relative foster parents who become permanent guardians may be eligible to receive ongoing monthly assistance for the children in their care. GAP provides an alternative to adoption for some kinship families who do not want to alter family relationships and allows them to continue receiving financial support similar to what they received as formal kin caregivers. As of June 2021, 40 States, the District of Columbia, Puerto Rico, the Virgin Islands, and 10 Tribes had [approved GAP programs](#). For more information about GAP eligibility, see Information Gateway's [Kinship Guardianship as a Permanency Option](#).

- **SNAP (Supplemental Nutrition Assistance Program)** refers to the Federal Food Stamps program. SNAP is available to families with incomes below a certain level. In this case, the entire household's income is considered, and the relative children can be included in family size for determining benefit amount. To learn more about whether you are eligible and how to apply, visit the [U.S. Food and Nutrition Service website](#).
- **Supplemental Security Income (SSI)** may be available to children or caregivers who are disabled. This is also available to those age 65 and older. Information about SSI benefits is available on the [Social Security Administration website](#).

To see what government benefits you may be eligible to receive, including those unrelated to kinship care, explore USA.gov's [Benefit Finder](#).

## Navigating Changing Family Dynamics

When you become a kin caregiver, you might experience feelings of anger, sadness, loss, guilt, or a range of other emotions. On top of these feelings, you have to adjust to changing family dynamics.

When you become a primary caregiver, it may be difficult to transition from the role of "spoiling grandparent" or "fun older sibling" to the parent figure who establishes household rules and makes decisions. It may also be challenging to have difficult conversations with children explaining why they cannot stay with their parents.

Another relationship shift that can be difficult to navigate is your relationship with the child's birth parents. You become responsible for making daily decisions about the children's lives, which can be uncomfortable for the parents who used to make those decisions. It is important that you and the parents maintain patience with one another and work together in the best interests of the children.

Visit Information Gateway for additional information and resources on [kinship care](#). The Wisconsin Foster Care and Adoption Resource Center also offers a [tip sheet](#) with recommendations for navigating relationships with children, the children's parents, extended family, and your partner.

## Health Insurance

Many children being raised by kin are eligible for health insurance through either Medicaid or the Children's Health Insurance Program (CHIP). Medicaid provides coverage for many health-care expenses for low-income children and adults, including visits to the doctor, checkups, screenings, prescriptions, and hospitalization. State CHIPs cover many of these costs for children who are not

eligible for Medicaid, although each State has different rules for eligibility and coverage. In most cases, only the child's income is used to determine eligibility for Medicaid or CHIP, not the income of the kin caregivers. Your caseworker can help you identify the appropriate agency to contact to apply for health insurance coverage through these programs. Every State permits kin caregivers to apply for Medicaid or CHIP on behalf of the children for whom they are caring. Medicaid and CHIP do not have open enrollment periods, so you can apply any time of the year. Find out more at [HealthCare.gov](https://www.healthcare.gov).

### **Respite Care**

Kin caregivers seeking a temporary break from the full-time care of children may find some relief in respite care. Respite care refers to programs that give caregivers a break by caring for children for short periods of time—either on a regular schedule or when caregivers need to travel, go into the hospital, or otherwise be away for a few days. In some respite programs, respite caregivers come into the home to care for the children, and in other cases, the children attend a camp or program away from the home.

Availability of respite care may be limited and may depend on your needs and the needs of the children in your care. You can ask your child welfare agency for more information about how to access these programs.

### **Support Groups**

Child welfare agencies may be able to connect you to a local support group of other kin caregivers. Listings for support groups are also found in the [National Foster Care and Adoption Directory](https://www.nationalfostercare.org/). Sharing stories with others who have similar experiences can be helpful and can ease the isolation that relative caregivers often experience. You may also find kin caregiver support groups online, including on social media sites.

### **Kinship Navigator Programs**

Kinship navigator programs are available in some areas to help kin caregivers identify and access the services and other help they need to raise children. Navigators can provide information about how to obtain health care, financial support, legal aid, emergency services, and more as well as how to work with the child welfare and court systems. The navigator may also be able to link caregivers with support groups, counseling, and other community services. In some cases, these navigators are peers who have firsthand experience as kin caregivers.

To find out if there is a kinship navigator program in your area, contact your local child welfare agency or visit Information Gateway's list of [State Kinship Care Contacts and Programs](https://www.childwelfare.gov/kinship/).

## **INVOLVEMENT WITH THE COURTS**

Kin caregivers who are part of the foster care system are likely to have some involvement with courts. In most States, this occurs in a family or dependency court. Whenever possible, you should make arrangements to attend court hearings. You may even be asked to testify at them. It is important

to share your view of the situation and to get a full understanding of the court's decisions. It is also important to be there to advocate for the children and support them if they appear before the judge.

More information about involvement with the court system is available in Child Welfare Information Gateway's [Understanding Child Welfare and the Courts](#).

### Questions to Ask Your Caseworker About Court Hearings

Consider asking your caseworker the following questions about court hearings:

- When and where is the hearing?
- What type of hearing is this?
- What will be decided at the hearing?
- Who will be present?
- Who will have a lawyer?
- Do I need a lawyer? If so, who can help me find one?
- Who will represent the child or children? May I speak to that person?
- May I speak at the hearing?
- What is the schedule of future hearings?
- Can the children speak at the hearing? How can I best support them?

## PERMANENT FAMILIES FOR CHILDREN

Permanency is a term used by caseworkers to mean a lasting and nurturing family for a child. Permanency planning for each child involves establishing a goal for permanency, setting tasks required to achieve the goal, and determining the roles and responsibilities of all involved, including the parents, relatives, caseworker, children, and others. Common permanency goals are reunification with the parents, guardianship, and adoption. When establishing a permanency plan, it is important to make sure the children or youth are involved, aware of their options, and given opportunities to express their opinions, as possible and appropriate.

### REUNIFICATION

[Reunifying families](#) is the first choice of child welfare agencies when this option will promote the safety and well-being of the children and provide a permanent family for them. Each State has different laws, but typically, parent reunification can occur when the judge agrees that the parents have met the goals set out in their service plan (e.g., the completion of substance use treatment). The judge decides whether children can safely reunite with their parents based on information from the parents, child welfare professionals, other important adults (such as kin caregivers), and often, the children.

## **GUARDIANSHIP**

Guardianship is another legal option for permanency that may be especially appropriate in kinship care. Federal law encourages States to consider a relative rather than a nonrelative when seeking a guardian for children who cannot return home.

When a relative becomes the child's legal guardian, legal custody is transferred from the State to the relative by a court. In most circumstances, there is no further involvement by the child welfare agency. In guardianship arrangements, parents' parental rights are not terminated. The kin who become the child's guardian obtain legal and physical custody and rights and responsibilities to make decisions about the children, while birth parents often retain some visitation or other rights. Guardianship can be appropriate for families who do not want to alter the family's legal relationships through adoption but need to establish a permanent legal arrangement with the children in order to be able to make education, health-care, and other decisions for the children.

There are some subsidized guardianship programs, such as the Title IV-E Guardianship Assistance Program described in the "Services and How to Access Them" section of this factsheet as well as State-funded programs, which enable guardians to continue to receive payments (subsidies) similar to those they received through formal kinship care as foster parents. This allows children to have permanent family relationships without causing guardians to lose necessary monthly subsidies. In subsidized guardianship, there is some ongoing involvement of the child welfare agency, although it is significantly less than in foster care. For instance, caregivers may be asked to complete annual forms.

### **Relational Permanency**

Obtaining legal permanency is not always a possibility for some children and youth, and some youth may not want to achieve legal permanency. In these cases, kin can still support children by providing relational permanency. Relational permanency is achieved through relationships or connections a young person has with caring, supportive adults in their life, such as relatives, neighbors, or teachers. Permanency implies that the relationship will last and that the adult will continue to provide lifelong support for the youth. This could mean they provide a home for the youth to visit during holidays, serve as a person to talk to and discuss problems with, or act as a cheerleader by celebrating accomplishments and milestones in the young person's life. Establishing and maintaining relational permanency can contribute to better mental health, resilience, educational outcomes, self-esteem, and transitions to adulthood. More information about relational permanency is available in Information Gateway's [\*Promoting Permanency for Older Youth in Out-of-Home Care\*](#).



## ADOPTION

Some kin caregivers choose to adopt the children in their care. Since adoption is often the agency's preferred permanency plan for children not returning to their parents, kin may adopt in order to keep children living with family. Adoption assistance (payments) may be available to kin families who adopt, but they would no longer be eligible for temporary assistance child-only grants.

As with foster care and guardianship, the child welfare agency must ensure the home and prospective adoptive parents meet certain State-mandated standards for safety and well-being. In some States, standards for adoption may be more difficult to achieve than those for foster care. These requirements and standards will apply even for kin who have been caring for the children under a foster care arrangement.

Children can be adopted only after the court has terminated all the legal rights of the parents or the parents have voluntarily surrendered all their parental rights permanently. A court must finalize the adoption. Depending on their age and the State law, courts will often ask the children if they agree to the adoption.

Once the adoption is finalized, the relatives become the legal parents of the children, and there is generally no further involvement by the child welfare agency after that finalization. [Adoption assistance](#), or subsidies for caregivers of an adopted child with "special needs," may be available. (In the child welfare field, "special needs" may refer to conditions or circumstances that may make it more difficult to find an adoptive home for a child without financial assistance, including having a medical condition; being a part of a sibling group who should not be separated; or having a physical, emotional, or mental disability.) The family may also be eligible for postadoption and permanency support services, such as educational services, clinical services, financial or health assistance, and support networks. For more information on postadoption services, go to the [National Center for Enhanced Post-Adoption Support webpage](#).

## Questions to Ask Your Caseworker Regarding Long-Term Arrangements

You may want to ask your caseworker the following questions about long-term arrangements for children:

- What is the current permanency goal for each child? (Siblings may not have the same goal.)
- What are options for the children if they can never return to their parents?
- What are *my* options if the children cannot return to their parents?
- Under what circumstances can I receive a subsidy to help pay for the children's care?
- Will the legal arrangement be affected when the children turn 18?
- How will the child welfare agency continue to be involved with my family?
- How will various permanency options affect services available to the children (e.g., tuition assistance, health insurance, independent living services)?

## CONCLUSION

Kinship care is an excellent option for children and youth who cannot safely remain with their parents. Kin caregivers can sometimes be confused or frustrated working with an unfamiliar child welfare system. Using the information in this factsheet can help kin caregivers understand and work with the child welfare system to provide the best outcomes, including a permanent family, for their relative children.

## ADDITIONAL RESOURCES

### INFORMATION ON THE CHILD WELFARE SYSTEM

- [How the Child Welfare System Works](#) (Child Welfare Information Gateway)  
Also available in [Spanish](#)
- [State, Territory, and Tribal Resources](#) (Child Welfare Information Gateway)

### INFORMATION ON KINSHIP CARE

- [Promoting Reunification as a Kin Caregiver](#) (Child Welfare Information Gateway)
- [State Contacts & Related Organizations](#) (Child Welfare Information Gateway)
- [Kinship Care](#) (Child Welfare Information Gateway)
- [GrandFacts Fact Sheets](#) (available in English and Spanish through [Grandfamilies.org](https://www.grandfamilies.org))
- [Generations United](#)

- [Grandfamilies.org](https://www.grandfamilies.org) (American Bar Association Center on Children and the Law, Generations United)
- [Grandparents Raising Grandchildren](https://www.factsheetseries.org) [factsheet series] (University of Georgia College of Family and Consumer Sciences)

**SUGGESTED CITATION:**

Child Welfare Information Gateway. (2022). *Kinship care and the child welfare system*. U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau. <https://www.childwelfare.gov/resources/kinship-care-and-child-welfare-system/>



U.S. Department of Health and Human Services  
Administration for Children and Families  
Administration on Children, Youth and Families  
Children's Bureau



This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway. This publication is available online at <https://www.childwelfare.gov/resources/kinship-care-and-child-welfare-system/>.