

Beyond Notice: Meaningful Family Engagement

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Agenda

- Overview of Kinship Care
- Laws and Policies Supporting Family Engagement
- Engaging Parents
- Engaging Relatives
- Resources

The Numbers

- 7.8 million children live with relatives with or without parents in the home
 - Of those, 2.5 million have no parents in the home
- Vast majority of children are outside of the foster care system.
 - Only 1 of every 18 children living with relative is in foster care
- 6.2% of children under age 18 in Nebraska live in homes headed by grandparents or other relatives
- *U.S. 2010 Census*

Kinship Care Improves Child Welfare Outcomes

- Relative foster placements tend to be more stable placements
- Reinforces safety, stability, well-being
- Reduces trauma
- Reinforces child's sense of identity
- Helps keep siblings together
- Honors family and cultural ties
- Expands permanency options
- Can reduce racial disproportionality
- **Is Kinship Care Good for Kids?*, Tiffany Conway and Rutledge Q. Hutson, Center for Law and Social Policy, March 2007

General Challenges of Kinship Care

- Generally:
 - Complicated family relationships
 - Balancing training and licensing requirements
 - Lack of resources for children and relative caregivers
 - Corrosive myths – “apple doesn't fall far from the tree”
- For Caregivers:
 - Access to accurate information & fear of “systems”
 - Enrolling children in school and accessing medical care

- Understanding legal options & finding affordable legal services
- For the Court
 - Balancing best interests of the child with family needs
 - Ensuring compliance with complex state and federal laws
 - Lack of access to key case & family information to guide decisions

Fostering Connections to Success and Increasing Adoptions Act of 2008

- Fostering Connections to Success and Increasing Adoptions Act signed into law on October 7, 2008
- Most significant federal reform for abused and neglected children in more than a decade
- Kinship Provisions:
 - Notification of Relatives
 - Kinship Guardianship Assistance
 - Family Connection Grants
 - Licensing Standards for Relatives
 - Sibling Placement

Fostering Connections: Notice Requirement

- **Requires** states to use *due diligence* to identify and notify **all** adult relatives
 - Exception for family and domestic violence
- Notice within **30 days** of removal from parents' custody
- Notice must:
 - Specify the child has been or is being removed from parent's custody
 - Explain options to participate in care and/or placement
 - Describe requirements to become foster parents and outline available services and supports
 - Describe kinship guardianship assistance, if state has chosen this option

Nebraska Notice Laws and Policy

- **Neb.Rev.St. § 43-1311.01 - Child removed from home; notice to noncustodial parent and certain relatives**
- DHHS shall identify, locate, and provide written notification of the removal of the child within 30 days after removal to:
 - any noncustodial parent, all grandparents, adult siblings, adult aunts, adult uncles, adult cousins, and adult relatives suggested by the child or the child's parents,
 - except when that relative's history of family or domestic violence makes notification inappropriate
- The department shall ask the child in an age-appropriate manner about relatives important to the child
- The department shall provide to the court, within 30 calendar days after removal, the names and relationship to the child of all relatives contacted, the method of contact, and the responses received from the relatives.
- Notice will include:
 - The child has been removed from the parents;
 - An explanation of options the relative has under federal, state, and local law to care for the child, including any options that may be lost by failing to respond to the notice;
 - A description of the requirements for the relative to serve as a foster care provider or other type of care provider and the additional services, training, and other support available; and
 - Information concerning the option to apply for guardianship assistance payments.
- **Division of Children and Family Services Administrative Memo #7-2010 - Fostering Connections Act of 2008**

- Within 30 days of the child's removal DDHS must exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives
 - At a minimum, efforts must be made to notify all maternal and paternal grandparents, adult siblings, aunts and uncles, cousins, and other adult relatives suggested by the parents, subject to family violence exceptions.
- "Diligent Efforts" include, at a minimum, asking the parent or guardian and the child, when appropriate, for information; following up on "leads" provided by collateral contacts or family members; and, if a parent's whereabouts are unknown, making a referral to the Federal Parent Locator Service.
- The notification must be done in writing whenever possible, and sent by certified mail, return receipt requested.
- **Program Memo: Title 390, Protection and Safety # 1 – 2005 - Diligent Efforts to Locate and Assess Non-custodial Parent and Relatives**
 - Diligent efforts required to locate and engage relatives
 - Determine if the relative is a potential placement resource or knows of a potential resource
 - Can the relative provide a supportive relationship for the child or family
 - Does the relative have family health history that will be needed if child is adopted or exits to guardianship

Nebraska Definition of Relative

- **Program Memo: Title 390, Protection and Safety # 1 – 2005 - Diligent Efforts to Locate and Assess Non-custodial Parent and Relatives**
 - Relative: the family is to be consulted about persons they would consider to be relatives. In some situations, the family might include persons who are not related by blood or marriage. At a minimum, efforts must be made to notify all maternal and paternal grandparents, adult siblings, aunts and uncles, cousins. When the child is Native American, the tribe's definition of "relative" must be followed.

Fostering Connections: Kinship Guardianship Assistance (Kin GAP)

- State option to use Title IV-E assistance for children who leave foster care for legal guardianship with a relative
- States must pay non-recurring costs of legal guardianship (e.g., legal fees) up to \$2,000
- Children are eligible for Medicaid
- Children not required to have "special needs"
- Payments available until child turns 18 (sometimes 21)
- Kinship guardianship agreement remains in effect even if the guardian moves to another state
- If child is eligible for federal adoption assistance when placed with guardian, child continues to be eligible if guardian wants to adopt the child later

Kin GAP: Eligible Children

- Must be eligible for Title IV-E foster care for 6 consecutive months while living with licensed "relative"
- Must demonstrate a strong attachment to the prospective relative guardian
- State agency must determine that return home and adoption are not appropriate permanency options
- If age 14 and older, must be consulted about kinship guardianship arrangement before it is finalized
- Include siblings of eligible children and those children already receiving guardianship assistance under federal waiver as of September 30, 2008

Kin GAP: State Requirements

- States who opt to provide payments must:

- Amend and submit a revised state Title IV-E plan to the Administration for Children and Families
- Provide state and local dollars required to match federal dollars for the program
- Law does not require but may need to amend/pass new laws
- Negotiate written assistance agreement (similar to adoption assistance agreements) with prospective guardians
- Must specify amount and manner of adjustment of payment

Status of State Guardianship Option

- 30 states have submitted plans to HHS and have been approved: AL, AK, AR, CA, CO, CT, DC, HI, ID, IL, LA, ME, MD, MA, MI, MO, MT, NE, NJ, NY, OK, OR, PA, RI, SD, TN, TX, VT, WA and WI.
- One tribe approved: Pt Gamble S' Klallam Tribe
- 25 states have passed laws adopting this
 - By law, no state legislation is required to implement
 - Some states have pending legislation
- **See:** www.grandfamilies.org to track this legislation

Nebraska Kinship Guardianship Policies and Laws

- Federal GAP and State Subsidized Guardianship
 - **Division of Children and Family Services Administrative Memo #7-2010 and # 5-2011:** A child must be determined ineligible for Federal GAP before determining him or her eligible for a state subsidized guardianship.
- **Neb.Rev.St. § 43-284.02. Ward of the department; appointment of guardian; payments allowed**
 - DHHS may make payments on behalf of a child who has been a ward of the department after the appointment of a guardian
 - Payments shall terminate on or before the child's 19th birthday.
 - The child under guardianship shall be a child for whom the guardianship would not be possible without the financial aid provided under this section.
- **479 NAC Ch. 7, § 001, et.al**
 - The Nebraska DSS subsidized guardianship program provides continued financial assistance to a child after a legal guardian has been appointed and the Department's custody has been terminated.
- **479 NAC Ch. 7, § 002 :** A child is eligible for the subsidized guardianship program if s/he is a ward of DSS and the child:
 - has a documented behavioral, emotional, or mental disability;
 - is a member of a sibling group of 3 or more to be placed together;
 - has a strong attachment to the potential guardian and has lived successfully for a minimum of 6 months with guardian;
 - cannot return home despite all efforts to effect reunification;
 - cannot be adopted and all attempts to terminate parental rights have failed or is not in the child's best interest;
 - is age 12 or older or, if under 12, is part of a sibling group or is attached to the proposed guardian and cannot be freed for adoption; and
 - The prospective guardian and the child can function effectively without Department supervision.
 - A child's eligibility ends upon the child's 19th birthday, when the child becomes emancipated, or when the guardianship order is terminated.
- **390 NAC Ch. 6, § 004: Legal Guardianship**
 - When all efforts to reunify the child with his/her family have been exhausted, and when there is no advantage to the child in pursuing termination of parental rights, legal guardianship may be appropriate to consider as a permanency option

Fostering Connections: Family Connection Grants

- Authorizes \$15 million annually for the Family Connection Grant Program
- Reserves \$5 million for kinship navigator programs
- Competitive federal grants may be used for:
 - Kinship navigator programs
 - Intensive family finding
 - Family group decision-making or other similar conferencing
 - Residential, family-based substance abuse treatment
- Available to states, tribes, large metro areas and non-profits working with children in foster or kinship care
- 24 grants awarded September 2009
- Up to one million dollars per year for up to 3 years
- New HHS grant just announced for next cycle
 - proposals were due 7/16/12

Fostering Connections: Sibling Provisions

- States **must** make *reasonable efforts* to place siblings together in foster, kinship and adoptive homes unless contrary to the safety or well-being of a child
- If siblings not placed together, states **must** document why not and:
 - **Must** make *reasonable efforts* to provide frequent visitation or other on-going contact between siblings,
 - Unless states document that contact would be contrary to the safety or well-being
- HHS encourages periodic assessment of placement & visitation and allows states to define siblings
 - Frequent visitation defined as at least monthly

Nebraska Sibling Laws and Policies

- **Neb.Rev.St. § 43-1301:** Siblings means biological siblings and legal siblings, including, but not limited to, half-siblings and stepsiblings.
- **Neb.Rev.St. § 43-1311.02:** DHHS must use reasonable efforts to place a child with his or her siblings, unless such a placement is contrary to the safety or well-being of any of the siblings.
 - If siblings aren't placed together, DHHS must explain their reasons for making this determination and make reasonable efforts to maintain visitation and ongoing interaction.
 - The state must provide prospective adoptive parents with information about the child's siblings and encourage prospective parents to plan for ongoing contact with the child's siblings.
- **390 NAC Ch. 6, § 004 - Legal Guardianship:**
 - To assure stability and continuity to the child, the worker will assist all parties involved to develop a written plan for visitation with any siblings, parents (if appropriate), and other relatives or important persons in the child's life.
- **Division of Children and Family Services Administrative Memo #7-2010 - Fostering Connections Act of 2008**
 - Requires reasonable efforts to place siblings together, if not possible must make reasonable efforts to facilitate visitation or ongoing contacts.

Fostering Connections: Licensing for Relative Caregivers

- To increase the availability of licensed relative foster homes:
 - Allows states to waive "non-safety"-related licensing standards for relatives on a case-by-case basis (e.g. square footage requirements)
 - States have discretion to establish licensing standards and define which are non-safety

- Report submitted by HHS to Congress on state licensing standards for relatives
- See www.grandfamilies.org for all state waiver laws, policies and report to Congress

Nebraska Approval of Unlicensed Homes

- **390 NAC Ch. 7, § 001, 004** An approval study is completed for relatives or persons known to the child before placement. If an approval study indicates placement is appropriate, children may be placed without the care giver's being licensed to provide foster care.
 - The following will be completed before a placement of a child in a non-emergency:
 - A visit to the home to assure adequate housing;
 - All adult household members will be met and their child care practices reviewed;
 - Adult and Child Central Registry and law enforcement records will be checked for all adults and teens in the home to screen for history of child abuse and neglect or assaultive behavior history; and
 - References will checked from at least three credible, non-relative sources who can provide reliable information as to the person's ability to provide care to the child.

Nebraska Licensing Waivers

- **Neb.Rev.St. § 71-1904:** training requirements for relative foster parents may be waived in whole or in part.
- **Nebraska Health and Human Services Manual, 6-003.34B Waiver of Training Requirements:** Waivers are granted on a case-by-case basis if:
 - the waiver will not compromise the safety of the child,
 - the relative is willing and able to deal with the needs of the child,
 - the relative understands his or her role within the Department and is willing to work within the case plan, and
 - the waiver is in the child's best interests.
 - A waiver of all or part of the training requirement may be approved by the supervisor, or worker with supervisory approval. If a waiver is granted, approval must be done in writing and in a designated format.

Relative Placement Preference

- **42 U.S.C.A. § 671:** Federal preference for placement with a relative.
 - State plan for foster care and adoption assistance requires that the State shall consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant State child protection standards.

Nebraska Relative Placement Preference

- **Neb.Rev.St. § 43-533:** when a child cannot remain with parents, preference given to relatives as a placement resource
- **390 NAC Ch. 7, § 004:** DSS will consider placement of a child based upon the following order:
 - Non-custodial parent;
 - Approved relative;
 - Approved home, known to child;
 - Licensed foster home;
 - Approved home, not known to child;
 - Agency-based foster care; and
 - Group home or child-caring agency.
- **390 NAC Ch. 7, § 004:** For Native American children, placement will be based upon the following order of preference:

- Members of the child's extended family specified by the tribe or approved by the Department; then
- Foster homes licensed, approved or specified by the child's tribe; then
- A Native American foster home licensed by a non-Indian authorized licensing authority; and finally
- A child caring agency, institution, or group home for children approved by an Indian tribe or operated by a Native American organization and with a program suitable to meet the child's needs.

Nebraska Relative Permanency Preference

- **390 NAC Ch. 6, § 004 - Legal Guardianship:** The Department will use the following priorities in selecting a potential guardian:
 - Relative of the child
 - Foster parent or another person with whom the child has an existing relationship.
 - New foster parent who is committed to the guardianship plan.
- **390 NAC Ch. 6, § 002 – Adoption:** When choosing an adoptive family DSS will consider:
 - The child's best interest and needs, including any special needs;
 - Preference of an adult relative instead of a non-related caregiver provided that the relative is appropriate and can meet the child's needs;
 - Siblings will be placed together unless the placement would be detrimental to one or more of them

Successful Engagement: Develop a Policy Framework

- Develop strong policy framework to support engagement:
 - Improve relative search standards through legislation and agency policies
 - Expand definition of relative to include fictive kin
 - Locate relatives at all stages in the process
 - Courts must provide oversight: ask parents, order relative search, review agency efforts
 - Develop safety guidelines to assess relatives' ability to protect children, use waivers
 - Clear documentation requirements to leave a trail for the future*
 - *Making Relative Search Happen: A Guide to Finding and Involving Relatives at Every Stage of the Child Welfare Process, ChildFocus

Identify and Locate Parents and Relatives Early

- Identify and locate parents and relatives, especially fathers, **as soon as possible** (before removal)
 - Placement and visitation resources
 - Remember to identify paternal relatives
 - Use technology: databases, internet search services
 - Document efforts: use diligent search checklist and develop family centered service plans
 - Examine child's family history
- Engage parents and relative resources
- Explore permanency of placement – fost/adopt homes
 - A good first placement can be the child's only placement
- Avoid the parent or relative that steps forward at TPR

Sources of Information

- Ask the following people for information about parents and relatives:
 - Child
 - Schools
 - Neighbors

- Parents' and children's attorneys
- FGDM can help identify key relatives
- Child Support (FPLS)
- Provider agencies: stay in touch
- Document and repeat efforts regularly (circumstances change)

Why Engage Parents?

- By locating and engaging the parents early in the case:
 - Able to obtain accurate, more comprehensive assessment of family functioning
 - Help predict the chances for reunification – rule in or out
 - Identify prospective placement and supportive resources (kin)
 - Encourage the parents to participate in permanency planning – active participation leads to empowerment of the parent
 - Speed permanency – **document** information in beginning save time in the end

How to Engage Parents

- Focus on the strengths of the family
- Get the parents to “buy in” and **actively** participate in planning for future of child
- Full disclosure – be truthful with family about the plan for the child
- Explain terms, use appropriate language but don't speak down to them
- Always respect parent's opinion about their family, even if they are not meeting our expectations – they may not be clearly demonstrating that they care about the child or regret their actions
- Remember the child's attachment to the parent
- Check personal feelings and punitive attitude toward parent

Why Engage Relatives?

- *“A permanent connection is someone you can talk to, someone you can laugh with, and someone that can help you through a problem. It is someone who tells me, ‘Never be afraid of where you came from and don't be afraid to move forward with your life.’ People come in and out of our lives but a permanent connection is forever.” A former foster youth*
- Family connections are invaluable to the child, they:
 - Decrease trauma of removal and help child to understand the necessity of removal
 - Maintain family relationships and preserve family connections
 - Preserve history and culture of child
 - Provide more placement stability with fewer placement changes, more invested in child
 - Increase parent visitation resulting in a better chance of reunification
- Relatives can help in many ways:
 - Placement resource: informal or formal care
 - Visitation resource
 - Other support: family and child
 - Permanency resource: more likely to achieve a permanent outcome with relative, i.e. adoption, PLC
 - Give youth that age out a permanent connection

Steps for Meaningful Engagement of Relatives

- Identify
- Locate
- Notify/contact
- Engage

- Establish connections: develop and maintain relationship
 - placement,
 - visitation,
 - regular contact

How to Engage Relatives

- Develop and send notice letters and brochures explaining child welfare process
- Follow up with phone calls and/or visits
 - Agency obligation to find and engage relative
- Explain all options for involvement
- Assess the relative: determine extent of desired involvement in child's life and commitment level
- Conduct background check
- Prepare for first in-person visit between youth and relative – consult youth
- Be sensitive to needs and expectations

Nebraska Relative Engagement Policy

- **Case Management for Child Abuse, Neglect and Dependency Guidebook:** Frequency of visitation or contact between the child and other relatives or significant others:
 - Recommendations to the court about contacts and visits should be based on best interest of the child and:
 - Importance of developing or maintaining a relationship between the child and relative or significant other, either for the purposes of emotional support or for purposes of placement of the child
- **390 NAC Ch. 5, § 003:** To promote family self-sufficiency and continuity for families and children, consideration will first be given to assisting the family or child to build a support network with extended family members and friends identified by the family
- **Division of Children and Family Services Administrative Memo #13-2008:** Extended Family Information Form
 - The Children and Family Services Specialist will provide the custodial parent an Extended Family Information Form
 - Parent to list names and contact information for non-custodial parent, relatives, friends or other people who might serve as a support system to the parent and child or may serve as a placement resource
 - The CFS Specialist then conducts a diligent search of all relatives

Family Engagement to Develop Connections for Older Youth

- 49% of youth that aged out of care were homeless at some point over 3 year period
- Permanency defined as a result and also process that includes developing a **permanent connection** with at least one committed adult who provides:
 - A safe, stable and secure parenting relationship
 - Love and unconditional commitment
 - Lifelong support and connections to significant adults and family history
 - Assistance with physical, emotional, social, cognitive and spiritual well-being

Importance of Connections for Older Youth

- Every youth deserves and can have a permanent family through adoption or guardianship
- Older youth need more help developing permanent emotional connections to adults
- Research: connections to relatives can increase sense of self-worth, well-being and facilitate ability to successfully navigate life

- Emotional connections help develop sense of belonging and identity

Steps to Success

- Document all efforts
- Ask parents, children and relatives present about relative involvement in court
- Follow Up – send letters, follow up with phone calls
- Engage the family – motivate them to stay involved in child’s life
- Develop written visitation plans with relatives
- Establish significant relationships before youth ages out

Resources for Family Engagement

- *Making Relative Search Happen: A Guide to Finding and Involving Relatives at Every Stage of the Child Welfare Process*, ChildFocus at: <http://childfocuspartners.com/>
- *Family Engagement: A Web-Based Practice Toolkit*, The National Resource Center for Permanency and Family Connections (NRCRFC) at: <http://www.nrcpfc.org/fewpt/>
- *Family Engagement*, Child Welfare Information Gateway at: http://www.childwelfare.gov/pubs/f_fam_engagement/