

Kin-Specific Foster Home Approval

Recommended Standards of National Organizations



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A Second Chance, Inc.'s mission is to provide a safe, nurturing, environment to children in the care of relatives or close family friends, formally called kinship care. ASCI provides kinship support services in Allegheny County, PA, where it is headquartered, and the city of Philadelphia. As a culturally based tradition within the African American community, kinship care in the child welfare system is the most respectful way to reduce and eventually eliminate disparities in placements linked to race and ethnicity, across the continuum of service. ASCI's unique theory-to-practice model has been recognized nationally by such distinguished organizations as the Urban Institute, Children's Defense Fund, Casey Family Programs and the Annie E. Casey Foundation.



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Generations United is a national nonprofit organization focused on intergenerational policies and programs, which has two major initiatives on behalf of kinship families/grandfamilies. Its National Center on Grandfamilies has been a leading voice for the families for almost thirty years and is guided by GRAND Voices, a national group of kin caregiver advocates from across the country. Among the Center's work, staff conduct federal advocacy and release an annual State of Grandfamilies and Kinship Care Report focused on the array of issues impacting the families. In 2021, leveraging its decades of work on behalf of the families, Generations United built the Grandfamilies & Kinship Support Network (Network), which is the first-ever national technical assistance center for those who serve kinship families. The Network helps government agencies and nonprofit organizations in states, tribes, and territories improve supports and services for kinship/grandfamilies and promotes collaboration across jurisdictional and systemic boundaries, all free of charge. www.gu.org and 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.



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New America's Child Welfare Playbook & Working Group is a coalition of every child welfare agency in the country that comes together to regularly surface and scale promising practices to end adverse placements. We focus on increasing and supporting kin placements, reducing licensing barriers, data-driven foster parent recruitment, and improving the recruitment and retention of homes that best meet the needs of our children.



Think of Us is a research and design lab for the social sector, working to transform child welfare. Led and guided by people who have been directly impacted by this system, we are a trusted partner across the national child welfare field. We work with government agencies, lawmakers, providers, advocates, and foundations to drive novel, scalable solutions at the federal, state, and local levels.

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Background

Purpose Statement

On 9/28/2023 the Administration for Children and Families published a [rule](#) change which, for the first time, allows title IV-E agencies to adopt kin-specific licensing or approval standards for kinship foster family homes. The rule applies to title IV-E agencies, which includes all states and tribes that have approved title IV-E plans or are operating the title IV-E program through a tribal-state agreement. The new rule is not applicable to tribes that do not operate the title IV-E program.

The rule follows the requirements set out by the Social Security Act which specifically requires title IV-E agency’s kin-specific licensing or approval standards to be “reasonably in accord with recommended standards of national organizations.”¹ These kin-specific foster home approval standards meet this requirement, as they were developed and are recommended by the following national organizations: [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 Indian Child Welfare Association](#), [National Association for Regulatory Administration](#), [New America’s Child Welfare Playbook & Working Group](#), and [Think of Us](#).

Please note, while these standards can inform the development of licensing or approval standards for American Indian and Alaska Native children in kinship care, they were not intended to be a substitute for tribally developed standards. For guidance in developing those standards, see the [Development and Implementation of Tribal Foster Care and Relative/Kinship Care Standards: Second Edition](#). The authors recognize the unique needs of American Indian and Alaska Native children and their caregivers and the sovereign right of tribal governments to develop their own licensing or approval standards. State practitioners that work with American

1. 42 USC 671(a)(10)(A) for the establishment or designation of a State authority or authorities that shall be responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for the institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights, and which shall permit use of the reasonable and prudent parenting standard;

Indian and Alaska Native children in state care should inquire about the availability of tribally licensed homes and consult with tribal nations regarding the application of these model standards in state licensing or approval of American Indian and Alaska Native kin caregivers.

Benefits of Kin-Specific Standards

In our work developing these model standards, title IV-E agencies shared the following benefits they have gained or expect to gain from their adoption:

- ▶ Greater and equitable support for all kin caregivers;
- ▶ Significantly expedited timeframe for receiving title IV-E reimbursement for foster care maintenance payments (FCMPs) to kin caregivers;
- ▶ Increase in kin placements;
- ▶ 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,² because the six-month clock can now begin far sooner;
- ▶ Reduced administrative burden for families and agency staff;
- ▶ Ability to redirect employees to other priorities, because they no longer need to follow burdensome administrative processes to approve kin;
- ▶ Streamlined ICPC processes among agencies that adopt these same standards;
- ▶ Cost savings from reduced administrative burden (private agencies we interviewed estimated this at \$5-10k per family);
- ▶ Reduced administrative overhead related to placement moves, because well-supported kin are associated with fewer placement disruptions; and
- ▶ Implementation of this process could lead to further examination of unnecessary/unintended barriers for licensing of non-kin, as well.

2. See Section 8.5B, Question 5 in the Child Welfare Policy Manual, and ACYF-CB-PI-10-01.

Summary of Recommended Kin-Specific Standards

The recommended kin-specific foster home approval process is:

1. **A background check** that meets specific criteria.
2. **A kin caregiver assessment** that has two parts:
 - ▶ **Caregiver discussion questions** focused on the kin caregiver's ability to meet the needs of the child(ren).
 - ▶ **Physical home safety questions** focused on evaluating a safe living space and to assist kin caregivers in meeting the needs of the child(ren).

Consistent with statutory language and ACF's direct recommendation,³ no other requirements steps, such as vaccinations, training, tuberculosis tests, medical exams, or references, are recommended as conditions for the kin-specific approval process. Note that in the final rule, ACF stated that "...in accordance with the statute: (1) anything less than full licensure or approval is insufficient for meeting title IV-E eligibility requirements as the foster family home must be fully licensed or approved as meeting the standards the agency establishes in accordance with the definition of "foster family"..."⁴ Therefore, any requirements such as pre-service training must be completed to allow for federally-reimbursable FCMPs. Agencies are encouraged to provide ongoing support such as training for kin caregivers, but they should not be required as conditions of approval/licensure.

Additionally, this resource contains a crosswalk checklist to assist in identifying areas of necessary reform, implementation recommendations and guidance, and example form templates developed closely with states, tribes, subject matter experts, and kin caregivers, with an emphasis on countering racism, socioeconomic bias, inefficiencies, and other barriers that were identified in prior kinship licensing processes.

Visit this [map](#) to track national progress in adopting these standards. Click on any jurisdiction to see that agency's related policies and regulations.

3. "ACF encourages title IV-E agencies to strongly consider developing standards for relative and kinship foster family homes that meet only the requirements in the Act for: licensing or approval standards established by the licensing authority that are reasonably in accordance with recommended standards of national organizations...and ensuring that the relative or kin fully meets federal requirements for criminal background checks for all foster parents." [ACYF-CB-IM-16-03](#)

4. See page 66705 of [88 FR 66700](#).

Guiding Principles

1. The intent of the kin-specific foster home approval standards is that all steps of this process should be conducted and completed before or on the same day as placement, and should take less than one day to complete.
2. Providing FCMPs for every kin caregiver, starting upon placement, regardless of federal reimbursement, is critical to ensure that the basic needs and well-being of all children in foster care are being met. If an agency has determined that the child is safe to stay in the kinship home, the kin caregiver should immediately be provided adequate support to care for that child.
3. As many background checks and out-of-state child abuse and neglect registry take longer than one day to complete, we encourage title IV-E agencies to begin providing state or tribal-funded foster care maintenance payments (FCMPs) to every kin caregiver starting on day one of placement to support kin caregivers and promote equity with non-related foster homes.
4. Agencies are encouraged to provide ongoing support such as training for kin caregivers, but training should not be required as conditions of approval/licensure.
5. Agencies may choose to conduct, for some or all kin caregivers, future internal steps to support permanency, such as offering voluntary training, or concurrent assessments of multiple kin caregivers to determine which may be best suited to provide long-term permanency for a particular child. However, these potential additional steps should not be requirements for kinship approval nor should they delay immediate placement and support.
6. FCMPs provided to kin to be used as support for the child should never be used as an incentive or punishment for completing paperwork, attending meetings, etc.
7. Approved kin should be eligible for permanency options, such as adoption, tribal customary adoption, or guardianship, if the child is unable to safely return to their parents. Any agency that has additional requirements for kin adoption or guardianship beyond those for kin-specific foster home approval should consider removing those requirements for kin in order to streamline permanency processes and align with approval standards.
8. Kin-specific standards should be written in a manner intended to recognize and preserve the inherent dignity of kin caregivers. As

agencies design and implement kin-specific standards, it is crucial that processes respect and honor kin. Recognize that this process is emotionally stressful to caregivers, and agency staff need to be trauma-informed.

Methodology

We worked closely with kin caregivers, subject matter experts, and over 50 title IV-E agencies to develop these model standards, implementation guidance, and form templates.

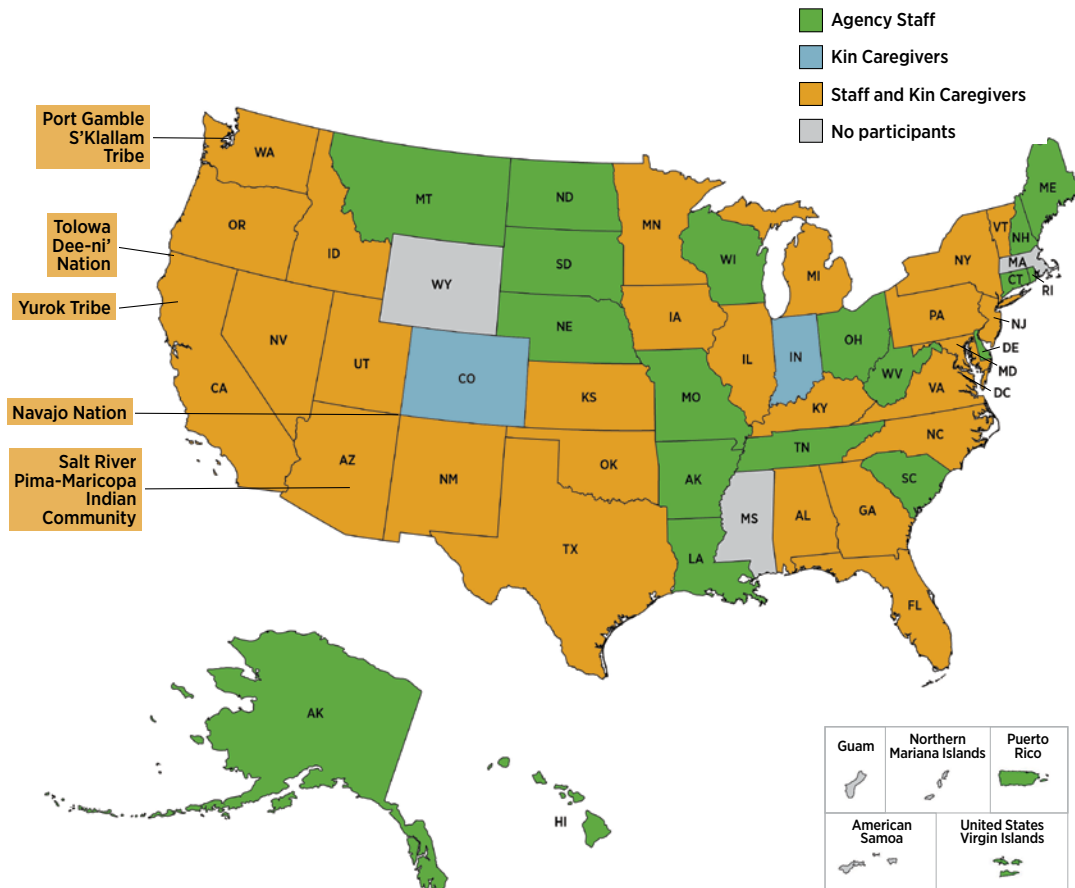
These standards are heavily adapted from and inspired by the [NARA Model Family Foster Home Standards](#), and are co-authored and developed by many of the same leaders in child welfare. We engaged with over 430 participants—child welfare staff and managers, kin caregivers, and subject matter experts in child abuse, fire and rescue, child psychology and development, tribal affairs, legal, gun safety, and pediatrics. We also spoke to organizations representing different traditionally marginalized groups, the aging population, and the LGBTQI+ population. Our research was divided into 3 phases:

- ▶ background checks,
- ▶ physical home safety (previously referred to “safety and needs assessment” or “SANA”), and
- ▶ kin caregiver assessments (previously referred to as “caregiver suitability” and “SANA”).

To understand more about the background check process, we interviewed 45 state and tribal title IV-E agencies during March and April 2023 about their current background check processes. These agencies represent approximately 315,153 children in care during that timeframe; approximately 136,809 of these children were placed with kin.⁵

5. These figures, reported directly by state and tribal title IV-E agencies, are reflective of point-in-time placement statistics and, accordingly, do not match the figures currently published in federal databases.

STATES AND TRIBES ENGAGED DURING RESEARCH AND TESTING



We followed up with research on kin assessment practices to improve child safety and equity with families across the United States. Research on physical home safety (previously known as “safety and needs assessments”) included interviewing 24 state and tribal title IV-E agencies in May and June 2023. A new kin-specific physical home safety form was developed and tested during this research. Between January and June 2024, additional research was conducted on kin caregiver assessments, during which we interviewed 24 states, territories, and tribal title IV-E agencies. We learned how agencies assess the ability of the kin caregiver to care for all physical, emotional, medical, and educational needs of the child. A new kin caregiver assessment was designed and tested that includes caregiver discussion questions to replace the former “caregiver suitability guidance” section, and the former “safety and needs assessment” which is now a section for physical home safety questions.

From August to December 2024, we partnered with Oklahoma Human Services (OHS) to research if Oklahoma’s amended licensure requirements, based on these

kin-specific foster home approval model standards, would have unintended impacts on adoption or guardianship outcomes with kin caregivers. Research confirmed that the kin-specific home study would not negatively impact permanency planning in Oklahoma or judges' decision-making on permanency outcomes.

For this study, we spoke with OHS child welfare staff, tribal child welfare agency staff, judges, Assistant District Attorneys (ADAs), kin caregivers, and parent, child, and adoption attorneys. In Oklahoma, court teams—which include judges, ADAs, and parent or child representation—are largely consistently assigned to one family throughout the life of their case unless the family moves to another county. As judges often follow cases from the start, they said they weren't looking for additional information about kin caregivers by the time they are finalizing an adoption or guardianship.

Across our work, we gave special attention to reach diverse kin populations, especially those who have been historically marginalized or disproportionately denied placement, specifically with regards to American Indian or Alaska Native tribal members, identities (e.g., race and ethnicity, LGBTQI+, non-English speakers), socioeconomic status, and type of home (e.g., apartment, farm).

A Note on Terminology

Some child welfare systems use the terms “approve” or “certify” in place of “license.” Others use these terms interchangeably. These standards use the term “approve” throughout to refer to the kin-specific approval or licensing process. Consistent with the federal rule, kin approved under these standards would qualify for foster care maintenance payments and (if otherwise eligible) the agency qualifies for title IV-E reimbursement. Additionally, this approval starts the 6-month clock for title IV-E Guardianship Assistance Program eligibility.⁶

6. To be eligible for title IV-E kinship guardianship assistance payments, a child must have been: 1) removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child; and 2) eligible for title IV-E foster care maintenance payments during at least a six-consecutive month period during which the child resided in the home of the prospective relative guardian who was licensed or approved as meeting the licensure requirements as a foster family home. While the Act does not require title IV-E foster care maintenance payments to have been paid on behalf of the child during the six-month timeframe, it does require that such a child meet all title IV-E foster care maintenance payment eligibility criteria pursuant to section 472(a), (b) and (c) of the Act and 45 CFR 1356.21 in the home of the fully licensed or approved relative foster parent for a consecutive

Title IV-E agencies may want to strategically name their new kin-specific process. For example, perhaps your agency currently has requirements related to “licensing” that have created barriers for your kin caregivers. In consultation with your legal team, your new kin-specific process “approval” may allow more flexibility and help avoid these barriers .

We use the term “kin” in place of “relative” throughout, except in instances where we refer to legal definitions that are tied directly to the term “relative.” As noted below, title IV-E agencies can develop their own definition of kin foster parent for purposes of who qualifies for the kin-specific foster home approval process.

Kin-Specific Model Approval Standards

The kin-specific model approval standards consist of the following:

1. A background check that meets specific criteria:
 - ▶ **For each kin caregiver seeking approval:**
 - ▶ Conduct a fingerprint-based background check (immediately, if possible)⁷
 - ▶ Check the state or tribe’s child abuse and neglect registry
 - ▶ Check the child abuse and neglect registry of any other state where an adult lived in the last 5 years, if applicable
 - ▶ Conduct a name-based state/local/tribal criminal background check
 - ▶ Check the sex offender registry⁸
 - ▶ **For each adult living in the kin caregiver home:**
 - ▶ Check the state or tribe’s child abuse and neglect registry
 - ▶ Check the child abuse and neglect registry of any other state where an adult lived in the last 5 years, if applicable
 - ▶ Conduct a name-based state/local/tribal criminal background check
 - ▶ Check the sex offender registry⁹
 - ▶ *If you are a tribe*, conduct a fingerprint-based background check (immediately, if possible)¹⁰

7. This is only required for kin caregivers, not other adults in the home, under federal regulation for kin-specific foster home approval, but we include it as a recommended step because having a policy to fingerprint any adult in the home is required by CAPTA [42 U.S.C. 5106a(b)(2)(B)(xxii), see also [Question 3 in Section 2.1J](#) of the Child Welfare Policy Manual]. We recommend they be *initiated* right away in all cases, but the agency can claim title IV-E reimbursement upon receiving results for the kin caregivers and does not need to delay claiming title IV-E reimbursement if there are fingerprint-related delays with any other adult in the home.

8. This is not required under federal regulation for kin-specific foster home approval. We include it as a recommended step because it is currently a universal practice in title IV-E agencies.

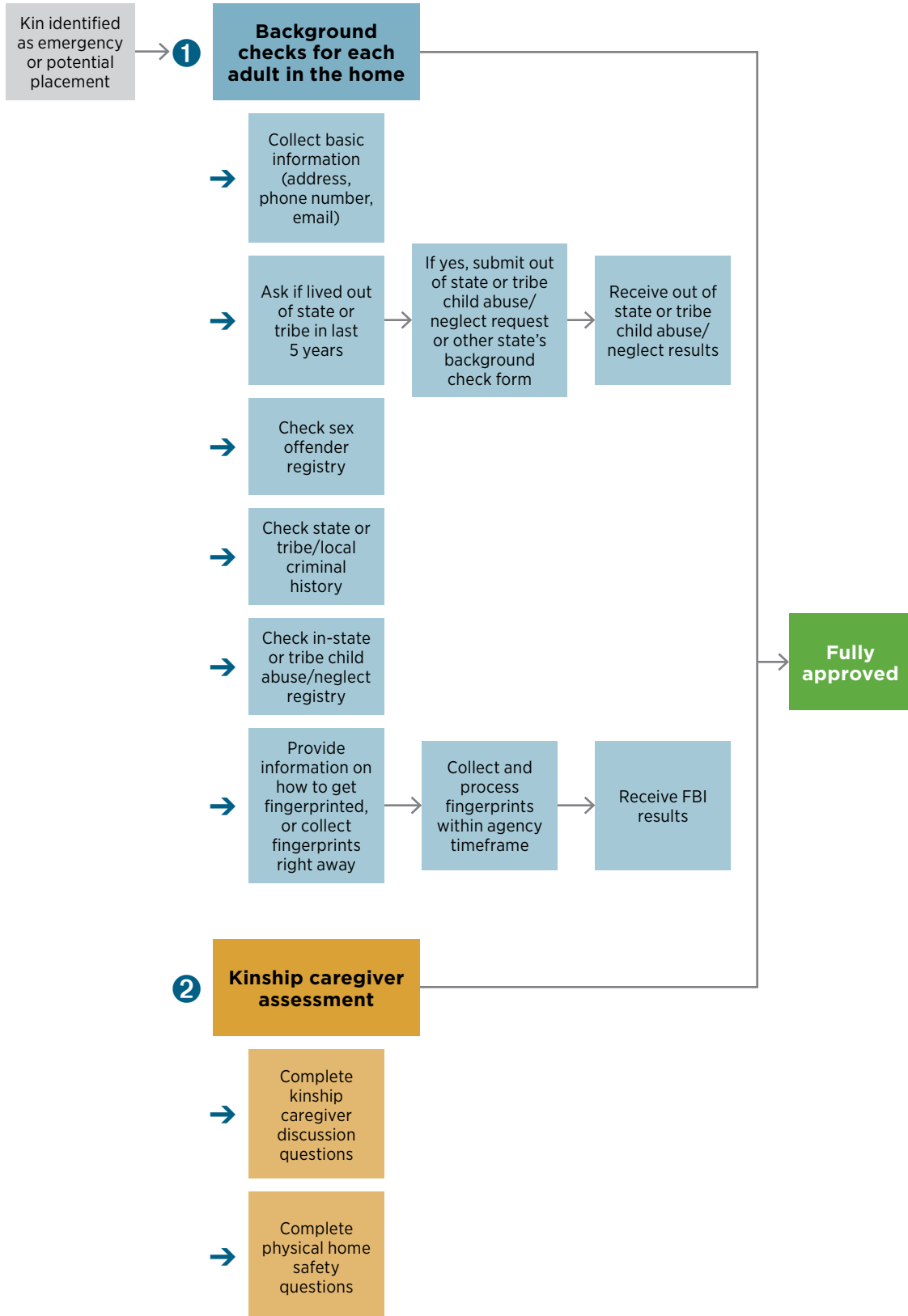
9. This is not required under federal regulation for kin-specific foster home approval. We include it as a recommended step because it is currently a universal practice in title IV-E agencies.

10. Tribes that license/approve foster homes must conduct fingerprint-based background checks of everyone who resides in the home per the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. § 3207).

- ▶ **A kin caregiver cannot be approved if the above checks show any of the following:**
 - ▶ Felony **conviction** for child abuse or neglect;
 - ▶ Felony **conviction** for spousal abuse;
 - ▶ Felony **conviction** for a crime against children (including child pornography); or
 - ▶ Felony **conviction** involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.
 - ▶ **A kin caregiver cannot be approved if above checks show any of the following in the last 5 years:**
 - ▶ Felony **conviction** for physical assault;
 - ▶ Felony **conviction** for battery; or
 - ▶ Felony **conviction** for a drug-related offense.
2. A kin caregiver assessment that includes:
- ▶ **Kin caregiver discussion questions that assess the ability of the kin caregiver to care for all physical, emotional, medical, and educational needs of the child(ren).**
 - ▶ Keep in mind that the needs of the child(ren) and caregiver will change throughout the case and support should be provided to ensure the continued success of the placement.
 - ▶ **Physical home safety questions that are focused on evaluating the living space and identifying concrete goods or safety modifications for the agency to provide or to assist the kin in meeting the needs of the child(ren). This does not have to include all of the same requirements included in the safety assessment required for licensing non-kin foster homes.**
 - ▶ For example, if a kin caregiver is taking placement of an infant and does not have a car seat, the agency should assist the caregiver in obtaining, or directly provide, a car seat.
 - ▶ If a kin caregiver does not have a smoke detector or carbon monoxide detector, the agency should assist the caregiver in obtaining, or directly provide the device. Kin should not be disqualified for not having appropriate safety equipment in their home prior to placement.

The process map on the following page illustrates the recommended approval process.

KIN-SPECIFIC APPROVAL PROCESS MAP



Implementation Guidance

Laying the Foundation for Effective Implementation

Defining “Relative Foster Parent”

Title IV-E agencies have discretion to define “relative” and “kin” for purposes of determining who qualifies for the kin-specific foster home approval process. The Children’s Bureau encourages agencies to define relative and kin in a way that is inclusive of tribal custom and to adopt a broad definition of relative and kin for purposes of licensing and approval standards.¹¹

Please note, an agency’s dedicated definition of “relative” for purposes of kin-specific foster home approval does not need to match definitions of “relative” used for other child welfare purposes, such as relative identification and notification. The definition also does not need to mirror definitions used by other agencies outside of child welfare.

For kin-specific foster home approval, we recommend this broad definition:

“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 (often referred to as ‘fictive kin’).”

This recommendation is for states. We recognize the great diversity in Indian Country and recognize the sovereign authority of tribal nations to develop their own definitions of “relative.”

For purposes of kin-specific foster home approval, the definition of “relative” or “kin” need only be included in a title IV-E agency’s State Plan. There is no federal requirement that this definition must be in statute. Many states, such as Indiana, define “relative” only in policy. Modifying your definition of “relative” or “kin”

11. See [Question 8](#) in [Section 8.3A.11](#) of the Child Welfare Policy Manual.

may require a change in statute, regulation, administrative code, or policy, depending on your state's current structure.

Relationships should not be restricted by degree of consanguinity (such as third-degree relatives). As in the recommended definition above, “fictive kin”¹² would qualify for the kin-specific foster home approval process, although the descriptor “fictive” has largely fallen out of favor. This encompasses anyone with “an emotionally significant relationship with the child or the child’s parents or other family members” to include situations shared with us by families, such as the parents of one child’s best friend being willing to also care for that child’s siblings, whom they have never met. The recommended definition also includes relatives of a parent whose rights have been terminated.

Non-custodial parents should also count as kin, as in this example from Arkansas:

When considering placement options for a child in foster care, relative includes non-custodial parents as parents are presumed to be the most appropriate caregiver for a child unless evidence to the contrary is presented. When a child enters foster care, the Department will immediately evaluate the appropriateness of non-custodial parents for trial home placement of their child.

While all kin should be *eligible* for the kin-specific foster home approval process, a title IV-E agency may prioritize certain categories of kin over others when it comes to selecting a placement (e.g., a grandparent over a teacher) and the suitability of each potential caregiver should be evaluated on a case-by-case basis.

Finding Kin

We encourage title IV-E agencies to expand their kin-finding capabilities alongside adoption of kin-specific approval processes. A robust kin-finding practice is critical to ensuring as many children as possible can live with people who know and love them. States like Pennsylvania have codified the importance and prioritization of kin-finding in [state law](#).

Consult the Grandfamilies & Kinship Support Network: A National Technical Assistance Center [Toolkit on Kin-Finding](#) for ideas and technical assistance for improving your kin-finding effectiveness.

12. American Legislative Exchange Council. The Kinship Care and Fictive Kin Reform Act, 2017.

Providing Kin Resource Guides

Providing new kin caregivers with resource guides at placement helps explain the process and their options, thereby supporting kin and assisting them in making informed decisions about their family. Additionally, written materials can better prepare kin for future planning, including conversations with a caseworker. For examples of resource guides visit the [Grandfamilies & Kinship Support Network](#) and [Grandfamilies.org](#).

Making Payments to Kin Caregivers

Per federal law,¹³ payments to approved kin caregivers must be the same as payments to non-kin licensed foster homes.

Foster care maintenance payments should be provided for every kin caregiver, starting upon placement, regardless of federal reimbursement, to ensure that the basic needs and well-being of all children in foster care are being met. If an agency has determined that the child is safe to stay in the kinship home, the kin caregiver should immediately be provided adequate support to care for that child. Foster care maintenance payments provided to kin to be used as support for the child should never be used as an incentive or punishment.

Under these model standards, it is our hope that all kin caregivers caring for a child in the custody of a title IV-E agency receive full foster care maintenance payments. While title IV-E agencies must receive the results of fingerprint background checks and out-of-state child abuse and neglect registry checks prior to claiming title IV-E FCMPs, we urge states to provide full FCMP beginning on day one of placement using other funding sources. Kin caregivers often take placement of multiple children with only hours (or less) of notice. They may need financial support for food, clothing, safety supplies (such as a crib or car seat), and other basic items *right away*. When possible, provide kin caregivers with cash and in-kind resources at the time of placement, to help sustain them until they receive their first foster care maintenance payment.

We also recommend measuring time to payment (e.g., How long do kin caregivers have to wait to receive their first FCMP?) and investigating ways to speed up this process or to offset the payment schedule with a one-time upfront payment.

13. 45 CFR § 1356.21 (m)

Finally, kin caregivers should never be expected to pay back foster care maintenance payments. Foster care maintenance payments are considered reimbursement, not income, and are therefore not subject to income tax or debt collection.

Assisting Families

Title IV-E agencies should proactively assist families in completing the steps required for approval. Assistance may include:

- ▶ Completing forms together with the kin or for the kin;
- ▶ Obtaining court records or dispositions;
- ▶ Accessing translation services;
- ▶ Providing support by identifying options for fingerprinting, including assistance scheduling appointments that are accessible and convenient for the caregiver;
- ▶ Improving fingerprinting processes, including:
 - ▶ Making a plan to get fingerprinted in a timely manner that works with the caregiver's schedule and resources;
 - ▶ Providing transportation and/or childcare for a fingerprinting appointment;
 - ▶ Contracting with community-based fingerprinting locations that offer evening and weekend appointments;
 - ▶ Using portable methods to collect fingerprints in the home; and
 - ▶ Providing fingerprinting options at the office when kin are already attending a meeting;
- ▶ Helping with home maintenance to resolve critical safety issues; and
- ▶ Purchasing required safety and/or comfort items such as a car seat, fire extinguisher, or mattress.

Many states, including New Jersey and Washington State, leverage their Kinship Caregiver Engagement Units or Kinship Navigators to provide this assistance.

Providing Additional Support for Kin Caregivers

These model standards emphasize that the approval process for kin should be limited to only the kin caregiver assessment and outlined background checks required by federal law for title IV-E reimbursement, with the expectation that all kin caregivers are approved as quickly as possible after placement. Agencies may choose to conduct, for some or all kin caregivers, future internal steps to support permanency, such as offering voluntary training, or concurrent assessments of multiple

kin caregivers to determine which may be best suited to provide long-term permanency for a particular child. However, these potential additional steps should not be requirements for kinship approval, nor should they delay immediate placement and support.

For example, while training should not be required for approval, many kin may benefit from and want access to training, particularly on specific topics related to the children in their care. For a list of training curricula for kin caregivers, see [Relevant Trainings for Kin Caregivers and Those Who Work with Them](#). Kin should be able to enroll in any available foster home training and agencies may choose to provide training tailored to the specific needs of kin caregivers. For example, every kin caregiver of a youth identifying as LGBTQI+ should be offered training and support on how to provide for the needs of the child related to the child's self-identified sexual orientation, gender identity, and gender expression, and the opportunity to officially become certified as a Designated Placement if they wish.

Understanding that placement stability is in the best interest of children and that each kin family has a unique set of needs, title IV-E agencies are encouraged, to the fullest extent of their abilities, to proactively provide support tailored to the needs of each family.

Title IV-E agencies that have questions about their support of kin caregivers are welcome to contact the [Grandfamilies & Kinship Support Network](#) for free of charge [assistance](#).

Prohibiting Discrimination Against Caregivers

Federal laws prohibit title IV-E agencies from discriminating against caregivers. Relevant laws include the Multiethnic Placement Act (MEPA), 42 U.S.C.A. sec. 1996b, and title IV-E of the Social Security Act, 42 U.S.C.A. sec. 671(18). As of July 2024, the updated regulation implementing Section 504 of the Rehabilitation Act of 1973 further expressly prohibits discrimination on the basis of disability against caregivers, in addition to children, parents, and all prospective foster parents in the child welfare system. [42 CFR sec. 84.60](#).

Here are two example title IV-E agency non-discrimination policies written prior to the updated section 504 regulation:

New Jersey:

[n]either the Department nor a contract agency shall discriminate with regard to the application or licensure of a resource family parent on the basis of race, color, national origin, age, disability, gender, religion, affectional or sexual orientation, gender identity or expression, paren-

tal status, birth status, or marital, civil union, or domestic partnership status.

South Carolina (which is adopted verbatim from the [NARA Model](#)):

The agency must not deny to any individual the opportunity to become a foster parent on the basis of the race, color, or national origin of the individual, or of the child, as required by the federal Multiethnic Placement Act (MEPA), 42 U.S.C.A. sec. 1996b and Title IV-E of the Social Security Act, 42 U.S.C.A. sec. 671(18). MEPA also provides that this law must not be construed to affect the application of the Indian Child Welfare Act, which contains preferences for the placement of eligible American Indian and Alaska Native children in foster care, guardianship, or adoptive homes. Furthermore, the agency must not discriminate with regard to the application or licensure of a foster family on the basis of age, disability, gender, religion, sexual orientation, gender identity or marital status.

We recommend that title IV-E agencies do not require, or even ask, about citizenship/residency to approve kin. Agency staff should be trained to proactively mention to potential kin caregivers that they can approve kin and provide them with resources without revealing or jeopardizing immigration status. Depending on your agency's payment method, you may need to develop a workaround for payments to these kin caregivers that does not involve a Social Security Number or tax forms such as a W-9.

(Also see [Fingerprinting Individuals without Immigration Documentation and Immigrant Caregivers: The Implications of Immigration Status on Foster Care Licensure](#).)

Requiring Renewals Only for Changed Circumstances

An approved kin caregiver should not require a renewal of approval for the same placement, unless original circumstances change, such as moving to a different home. In the case of a change in circumstances, you should not need to re-fingerprint anyone unless they are a new adult in the home.

Background Check Guidance

Summary of Federal Requirements

It is critical to understand that federal background check requirements are *for receiving title IV-E reimbursement*, not for placement. Many title IV-E agencies make active choices to forego some of these requirements, such as certain Adam Walsh felony convictions or fingerprint-based checks for those without immigration documentation, to allow placement with kin caregivers on a case-by-case basis. In these exceptional circumstances, agencies can place children with these kin, and use state or tribal funds to pay foster care maintenance payments without federal reimbursement.

Agencies can also provide kin caregivers full FCMPs from day one of placement using state or tribal funds, while completing the fingerprint-based check and any out-of-state child abuse and neglect registry checks required to obtain approval for title IV-E reimbursement for FCMPs.

Federal regulations requiring background checks for foster parents for title IV-E reimbursement eligibility under 42 U.S.C. 671(a)(20)(A-B)¹⁴ require an approved state plan which:

(A) provides procedures for criminal records checks, including fingerprint-based checks of national crime information databases (as defined in section 534(f)(3)(A) of title 28), for any prospective foster or adoptive parent before the foster or adoptive parent may be finally approved for placement of a child regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part, including procedures requiring that—

(i) in any case involving a child on whose behalf such payments are to be so made in which a record check reveals a felony **conviction** for child abuse or neglect, for spousal abuse, for a crime against children (including child pornography), or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery, if a State finds that a court of competent jurisdiction has determined that the felony was

14. The Child Abuse Prevention and Treatment Act (CAPTA) also requires that agencies have a plan to conduct fingerprint background checks for any adults in the home, but this is not a requirement for title IV-E licensure or approval. See [Question 3 in Section 2.1J](#) of the Child Welfare Policy Manual.

committed at any time, such final approval shall not be granted; and

(ii) in any case involving a child on whose behalf such payments are to be so made in which a record check reveals a felony **conviction** for physical assault, battery, or a drug-related offense, if a State finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years, such final approval shall not be granted;

(B) provides that the State shall—

(i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

(ii) comply with any request described in clause (i) that is received from another State; and

(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases;

The regulations also include 42 U.S.C. 671(a)(20)(C), which *only* applies to kinship guardianship assistance payments:

(C) provides procedures for criminal records checks, including fingerprint-based checks of national crime information databases (as defined in section 534(f)(3)(A) of title 28), on any relative guardian, and for checks described in subparagraph (B) of this paragraph on any relative guardian and any other adult living in the home of any relative guardian, before the relative guardian may receive kinship guardian-

ship assistance payments on behalf of the child under the State plan under this part.

In summary, for a kin-specific foster home approval process to satisfy title IV-E reimbursement requirements, under federal regulation, the following must be included:

- ▶ For each kin caregiver you seek to approve:
 - ▶ Conduct a fingerprint-based background check
 - ▶ Check the state’s child abuse and neglect registry
 - ▶ Check the child abuse and neglect registry of any state where that caregiver lived in the last 5 years
- ▶ For each adult living in the home of the kin caregiver:
 - ▶ Check the state’s child abuse and neglect registry
 - ▶ Check the child abuse and neglect registry of any state where that adult lived in the last 5 years
 - ▶ *If you are a tribe*, conduct a fingerprint-based background check¹⁵

Under federal law, a kin caregiver cannot be approved if the above checks show any of the following:

- ▶ Felony **conviction** for child abuse or neglect;
- ▶ Felony **conviction** for spousal abuse;
- ▶ Felony **conviction** for a crime against children (including child pornography); or
- ▶ Felony **conviction** involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

Under federal law, a kin caregiver cannot be approved if above checks show any of the following crimes were committed in the last 5 years:

- ▶ Felony **conviction** for physical assault;
- ▶ Felony **conviction** for battery; or
- ▶ Felony **conviction** for a drug-related offense.

Summary of Background Check Kin-Specific Model Approval Standards

These model kin-specific standards include the above federal background check criteria, and also add:

15. Tribes that license foster family homes are required by the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. § 3207) to conduct fingerprint-based background checks on adults who reside in the home.

- ▶ Name-based state/local background checks for kin caregivers;
- ▶ Name-based state/local background checks for any other adults living in the home;
- ▶ Sex offender registry checks for kin caregivers; and
- ▶ Sex offender registry checks for any other adults living in the home.

We also explicitly recommend that title IV-E agencies maintain the ability to make case-by-case exceptions to these criteria for kin caregivers, specifically in the cases of fingerprint-based background checks for kin caregivers without immigration documentation or automatically-disqualifying Adam Walsh felony convictions. These exceptions would allow title IV-E agencies to place with, and pay full state-funded foster care maintenance payments to, these kin caregivers, foregoing federal title IV-E reimbursement dollars.

Automatic Disqualifying History

Title IV-E agencies should consult their title IV-E attorneys and state prosecutors to align their criminal code with the felony convictions described in 42 U.S.C. 671(a)(20)(A), which are listed above.

Title IV-E agencies should not have any additional *automatic* criminal disqualifiers beyond the federal criminal disqualifiers. Instead, we recommend that the criminal history be evaluated holistically and in context to make a placement and approval decision (see below).

Title IV-E agencies that currently have additional, statutory, or regulatory state-specific automatic criminal disqualifiers could explore developing exemptions for kin in statute or regulation to eliminate the inclusion of any crimes other than those listed above as required by federal law. Calling your kin-specific process “kin approval” rather than “licensing” may also provide additional legal flexibility.

As explained earlier, it is important to understand that the list of automatic federal disqualifiers refers to *eligibility for title IV-E reimbursement only*. Agencies can, and do,¹⁶ choose to allow placement with kin caregivers who have criminal histories from the above list. In some places this decision is referred to the court and becomes a “court-ordered placement.” In these cases, they are not eligible for title IV-E reimbursement for the placement, but agencies should still make state-funded foster care maintenance payments to that kin caregiver.

16. Examples include California’s SB354.

For an overview of state variations of criminal background checks see: [Criminal Background Checks, Barrier Crimes, and Foster Care Licensing: State Variations Complying with Federal Law & The Path Forward](#).

Evaluating Criminal History and/or Abuse, Neglect History

If a kin caregiver or any other adult in the home was convicted of a crime other than those included in the federal list of automatically-disqualifying felony convictions, the kin caregiver should not be automatically rejected for approval.

The agency should consider the following:

- ▶ The type of crime
- ▶ The amount of time that has passed since the crime
- ▶ The individual's age at the time of conviction
- ▶ The seriousness of the crime
- ▶ Evidence of rehabilitation since conviction (may include completion of treatment, court-ordered classes, community service, character references, etc.)
- ▶ The total number and types of crimes, and ages at the time they were committed
- ▶ The role the individual plans to have with the child

If there is a substantiated report of child abuse or neglect involving the kin caregivers or any other adult in the home, approval should be assessed on a case-by-case basis. A recommended evaluation process can be found below in the [Background Check Forms](#). Agencies should not disqualify a caregiver solely for being *listed* in the registry; these systems often have inaccurate or outdated information, and do not always comply with due process requirements for expungement.

Any Other Adults Living in the Home

For *approval*, federal law¹⁷ does not require title IV-E agencies to conduct a fingerprint-based criminal background check for anyone other than the caregiver(s)¹⁸ unless the agency conducting the check is tribal.

17. 42 U.S.C. 671(a)(20)(A-B)

18. See [Question 4 in Section 8.4F](#) of the Child Welfare Policy Manual.

Based on interviews with agencies about current practices and safety concerns, we recommend title IV-E agencies conduct in-state child abuse and neglect registry checks, name-based state/local background checks, and sex offender registry checks on any other adults living in the home.

While not required under 42 U.S.C. 671(a)(20)(A-B), title IV-E agencies may choose to fingerprint other adults living in the home for several other reasons:

- ▶ As required by the Child Abuse Prevention and Treatment Act (CAPTA);¹⁹ or
- ▶ As a further assurance of the safety and appropriateness of the placement.

Please note that the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. § 3207) does require tribes that license or approve foster homes to conduct fingerprint-based background checks of all adults that reside in the home. This requirement only applies to tribes, not states or territories.

Though agencies may choose to fingerprint other adults living in the home, this should not delay or prevent approval or placement with kin caregivers.

Defining “Any Other Adult Living in the Home”

We recommend the following definition, adapted from the original [NARA Model Foster Family Home Licensing Standards](#):

“Any other adult in the home” — any relative or non-relative age 18 or over who regularly lives, shares common areas, and sleeps in a home. An individual who is living, sharing common areas, and sleeping in a home temporarily for more than two consecutive weeks is considered a household member.

19. 42 U.S.C. 5106a(b)(2)(B)(xxii), see also [Question 3 in Section 2.1J](#) of the Child Welfare Policy Manual.

Examples (not exhaustive):

Any other adult in the home (age 18 or older)	<u>NOT</u> any other adult in the home
<ul style="list-style-type: none"> • A tenant who rents a room in the basement and shares the kitchen or other common space with the caregiver • A caregiver’s live-in romantic partner • A grandparent or other adult relative who lives in the home • An au pair or nanny living in the home • An adult child who goes away to college but is home for more than two weeks (such as over the summer, or taking remote classes for a semester) 	<ul style="list-style-type: none"> • A tenant with a separate entrance, who would have to leave their home to enter the caregiver’s home • Someone living in an Accessory Dwelling Unit (ADU) on the property • Someone living in a mobile home on the property • Someone living in another unit in a duplex, triplex, or apartment building • Workers on a farm who live in an employee housing building • A neighbor or housekeeper with a house key • A babysitter • A young adult in the care and custody of the agency who is placed with the kin caregiver(s) by the agency • Individuals living in the home who are under the age of 18

Do Not Delay Approval for Absent Adults in the Home

In some situations, there may be an adult who will qualify as an “adult in the home” in the future, but who is not available at the time of an emergency placement. Examples include:

- ▶ An older child currently away at school, but anticipated to return (e.g., for summer break that begins in a month);
- ▶ A long-haul trucker away on the road;
- ▶ Someone working in an oil field; and
- ▶ Someone deployed in the military.

If your non-tribal agency chooses to optionally fingerprint other adults in the home, do not delay approving the current kin caregivers in order to complete fingerprint-based background checks on adults who may qualify as adults in the home at a *later time*. It is acceptable to arrange for fingerprinting when the adult’s return is known and imminent, however, approval should not be withheld while awaiting this fingerprinting.

Similarly, if someone in the home is about to turn 18, you can approve the home now, and return to fingerprint them once they become an adult.

Tip: In situations like an adult child who is away at college, returning home for the summer, you can use Purpose Code X for fingerprinting. (This is a specific national code for fingerprints taken for foster care placements; some agencies incorrectly believe that it can only be used in emergencies and not for fingerprinting other adults in the home after a placement.)

How to Collect Information From Caregivers and Other Adults in the Home

Kin caregivers are often terrified by the background check process, and this fear leads many to be unwilling to pursue approval, or decline to work with the agency altogether. These fears are founded in historical harms that have been done to communities, including civil and criminal consequences for cooperation with the child welfare system. As a result, kin have learned not to trust the system, including believing they will be disqualified from caregiving for factors that should not be considered in placement and licensure decisions, like 50-year-old shoplifting convictions. The way that the background check process is presented and explained can make all the difference as to whether a kin caregiver will engage.

We developed a [recommended background check template](#), created in partnership with agency employees and kin caregivers, to include language that helps caregivers feel safe and engaged, while still collecting the information needed to run a background check.

Background checks should not ask kin caregivers to list their own criminal history. This is a confusing, often terrifying, and embarrassing step that is not necessary. Approval should not involve a step of comparing a caregiver's actual criminal history to their written reported history; there are too many variations that may not be understood by the kin who is self-reporting. This sets kin caregivers up to fail. We have received reports that when a kin caregiver mistakenly listed history with the wrong date, that history was later *added* to their criminal record, without verification. Workers can and should engage kin caregivers in conversations about their history, but should never ask them to write down a comprehensive history.

Multiple agencies shared promising practices with us about making caregivers comfortable with the background check process. For example, Oregon uses meeting facilitators who hold family engagement meetings as early in a case as possible. They proactively share approval requirements and explain workarounds for concerns like deportation or background history. Oregon also has a [friendly letter](#) explaining the process to kin, assuring them that the agency is not looking for perfection. Texas leans on its kinship navigators to have these conversations with kin.

The information needed to conduct a background check (such as name, address, and whether they lived in another state in the last 5 years) should be collected in a manner that allows the kin caregiver to easily collaborate. For example, Texas provides the form on a tablet that a caregiver can fill out and sign anywhere.

The information collected should be carefully compared to the exact data needed to run the subsequent background checks. We uncovered scenarios where the background check form requested all the information needed to request an out-of-state child abuse and neglect registry check, but then that information was never transmitted and had to be requested again later in the process. In other scenarios, agencies simply failed to ever ask about having lived out of state in the last five years.

Agencies do not need to verify identification (such as a driver's license or birth certificate) as part of the approval process. Individuals will need to show identification at a fingerprinting appointment.

Background Checks Prior to Removal

Removals are not always, and in fact not even *usually*, a middle-of-the-night crisis. Often families have been engaged with the agency in some way prior to a removal. Agencies are encouraged to include kin in these interactions, to help engage the family's support network early. This can also provide an opportunity to proactively identify possible kin placements and potentially start the background check process in advance.

If removal is not imminent, it is important to make sure the identification of and discussion about a potential kin placement resource does not create unnecessary stress and conflict. Additionally, obtaining permission from the parents to engage kin is necessary to make sure not to breach their right to confidentiality. However, having information available about the approval process, including forms, can minimize confusion if the case does ultimately require removal. This may be especially relevant if the child remains in the home with continued agency involvement.

Multiple title IV-E agencies told us that they could not conduct background checks on kin prior to a removal, due to federal restrictions. However, no such federal limitation exists. As ACF has made clear that background checks must be completed, not simply initiated, prior to approval, we recommend instituting proactive background checks where appropriate, in order to minimize delays in title IV-E reimbursement. This decision is ultimately at the discretion of a title IV-E agency. In Wisconsin, policy says that a background check in this circumstance is good for 120 days; in Hawaii, it's up to a year.

We recommend that proactive background checks for kin caregivers be good for one year, with the caveat that if placement is eventually needed, agencies should confirm there are no *new* state/local/tribal history or sex offender registry results since the original check.

Ongoing Background Checks

Many title IV-E agencies use the FBI's [Rap Back service](#), which provides a “subscription” to an individual’s criminal activity. In these agencies, once a kin caregiver or other adult living in the home submits fingerprints, they will receive notification if that individual engages in any criminal activity in which fingerprints are taken.

We recommend the Rap Back service, with the caveat that Rap Back is only effective if:

- ▶ Someone is actually reading the responses, empowered to act on the information, and resourced to act quickly. Information that a current caregiver committed a felony should not sit in an unread inbox; and
- ▶ You have the ability to unsubscribe from individual results. Some agencies report an unmanageable deluge of reports because they cannot opt-out of notifications for people who are no longer caregivers or adults living in the home of caregivers.

In-State Criminal History

Title IV-E agencies should continue their practice of conducting name-based, immediate background checks of state and/or local criminal history at time of placement for approval of kin. This check can usually be conducted over the phone or through a mobile phone interface, with immediate results.

In-State Abuse/Neglect Registry

The approval worker should have access to search the state abuse/neglect registry directly. This was found to be in place in nearly every agency we spoke with.

As a caution, we heard from many states that, as a result of old technology and multiple data migrations, it’s disturbingly common for people who were *in* foster care and *victims* of abuse or neglect themselves to now be listed as *offenders* due to

poor-quality data. In agencies where this is true, we suggest there be clear guidance on how to distinguish the difference and, ideally, a plan for correction.

All states need to provide a clear process for requesting (and evaluating/approving) removal from the child abuse and neglect registry.

Fingerprinting

In order for a title IV-E agency to approve a kin caregiver for purposes of title IV-E reimbursement, the agency must complete fingerprint-based background checks. While the current kin placement practice of *every* child welfare agency allows for the placement of children upon *initiation* of background checks, ACF has made clear that title IV-E FCMPs can only be paid on behalf of an otherwise eligible child for days that the kin caregivers' criminal records checks have been *completed*. It, therefore, is in the best interest of title IV-E agencies to focus on streamlining and improving their policies and practices related to fingerprinting, and to use state funds to support the family during the gap in time, if at all possible. Federal funding may be available for fingerprinting and background check improvements.²⁰

The ability to take fingerprints right away, such as with a mobile fingerprinting machine, or in the office where a kin caregiver is already attending a meeting, is highly recommended.

This section also touches on exceptions for fingerprinting, such as fingerprinting individuals without immigration documentation and fingerprinting individuals without fingerprints.

Fingerprinting Accessibility

Kin caregivers need to be able to get fingerprinted quickly and easily. Promising practices to make fingerprinting more accessible include:

- ▶ Mobile fingerprinting machines, particularly in rural areas or with homebound adults;
- ▶ Community-based fingerprinting services in locations like UPS or FedEx stores;
 - ▶ Minnesota's contract for community-based fingerprinting requires one location every 35 miles across the state, along with weekend and evening hours.

20. See [Question 33](#) in [Section 8.1B](#) of the Child Welfare Policy Manual.

- ▶ Fingerprinting available in the child welfare offices, so caregivers can get fingerprinted while attending other meetings; and
- ▶ Fingerprinting options that are **not** based at police stations, which can be frightening places for many kin caregivers. We heard many stories that police stations often don't even realize they provide fingerprinting, sending caregivers away after long waits.

Fingerprinting Timeframes

As of January 2025, no agency waits for fingerprint *results* before placing children with kin, and we are not suggesting that practice should change. However, for the purposes of claiming title IV-E FCMPs, fingerprint background checks must be completed and results must be received and evaluated.

It is possible to collect, receive, and evaluate fingerprint-based background check results within hours, and at least one agency currently achieves this. In contrast, some agencies reported waiting up to 180 days on average. Title IV-E agencies should evaluate their current policies and practices to determine how to expedite the results of fingerprint background checks.

To expedite the results, as mentioned above, collect fingerprints at, or even before, the time of placement when easy to do, such as by using a mobile fingerprinting machine or having a fingerprinting machine in the office during an already-scheduled meeting with kin prior to a removal.

Re-Using Fingerprint Results

Behind the scenes, fingerprint checks have something called a “**purpose code**” that indicates the reason for fingerprinting. These codes encompass all fingerprints, not only child welfare. Example codes in child welfare are “X” for emergency foster care placement or “C” for CPS investigations. The code restricts what the fingerprint results can be used for.

A title IV-E agency can strategically use purpose codes to cover all of its child welfare use cases (e.g., kin-specific foster home approval, adoption). This maximizes the portability of fingerprinting results and means you never have to re-fingerprint the same caregiver for the same placement.

You can use this strategy to cover future fingerprinting needs, such as when an adult child is away at college, and you know you will need to fingerprint them when they return for the summer. In Utah, fingerprints can even be used across multiple agencies, such as foster care and employment in schools. In Arizona, a **Fingerprint**

Clearance Card allows the same person to share their cleared fingerprint history with multiple state agencies.

Fingerprinting should not be repeated. If your agency believes that fingerprints must be repeated due to a change in circumstances, such as changing the status of the home from an approved kin caregiver to an adoptive home, you are using an incorrect purpose code.

Using the correct purpose code also means you should never have to have the same caregiver provide two sets of prints of fingerprints, which some agencies reported doing (e.g., once for licensing and once for adoption). This is an unnecessary cost.

Fingerprinting Fees

Kin caregivers and the adults living in their home should never have to pay a fee to get fingerprinted for kin-specific foster home approval purposes.

Acceptable Forms of Identification

The following is a list of forms of identification accepted for fingerprinting. It is compiled from the FBI Compact Council's recommended types of identification and lists from agencies we consulted. This list goes beyond what any individual agency currently accepts, therefore we recommend working with your fingerprinting vendor to update your jurisdiction's list of approved forms of identification.

Primary Identification Documents

Primary forms of identification must be valid²¹ and unexpired and have the applicant's full name, date of birth, and identifiable photo. Applicants may provide **one** of the following for identification:

- ▶ Driver's License issued by a state or U.S. territory, including:
 - ▶ Driver's License Permit with photograph
 - ▶ Driver's License Paper/Temporary
 - ▶ Enhanced Driver's License (EDL)
 - ▶ Commercial Driver's License
 - ▶ Commercial Driver's License Permit

21. Documentation is valid if it is unexpired and original, except when an applicant presents an acceptable receipt.

- ▶ ID card issued by a federal, state, territory or local government agency, including:
 - ▶ State-issued Identification Card
 - ▶ Federal Government Personal Identity Verification Card (PIV)
- ▶ Enhanced Tribal Identification Card (for federally recognized U.S. tribes)
- ▶ U.S. Passport or U.S. Passport Card
- ▶ Uniformed Services Identification Card
- ▶ Department of Defense Common Access Card (CAC)
- ▶ U.S. Military Identification Card
- ▶ Military Dependent’s Identification Card
- ▶ U.S. Coast Guard Merchant Mariner Card
- ▶ Foreign Passport (immigration documentation is not required)
- ▶ Permanent Resident Card or Alien Registration Receipt Card
- ▶ Employment Authorization Card/Document (I-766) that contains a photograph
- ▶ Canadian Driver’s License
- ▶ Mexican Driver’s License
- ▶ U.S. Visa issued by the U.S. Department of Consular Affairs for travel to or within, or residence within, the U.S.

If an applicant’s ID document has a **different name** than the applicant’s current name, one of the following must be presented along with the Primary Document:

- ▶ Court Order for Name Change
- ▶ Marriage Certificate (government issued)
- ▶ Divorce Decree (government issued)
- ▶ Court Order for Gender Change
- ▶ Court Order for Adoption
- ▶ Social Security Card

Secondary Identification Documents

In the absence of one of the Primary Documents above, an applicant may provide **one** or more of the following Secondary Documents, along with two of the supporting documents listed below.

- ▶ Birth Certificate (state issued)
- ▶ Court Order for Name Change
- ▶ Court Order for Gender Change
- ▶ Court Order for Adoption
- ▶ Marriage Certificate (government issued)
- ▶ Divorce Decree
- ▶ Social Security Card

- ▶ Certificate of Citizenship (N-560) or replacement (N-561)
- ▶ Certificate of Naturalization (N-550) or replacement (N-570)
- ▶ INS I-688 Temporary Resident Identification Card
- ▶ School ID Card that includes a photograph
- ▶ Native American Tribal ID Card (Enhanced Tribal IDs are primary documents)
- ▶ Consular identification card (Matricula Consular) issued by the Government of Mexico or other proof of identification that is substantially similar and that DHS determines is acceptable proof
- ▶ Government-issued employee identification card with photograph
- ▶ U.S. Government Issued Consular Report of Birth Abroad
- ▶ Military Draft Record

Supporting Documents

If using a Secondary Document above, the applicant must provide at least **two** of the following:

- ▶ Utility bill (with your current address) — must be a current bill
- ▶ Voter registration card
- ▶ Vehicle registration card or title
- ▶ Paycheck stub with your name and address — must be a current pay stub (financial information may be redacted)
- ▶ Jurisdictional public assistance card (such as SNAP)
- ▶ Spouse/Parent affidavit
- ▶ Canceled check or bank statement — must be a current bank statement
- ▶ Mortgage documents

Alternatives for Fingerprinting Individuals without Immigration Documentation

Kin caregivers without immigration documentation may be available and appropriate to provide loving homes for children, but are often afraid to come forward. They are particularly fearful that the fingerprint-based background check will flag them for deportation, which was United States policy as recently as 2014.²² Deporting a kin caregiver would create another traumatic separation for children.

The federal requirement for fingerprint-based checks is for *title IV-E reimbursement eligibility* only, not placement (except in the case of tribes). Many title IV-E agencies have chosen to pursue alternate paths to background checks for kin caregivers who

²². This was the “Secure Communities” program, requiring all fingerprint-based checks to be cross-referenced with Immigrations and Custom Enforcement (ICE).

do not have immigration documentation, foregoing the fingerprint-based checks and using agency funds for these placements.

We recommend that title IV-E agencies conduct name-based background checks in lieu of fingerprint-based checks for kin caregivers who do not have immigration documentation or do not have fingerprints (see below). The immigration status of the kin caregiver alone does not preclude the provision of foster care maintenance payments. If a title IV-E agency cannot conduct a fingerprint-based check of a kin caregiver under these circumstances, they should ensure equity for the caregiver by providing a full foster care maintenance payment from day one of placement utilizing state or tribal funds.

Alternatives for Individuals without Fingerprints

Title IV-E agencies should put in policy that you can conduct a name-based background check for individuals without fingerprints (such as those missing fingers, or those who no longer have fingerprints due to age, exposure to chemicals, etc.).²³ This policy should apply to both kin and non-kin foster family homes.

Our research showed that many agencies today require individuals without fingerprints to try and “fail” the fingerprinting process twice before allowing a name-based alternative. This is dehumanizing to the people involved, and adds unnecessary delay to the approval process.

Correcting Errors in Fingerprint Results

The FBI requires that an individual be given the opportunity to correct information on their background check that may be inaccurate. (This is different from appealing a denial based on *accurate* criminal history information.)

Example language:

There are two ways to correct information on your FBI record:

1. Contact the state or federal agency or agencies that provided the information to the FBI; or
2. Send a written challenge request to the FBI’s Criminal Justice Information Services (CJIS) Division by writing to the following address:
FBI CJIS Division
Attention: Correspondence Group
1000 Custer Hollow Road
Clarksburg, WV 26306

23. See [Question 30](#) in [Section 8.4F](#) of the Child Welfare Policy Manual.

Your written request to the FBI should clearly identify the information that you feel is inaccurate or incomplete and should include copies of any available proof or documents that support your claim. For example, if information about what happened to a criminal charge against you is incorrect or missing, you may submit documentation from the court or the office that prosecuted the offense. The Correspondence Group will contact appropriate agencies to try to verify or correct challenged entries for you. When the FBI receives official communication from the agency with jurisdiction over the matter, the FBI will make appropriate changes and notify you of the outcome.

Requesting Out-of-State Child Abuse/Neglect Registry Checks

For purposes of kin-specific foster home approval, once you collect information from the kin caregivers and any other adults living in the home as to whether they lived in another state in the last five years, you must obtain a response from that other state's child abuse and neglect registry before you can claim title IV-E reimbursement for FCMPs provided to that caregiver. Follow or develop agency policy to submit any out-of-state requests; this policy should include who submits and follows up on all requests.

The federal requirement for checking child abuse and neglect registries is limited to states that maintain a child abuse and neglect registry. For this purpose, a "state" is defined in 45 CFR 1355.20 as the 50 states, the District of Columbia, Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, and American Samoa.

The U.S. Virgin Islands does not maintain a registry. Therefore, you do not have to submit requests to them.²⁴

There is no requirement to check registries of other countries.

Fulfilling Out-of-State Child Abuse and Neglect Registry Check Requests

Providing *other* agencies with a simple and fast way to receive child abuse and neglect registry checks from your state is critical to child safety. Today, these checks can take hundreds of days and add months of delays to approving both kin and non-kin foster homes.

24. See Section 8.4F, Question 18 in the Child Welfare Policy Manual.

We recommend states adopt our [example form template for requesting an out-of-state child abuse and neglect registry check](#), which includes all required information but explicitly does not include any other unnecessary data or steps. While we recognize that most states use this process for many kinds of requests outside of child welfare (such as childcare employee background checks), we believe from our research that this simplified template would benefit *all* users.

States should only accept and fulfill requests electronically. Requests should be collected in a centralized inbox or form, not addressed to a specific person’s email. An individual email creates enormous challenges when that person goes on vacation, gets sick, or leaves their job.

Use of an electronic portal is preferred over email, when possible. If you do not have a portal, then a fillable PDF form sent to a central email inbox is the next-best option.

If you have an electronic portal for requesting and fulfilling checks, it needs to allow multiple users in a state to make requests.

“[State] moved to an electronic request system, which is great. But it only allows one account per child welfare system. Someone else from my state already registered, so now I can’t.” —Licensor

Any additional data fields, formatting requirements, or steps beyond the example template should be eliminated if not absolutely required by state law. Our research identified barriers due to required ink color and mode of delivery:

“In the pandemic, the thing I miss[ed] most about the office is access to the typewriter. Without it, I can’t send a typed Adam Walsh form to [State], like they require.” —Licensor

“[State] requires typed forms. But their PDF isn’t fillable.” —Licensor

“[State] requires you to fill out the form in black ink, but sign it in blue ink, or they send it back. And they DO send it back.” —Licensor

“[State’s] requirement for the blue ink and the black ink means I can’t fax this form to them, either.” —Supervisor

“[State] requires a copy of my employee badge and ‘original documents’ attached to the email. How do I even send an original document over email?” —Licensing Director

We recommend measuring the timeliness of your responses, with a goal of same-day electronic responses, and an absolute maximum response time of 30 days.

Agencies should not charge a fee for out-of-state child abuse/neglect registries. It's so difficult for some states to issue a check to another state—even for a few dollars—that many licensing workers report paying these fees out of their own pockets. The vast majority of states don't charge any fees.

“It was so hard to get my office to generate the checks that we gave up and pay for them out of our office snack fund.” —Licensor

Don't require a witnessed or notarized signature. It's very difficult for a social worker to gather all household applicants together at one time to visit a notary and/or witness. This step does not provide any safety benefits. The vast majority of states don't require a notarized signature or a witness.

“It was so impossible to get a whole household of adults with different work schedules and who already had kids to meet me half an hour away at the notary that all of us in the office just became notaries ourselves so we could do it.” —Licensor

Accept an attestation from the requesting agency that they have consent on file from the person being checked, instead of requiring a separate consent form. This dramatically reduces the complexity of making a request. If an agency uses [the model template forms](#), this is built in.

Responses should be sent to the worker who will be evaluating the response, even if they are also sent to the caregiver directly or to a central state contact person.

Track and update your agency's compliance with these recommendations at the [Child Welfare Playbook Progress Dashboard](#).

Sex Offender Registry

Search the [national sex offender registry](#) for the kin caregivers and any adults living in the home. In some places, it is also policy to search the state sex offender registry website.

While you can search the registry for the kin caregiver's physical address, it would not be appropriate to deny placement or approval based on a neighbor who is not an adult living in the home.

It is not necessary to physically print out search results — this can be a particularly problematic requirement during emergency placements when workers often search the registry from their mobile device.

Additional Checks

We do not recommend any additional checks beyond the ones listed above.

This means we explicitly do not recommend the following checks for caregivers or any other adults in the home, which some title IV-E agencies currently require.

- ▶ Drug tests for caregivers
- ▶ Motor vehicle history checks
- ▶ Food stamp database checks
- ▶ Child support registry checks
- ▶ Military base criminal checks
- ▶ Social media posts
- ▶ Out-of-state, state-based criminal background checks (outside of child abuse and neglect registry checks)
- ▶ Vehicle insurance checks
- ▶ Meth lab checks for the home
- ▶ 911 call records for the home

Evaluating Abuse, Neglect, and/or Criminal History

Evaluation should always include a discussion with the caregivers and/or other adults in the home to determine if the safety of any child in the home will be impacted. For example, in Iowa, they ask caregivers with histories of abuse, neglect, and/or criminal convictions: “What changes have you made to make you safe to work around or care for others? Explain your accomplishments; work history; caretaker history; counseling, therapy, parenting classes; etc.” In Washington, they have a [Certificate of Parental Improvement](#) to remove a barrier for individuals with a finding of child abuse or neglect who are seeking certain types of employment.

The purpose of this evaluation is to determine whether the adult poses a risk to the particular child(ren) *today*. In the absence of specific evidence that a prior finding of abuse or neglect indicates a current safety risk, the results of an abuse and neglect background check should not prevent approval.

The way an agency frames and messages the evaluation process for kin can make all the difference as to whether approval workers focus on finding ways to help kin caregivers navigate approval, or not. In Arkansas, for example, we heard consistently across interviews that leadership strongly told field staff not to exclude kin unless they got a denial from someone at the director level.

Criminal convictions should be evaluated, but past records of only arrests and/or charges for which the person was not convicted should not be considered. However, it may be relevant to consider a *recent* arrest or charge that has not yet been resolved — if only to develop a backup permanency plan if the caregiver may no longer be able to care for the child.

[California’s Background Assessment Guide](#) may be a good resource for evaluating histories.

Based on requests from title IV-E agencies, we have provided this [example form template for evaluating abuse, neglect, and/or criminal history](#).

Who Should Evaluate Histories

The individual making the approval decision needs access to the caregiver’s criminal history, and ideally also has interacted with the caregiver. We heard multiple stories from agencies where one official authorized to see the background check “winks” or gives a vague hint (“Talk to grandma about what happened in 1964”) to the person making the approval decision, because that person does not have access to the file. Instead, agencies should follow the example of Oklahoma, where every approval worker gets fingerprinted to become authorized to review background check results.

Beyond that, determine what approval process will work best for your jurisdiction. In some agencies, like Utah, there is a decision committee that meets daily; this allows for fast decisions and no individual bottlenecks. In other agencies, the social worker assigned to the family can make the decision (pulling in a supervisor when needed). This allows someone who knows the family to put historical information in context, although it leaves open the opportunity for individual bias.

Some agencies reported having only one employee with the authority to make approval decisions regarding criminal history, which can create problematic delays in the event of vacation or sick leave. In order to ensure that children are not denied placement with kin and that kin receive timely financial support for their care, it is important that agencies empower multiple employees to make these decisions within a given system (whether that is a county, tribe, or state). Staffing policies should be in place to ensure that at least one employee is available at all times to make such decisions in a timely manner, including contingency planning.

Evaluating Expunged Crimes

An expungement order directs the court to treat the criminal conviction as if it had never occurred, essentially removing it from a defendant’s criminal record as well as, ideally, the public record.²⁵

In theory, expunged crimes are removed from a person’s record. However, the realities of court technology and records keeping means that many are not removed completely.

Title IV-E agencies should not include an expunged crime in their evaluations, if they discover this history.

More information about how to help kin caregivers to apply for expungement can be found at [Clear My Record](#).

Timeframes for Temporarily Disqualifying Crimes

When an automatically disqualifying crime has a timeframe attached, such as “in the last five years,” the timeframe should begin on the date the crime was committed (not, for example, on the date of conviction or release from prison) and end on the date approval is being considered.

The timeframe should be calculated using exact dates, not full calendar years. For example, if a felony for physical assault (a five-year federal disqualifying crime) was committed on January 15, 2023, it would be disqualifying only through January 14, 2028—not disqualifying for all of 2028.

Timeframes for Evaluating History

As fingerprint-based background check results will likely be the most significant barrier to timely approval, title IV-E agencies should take additional steps to evaluate results as quickly as possible without compromising safety. Accordingly, we recommend that title IV-E agencies maintain an internal goal for the timely evaluation of fingerprint results. Louisiana²⁶ worked with the U.S. Department of Justice to align their requirements so they can collect, receive, and evaluate fingerprint results in one day; Utah shared that their daily evaluation committee is able to provide same-day results in most cases.

25. [What is Expungement?](#)

26. Watch Louisiana explain their process at 33:43 of [this Child Welfare Playbook Working Group meeting](#).

Disqualifying Potential Caregivers

If you must disqualify a potential kin caregiver due to rules beyond your agency's control, but you still believe that kin caregiver to be the best placement for the child, you could consider informing the court of this dilemma, which shifts the liability away from the child welfare system by creating a court-ordered placement. In some jurisdictions the parent's or child's attorney can also request that the court consider the potential kin caregiver, even if disqualified by the agency.

In some agencies, any denied kin caregiver is automatically sent to court for reconsideration; multiple advocates we spoke with supported this approach as providing "daylight" around the evaluation process.

While this placement may not be eligible for title IV-E reimbursement, agencies should still make full foster care maintenance payments out of agency funds for this small population of caregivers.

When denying a kin caregiver placement, it's important to clearly communicate the reason(s) behind the decision, and explain the process for appealing the decision. If your agency does not currently have an appeal process, it should create one.

We have provided a [Denial and Appeal template letter](#), tested with kin caregivers for clarity, for explaining disqualification and next steps to kin caregivers.

Kin Caregiver Assessment: Caregiver Discussion Questions and Physical Home Safety Guidance

Summary of Federal Requirements

The only federal criteria for assessing kin caregivers is that title IV-E agency process be:

“reasonably in accord with recommended standards of national organizations concerned with standards for the institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights, and which shall permit use of the reasonable and prudent parenting standard;” 42 USC 671(a)(10).

These Kin-Specific Foster Home Approval standards, published by national organizations, are designed specifically to fulfill this requirement.

Summary of Kin Caregiver Assessment Standards

The recommended process for assessing caregivers includes a discussion about their ability to care for all physical, emotional, medical, and educational needs of the child and includes evaluating physical home safety. What were previously referred to as “caregiver suitability” and the “safety and needs assessment” in these standards, were renamed to the Kin Caregiver Assessment which include both assessments in one form. Research showed that child welfare systems often assess these two needs simultaneously. Furthermore, few agencies use the term “suitability” to describe their assessment of caregivers, and both caregivers and agencies found this terminology confusing.

Caregiver discussion questions

We recommend that title IV-E agencies assess the ability of the kin caregiver to care for all physical, emotional, medical, and educational needs of the child. This assessment should keep in mind that the needs of the child and caregiver will change throughout the case, and support should be provided to ensure the continued success of the placement. This section of the kin caregiver assessment was co-designed with kin caregivers, agency employees, subject matter experts, and former foster youth in 24 states, territories, and tribes.

Physical home safety questions

We recommend title IV-E agencies adopt the standards for conducting safety and needs assessments for potential kin placements, as described in the [kin caregiver assessment materials](#). Our research showed that every child welfare system already conducted this assessment at the time of initial placement with kin caregivers, but found these assessments varied greatly. This assessment template was co-designed and tested with kin caregivers and agency employees in over 35 states and tribes.

The recommended content for the Kin Caregiver Assessment includes the following resources:

- ▶ [Kin Caregiver Assessment Form](#);
- ▶ [Kin Caregiver Assessment Agency Training Guide](#) with annotations providing guidance on how to conduct the assessment; and
- ▶ [Unformatted set of questions](#) that agencies can directly copy into their own branding or template if the above form is not easily adaptable to your system.

Cultural Considerations

Agency policy should include cultural considerations in response to the needs of the particular kin caregivers. For example, the person conducting the assessment needs to be fluent in the same language as the caregivers or have a translator available (Translation apps like Google Translate are not acceptable.). In another example shared with us by families, a female caregiver who is home alone may have religious or safety concerns with allowing a male employee to enter her home.

The Port Gamble S’Klallam Tribe has a tribal member visit homes with a mobile fingerprint machine, but because it’s such a small community, they also offer caregivers the opportunity to request an outside person to conduct the assessment to preserve privacy.

Additional Criteria

These standards do not include any requirements beyond completing the kin caregiver assessment. There is a [list](#) of requirements we explicitly considered and did not include, with rationale. This list of exclusions is not exhaustive; and we do not recommend including any steps or processes beyond those in these model standards.

Additional Guidance

How These Standards Impact Permanency

At the time of publication, there are no identified gaps between these model standards and the requirements for a child to exit care to permanency via guardianship or adoption.

Based on [our research](#), we recommend that if additional information is required by state or tribal law to finalize an adoption or guardianship, which is not collected in the initial kin caregiver approval process, that this be collected via an addendum form, only when it is necessary to finalize an adoption or guardianship.

Designated Placements

On April 30, 2024, ACF finalized a rule on [Designated Placement Requirements Under Titles IV-E and IV-B for LGBTQI+ Children](#). The rule requires that IV-E agencies maintain a “sufficient” number of Designated Placements for LGBTQI+ children in care.

A Designated Placement must meet 3 requirements:

1. The provider must commit to establishing an environment that supports the child’s LGBTQI+ status or identity.
2. The provider must be trained with the appropriate knowledge and skills to provide for the needs of the child related to the child’s self-identified sexual orientation, gender identity, and gender expression.
3. The provider must facilitate the child’s access to age- or developmentally-appropriate resources, services, and activities that support their health and well-being.

It is not a requirement that every foster home become a Designated Placement.

The rule makes clear that a kin caregiver does not have to be a Designated Placement in order to be an approved or licensed placement:

“In many instances, ACF anticipates that kin caregivers will be the provider who can best meet the needs of an LGBTQI+ child. In some cases, the kinship caregiver will not wish to seek designation or serve as a supportive placement for a child as identified in paragraph (b)(1). Where the child prefers the kinship placement, and where the kinship caregiver can provide a safe and appropriate placement under this rule, even if it is not a Designated Placement as outlined in paragraph (b)(1), the kinship placement may often be in the children’s best interest; in those circumstances, the kinship placement would not be inconsistent with this rule.”

These model standards do not recommend any required training in order to license or approve a kin caregiver. Consistent with this, the training requirement to become a Designated Placement should not be a licensing or approval requirement for kin caregivers. Kin caregivers may be encouraged to complete this training and seek such designation, if so desired, but the completion should remain separate from the requirements of licensure or approval.

We recommend that:

- ▶ Agencies offer training and support to every kin caregiver on how to provide for the needs of the child related to the child’s self-identified sexual orientation, gender identity, and gender expression as an additional service focused on child stability and well-being that is separate from licensing or approval standards.
- ▶ Agencies do not include Designated Placement training or other training requirements in their kin-specific licensing or approval standards.
- ▶ Agencies continue to work with youth and families to determine the best placement option for an individual child based on the needs and preferences of that child.

Suggested Measurements

In addition to completing the “[crosswalk checklist](#)” to develop your title IV-E agency’s kin-specific approval process, we suggest tracking key data as you implement the kin-specific approval to identify potential barriers and ensure it’s working as intended. Feel free to use this kinship licensing [data collection template](#) to assist in evaluation of your jurisdiction’s implementation of new kin-specific licensing standards.

Be sure to capture your “before”/baseline measurements prior to your kin-specific approval process. Ideally this data is tracked on a dashboard that updates daily.

These measurements include:

- ▶ % of placements that are with kin
- ▶ % of initial/first placements that are with kin
- ▶ % of kin caregivers receiving foster care maintenance payments from day one of placement, regardless of funding source (goal: 100%)
 - ▶ If <100%, reasons why
 - ▶ % eligible for title IV-E reimbursement for FCMP
- ▶ time, in days, between kin placement and initial foster care maintenance payment
- ▶ time, in days, between placement with kin and collection of fingerprints for each adult
- ▶ time, in days, between collection of fingerprints and receipt of results
- ▶ time, in days, between receipt of fingerprint-based results and evaluation of results
- ▶ time, in days, between placement with kin and approval for title IV-E reimbursement of FCMPs

- ▶ time, in days, between placement with kin and receipt of out-of-state child abuse and neglect registry checks, broken down by the state fulfilling the request
- ▶ Resource needs identified by kin caregivers at time of initial placement (list)
- ▶ Hours spent on kin-specific foster home approval by staff
- ▶ # of kin denied approval, broken down by reasons

Deviation from the Model Standards

We do not recommend that you include any requirements for kin-specific foster home approval beyond the background check and kin caregiver assessment outlined in these model standards.

These model standards are recommendations. We co-designed them with states, tribes, agency staff, subject matter experts, and kin caregivers to help make the experience of approving kin caregivers better for everyone while ensuring safety. But we understand that for a variety of reasons, an agency may need to deviate from one or more of our recommendations.

If your agency is considering adding a requirement, we recommend the following process:

- ▶ Consult [the list](#) of excluded questions to see if this was a purposefully excluded requirement.
- ▶ Gather data on what actual harm is caused by not following the proposed requirement, including any direct correlation between the requirement and actual harm caused.
- ▶ Write the proposed requirement in plain language.
- ▶ Test the proposed requirement with kin caregivers. Prioritize vulnerable populations, specifically around race, ethnicity, tribal affiliation, age, class, immigration status, geographic area, LGBTQI+ status, and housing type. In testing, check for understanding and gather feedback on how this might negatively impact them. Ask whether the new requirement should be included at all or identify any reasonable alternatives. Consider whether the requirement is so subjective as to allow for bias.
- ▶ Test the proposed requirement with staff who conduct kin caregiver assessments to make sure that the language is clear, whether the new requirement should be included, and identify any possible impact to their workloads.

- ▶ Share the updated standards (or the decision to not include the requirement) with kin caregivers and staff who were consulted during the process of considering the additional requirement.

Administrative burdens can exacerbate inequity, falling disproportionately on people that most need critical services. There are many potential sources of burden to applicants when completing the approval process, including:

- ▶ Time spent completing an application;
- ▶ Time spent collecting and submitting required documents;
- ▶ Confusing web interfaces;
- ▶ In-person interviews; and
- ▶ Follow-ups to correct errors or supply additional information.

Family-friendly policies not only benefit families but [can reduce burden on the lead agency and promote the integrity of the program](#). In general, streamlined eligibility processes are less difficult to administer. Eliminating complex rules and eligibility practices reduces administrative workload burden.

Form Templates and Crosswalk Tool

In response to overwhelming requests from title IV-E agencies, we have included sample template forms for:

- ▶ Requesting background check information from kin;
- ▶ Consenting to background checks;
- ▶ Evaluating background check information;
- ▶ Explaining to kin how to appeal a disqualification decision;
- ▶ Processing an out-of-state child abuse and neglect registry check; and
- ▶ Conducting kin caregiver assessment.

We developed these template forms using existing agency forms as a baseline, then conducted extensive usability testing with real users to get feedback, clarify confusing words, and make processes more efficient. While you are not required to use these forms, we hope agencies will consider using them and benefit from the extensive testing and design.

All forms and templates may be found [here](#).

Guiding Principles for Creating Standard Form Templates

Through our research, we identified the following guiding principles for developing form templates. These principles apply to the entirety of the forms: the requirements and criteria, the instructional text, and the design and layout of the forms themselves.

- ▶ **Center equity**—engage with an array of communities, families, and people in different living situations, especially those who have been historically excluded.
- ▶ **Use trauma-informed care practices**—recognize the symptoms and impact of trauma experienced by children, families, caregivers, and the social service providers who serve them.

- ▶ **Promote transparency and problem solving**—empower users with what to expect and demonstrate that they know what is best for their lives and families.
- ▶ **Design for simplicity**—use plain language to reduce bias and create clarity.
- ▶ **Not only forms, also a guide**—include considerations and guidance for staff to spur critical thinking.
- ▶ **Be specific, yet flexible**—be specific with each requirement, but flexible with how it’s implemented.

Crosswalk Checklist

Use this [downloadable crosswalk checklist](#) to help develop your kin-specific process and identify laws and policies that will require revision.

Additionally, review this [Implementation Tool](#) which details five steps to support title IV-E agencies and collaborative partners in the implementation of the federal rule allowing for kin-specific foster care licensing.

Form Templates

Each link below opens a document which can be downloaded for your use and can also be found [here](#). Please visit this page for the Word version of these forms which can be more easily adapted to fit your jurisdictions’ needs.

Background Check Forms

The [Background Check Application Form with Cover Letter](#) is a form that includes information about what to expect in the application process.

The [Background Check Consent Form](#) is a form that uses plain language to ensure applicants know what they are agreeing to and what their rights are in this process.

[Fingerprint identification options](#) is a document that lists acceptable identification options for applicants to bring to a fingerprinting appointment.

The [Denial and Appeal Letter with Appeal Instructions](#) is a document informing a potential caregiver that their application is denied, ideally in addition to a conversation with a caseworker.

The [Criminal History Evaluation Form](#) is a form to evaluate child abuse, neglect, or criminal history for a kin caregiver applicant.

The [Out-of-State Child Abuse and Neglect Findings Request Form](#) is a form to request out-of-state child abuse and neglect checks.

Kin Caregiver Assessment Forms

The [Kin Caregiver Assessment Form](#) is a form for agencies to use when conducting an assessment of caregivers and the physical safety of their home.

The [Kin Caregiver Assessment Agency Training Guide](#) is an annotated form to train child welfare agency staff and provide guidance on how to conduct the kin caregiver assessment.

The [Kin Caregiver Assessment Question Bank](#) is a document to support agencies updating their own formatted kin caregiver assessment tools by providing the ability to easily copy and edit questions.

The [Questions We Intentionally Excluded from the Kin Caregiver Assessment Form, and Why](#) is a list of requirements that are not recommended for inclusion in kin caregiver assessments or approval standards. Included with this list is the rationale behind the intentional exclusion for each requirement.



March 31, 2025

Re: Support for HF1424

Dear Chair Wiklund and Members of the Senate Health and Human Services Committee:

Ain Dah Yung (Our Home) Center strongly supports HF1424 to improve kinship licensing and support for relative-kin caregivers. Meaning "Our Home" in Ojibwe, Ain Dah Yung Center provides a healing place within the community for American Indian youth and families to thrive in safety and wholeness.

Providing housing stabilization through our emergency shelter, transitional living, and permanent supportive housing programs, we understand the importance of building relationships that support the long-term success of the young people we serve.

When American Indian children are in out-of-home care it is critical that they remain with family and within their community. As of 2022, American Indian children are sixteen times more likely than white children to be in out-of-home care, which disrupts their ability to foster their familial, community, and cultural ties. When foster care is provided by relative-kin caregivers, children are more likely to find stability, avoid the trauma of multiple placements, and maintain connections to their Tribal Nations, cultures, and communities.

This modification to improve kinship licensing and support for relative-kin caregivers ensures that children can grow up in supportive, stable homes with family and maintain connections to their Tribal communities.

Thank you for considering this important piece of legislation.

Sincerely,

Sheri Riemers

Sheri Riemers
Executive Director



Because we're stronger together

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Executive Director

March 31, 2025

Children and Families Finance and Policy Committee
Minnesota House of Representatives

Dear Co-Chair Kotzya-Wittuhn, Co-Chair West, and Members of the Committee:

Based on my work researching and creating two sets of recommended national foster care licensing standards, I have been asked to provide national-level context to issues that are under consideration in Minnesota.

I work at Generations United, which is a national nonprofit organization that has been working on behalf of kinship families for almost 30 years. We are home to both the National Center of Grandfamilies and the Grandfamilies & Kinship Support Network: A National Technical Assistance Center.

My work has included researching all 50-state foster care licensing standards and, in 2014, co-creating the National Association for Regulatory Administration (NARA) Model Family Foster Home Licensing Standards, along with the ABA Center on Children and the Law and NARA. More recently, I have been involved in helping to draft the Kin Specific Foster Home Approval Standards and accompanying forms.

For decades, while delivering assistance, I would hear from states that they wanted a separate process and standards for licensing kin. The states were struggling with the challenges of fitting kin into a set of standards for traditional foster parents, who are licensed before having children placed with them. Because relatives are typically licensed after the children are placed in their homes, the process for traditional foster parents did not work well for them. Many children were placed with relatives, but because the standards were not designed with relative caregivers in mind, the families were often unlicensed and unsupported. The federal government listened to the states, issued a proposed amended regulation that received overwhelmingly positive comments, and it became a final regulation in November 2023.

To help states implement this final regulation allowing for separate, tailored foster care licensing standards for kin, we - along with many national nonprofit organizations, over 45 child welfare agencies including Minnesota's, and hundreds of kin caregivers in Minnesota and elsewhere - created the Kin-Specific Foster Home Approval Standards. In the last 18 months, we have seen a rapid uptick of

separate licensing standards for kin. As of today, there are 7 states and 4 tribes that are approved to implement this flexibility, and all states are in the process of taking up this flexibility.

The Kin-Specific Standards themselves are commonsense and tailored to the strengths and challenges of kinship families. They are not lesser standards. They are designed to ensure that children are placed in safe, loving, and financially supported relative homes. The Standards fully align with federal law, including the Adam Walsh Law, and provide the necessary recommended standards of national organizations that states are obligated to be “reasonably in accord with.” 42 USC § 671(a)(10).

Minnesota has done commendable work in the effort to streamline its foster care licensing standards and processes. There are a few areas where it would help children and all foster families, both related to the children and not, to consider additional changes:

- The federal Adam Walsh Law specifies that drug related felony convictions and assault and battery felony convictions are automatic bars to serving as foster parents for five years. Minnesota counts the 5-years as beginning from the date of conviction, rather than the date the crime was committed. This makes the time period for the bar much longer.
- Minnesota, like many states, has automatic barrier crimes that are not included in the Adam Walsh law. For example, Minnesota is one of only two states to include termination of parental rights as a barrier crime.
- While your practice of making fingerprinting facilities available every 35 miles is commendable, it is best practice to have mobile livescan machines to take into homes as you license them.

Aligning with the Kin Specific Standards will further support Minnesota’s efforts to place more children with licensed and supported kin, to provide a pathway for children to exit foster care to permanent loving, supported homes, and to save staff time and administrative costs.

There is a trove of decades of research showing that children thrive in the care of kin, and the Kin-Specific Standards support keeping children with their loving, safe kin. Placing a grandson with his licensed and supported grandma may mean he sleeps on a pull-out sofa. But, for a child who has already suffered the trauma of being removed from his parents, recognizing the smells coming from the kitchen and getting a kiss each night from his grandma are invaluable.

Thank you for this opportunity to share the national landscape, and do not hesitate to reach out to me at abeltran@gu.org if I can answer any questions.

Sincerely,



Ana Beltran



An association of resources and advocacy for children, youth and families
www.aspiremn.org

March 31, 2025

Dear Co-Chair Kotyza-Witthuhn, Co-Chair West, Members of the Children and Families Finance and Policy Committee,

AspireMN is a statewide association of children and family service providers. Support for kinship caregivers has been a top priority item for the association – for policy and practice. With over 60% of foster care placements now in relative-kin homes we must update our services to be responsive and deliver individualized support for kinship caregivers.

We are grateful to Representative Hanson for authoring HF1424 and elevating the opportunities the state of Minnesota has to meet emerging national best practice standards for kinship licensing and support.

When children access care close to home and within their wider defined communities they have opportunity to maintain cultural practices, faith traditions and the comforts found in loving relationships. All of this contributes to child and family wellbeing, and to positive developmental outcomes that are often lifelong in nature.

We are grateful for continued momentum to improve our child welfare responses to be increasingly child and family centered and see SF1786 as another important stride forward toward that important goal.

Warm regards,

Kirsten Anderson
Executive Director

AspireMN improves the lives of children, youth and families served by member organizations through support for quality service delivery, leadership development and policy advocacy.

1919 University Avenue W. #450, St. Paul, Minnesota 55104



INDIAN AFFAIRS COUNCIL RESOLUTION 01102025_01

RESOLUTION 01102025_01

Relative Caregiver Recommendations and Fiscal Analysis Bill

WHEREAS, the Minnesota Indian Affairs Council Membership consists of representatives of 10 of the 11 federally-recognized Indian Tribes located within the State of Minnesota, members of the legislature, commissioners from the state department, and

WHEREAS, the Minnesota Indian Affairs Council is a liaison between the state and local units of government in the delivery of services to American Indians in the State of Minnesota, and

WHEREAS, American Indian populations are often identified by the various federal and state agencies as a minority and smallest ethnic group in the United States, and

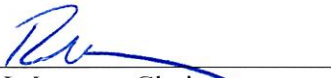
WHEREAS, American Indian people are citizens of, or descendants of citizens of sovereign nations, federally recognized tribes, and possess a unique political status that is not racial or ethnic in nature; and

WHEREAS, The Minnesota Indian Affairs Council supports the recommendations of the Relative Licensing and Support Work Group, contained in the Fall 2024 draft report. These recommendations aim to change both processes and statutory provisions to help license relatives for foster care more quickly and efficiently, without compromising safety. They are based on the national model standards which were created through the work and collaboration of thousands of practitioners around the country, including those from tribal communities. The recommendations support keeping families connected and improving access to resources through creative anti-poverty measures intended to increase financial support for relative caregivers.

WHEREAS, The Minnesota Indian Affairs Council also continues to support through this resolution the fiscal analysis bill from the 2024 session, HF4192. This bill will be reintroduced in the 2025 session. Completing a comprehensive fiscal map of funding streams in Minnesota's Child Welfare system will benefit children and families in Minnesota's tribal communities, and tribal members living around the state. This bill provides a choice for tribal communities in Minnesota to participate. The use of an independent contractor vetted by MIAC and others will ensure that the chosen contractor has a deep cultural and equity lens when completing the community engagement needed to complete the analysis and map.

THEREFORE, LET IT BE RESOLVED, that the Minnesota Indian affairs Council supports the recommendations of the Relative Licensing and Support Work Group, contained in the Fall 2024 draft report.

CERTIFICATION: We do hereby certify that the foregoing resolution was duly presented and acted upon a vote of 7 For, 0 Against, 0 Silent at Regular Meeting of the Minnesota Indian Affairs Council, a quorum present, held on January 10, 2025, at Tinta Wita / Prairie Island Indian Community, Minnesota.



Robert. L Larsen, Chairman
Minnesota Indian Affairs Council



Robert Deschampe, Vice Chairman
Minnesota Indian Affairs Council



April 2, 2025

Representative Kotyza-Witthuhn, Chair
Representative West, Chair
House Children and Families Finance and Policy Committee
St. Paul, MN 55155

RE: HF 1424

Dear Representative Kottyza-Witthuhn, Representative West and Members of the House Children and Families Finance and Policy Committee:

The area of child protection, including that of licensing and supporting relative and foster placements is a nuanced, and complicated area worthy of further exploration as we consider the interplay of systems, including providers in Minnesota. The Minnesota Association of County Social Service Administrators (MACSSA) has worked with the advocates proposing HF 1424 to address concerns in the area of background studies and other safety concerns. Additionally, counties remain in conversation with the advocates to address concerns over unintended cost shifts and increases as a result of increased private provider licensing. While seemingly simple in presentation, private providers currently assess an administrative fee to counties when the provider provides licensure, in some instances this administrative fee (which is a per individual/per day formula) exceeds the costs by which the county supports the care.

Minnesota Counties agree that children and youth have better outcomes when placed with relatives or kinship providers so long as it is safe to do so. Alongside counties, Private agencies play an important role in supporting these placements and while counties support continued efforts to increase availability and access to relative or kinship providers (through the county or private agency), the interplay of provider and county role warrants careful review and consideration to avoid unintended consequences and cost shifts to counties. This seemingly small change has the potential to have a significant impact on already strained county budgets.

MACSSA supports either clarifying the area of administrative fee charges or removing the section, with a commitment to engage in this conversation with advocates outside of the legislative session.

Sincerely,

A handwritten signature in black ink, appearing to read "Angie Thies". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Angie Thies - Child Wellbeing Policy Analyst, Association of Minnesota Counties

Cc:
Representative Hanson

Co-Chair West
2nd Floor Centennial Office Building
St. Paul, MN 55155

Co-Chair Kotyza-Witthuhn
5th Floor Centennial Office Building
St. Paul, Minnesota 55155

Co-Vice Chair Nelson
2nd Floor Centennial Office Building
St. Paul, Minnesota 55155

Co-Vice Chair Hanson
5th Floor Centennial Office Building
St. Paul, Minnesota 55155

Re: HF 1424

Dear Co-Chair West, Co-Chair Kotyza-Witthuhn, Co-Vice Chair Nelson, Co-Vice Chair Hanson, and members of the Children and Families Finance and Policy Committee,

We write on behalf of Safe Passage for Children of Minnesota and a coalition of frontline professionals with experience caring for children who have been victims of abuse. While we believe that foster children staying with kin is optimal when safe, we are concerned that proposed changes to kinship foster care eligibility could endanger children who are already traumatized.

In 2021, a group of us, including Chief Justice Kathleen Blatz, negotiated changes to foster parent eligibility with proponents of more flexible licensing standards. Many restrictions relative to lesser crimes were removed, while restrictions for significant crimes were kept. This bill's recommendations advocate for changes that would weaken these previously agreed upon requirements. It raises significant concerns because the primary purpose of foster care placement—whether with relatives or others—is to ensure the safety and well-being of the child.

We oppose the clauses of HF 1424:

Amending Background Check Requirements: Modify the background study check requirement for individuals under the age of 18. Minnesota currently requires background checks starting at age 13. Recommendation to move background check age to 16 for relatives.

Our concerns: Background checks are a critical tool to assess the suitability of individuals in households where foster children will be placed. Unfortunately, some juveniles may have a history of criminal or sexual offenses. These checks do not penalize individuals but provide vital information to protect children. Reducing the scope of background checks limits the information available and increases potential risks.

Adjusting Felony Disqualification Periods: Modify the five-year automatically disqualifying felonies provision to begin with the date the crime was committed versus conviction.

Our concerns: Shifting the starting point to the date the crime was committed may mean that the legal proceedings are still ongoing and, in some cases, that the person convicted is still serving a sentence.

Reducing Disqualification Periods for Termination of Parental Rights (TPR): Modify the disqualification period for a prior involuntary TPR/TPPLC from 20 years to 5 years.

Our concerns: The termination of parental rights is a serious process, not taken lightly by the courts and except in rare circumstances results from significant parental abuse and/or neglect. Even “voluntary” TPRs may be pleas that were made because the individual was told that a decision by the court for an involuntary TPR is imminent. A child being removed from an abusive home is already traumatized and should not be placed with someone who has previously committed significant abuse to a child. The change from a permanent bar to a 20-year bar happened only a few years ago.

Removing Specific Violent Crimes from Permanent Disqualifications: Remove manslaughter, criminal vehicular homicide, arson, carjacking in the first or second degree, felony level interference with privacy, and felony level false imprisonment on the list of permanent bars in Minnesota.

Our concerns: The crimes in question are offenses for which the courts have found, beyond a reasonable doubt, that the offender committed violent acts. Individuals with a history of violent crimes often exhibit traits like difficulty with impulse control and aggression, which increase the risk of abusive behavior. Children removed from an abusive situation deserve a stable environment and should not be placed with someone who has demonstrated significant criminal behavior.

As these proposed changes are considered, it is essential to ask: Are these changes in the best interest of the child? Would you want your child or relative placed with someone who has been convicted of a violent crime or lost their parental rights?

Thank you for the opportunity to provide feedback on these proposed changes to the foster care license system. We trust that you will prioritize the safety and well-being of Minnesota’s most vulnerable children in your decision-making process.

Signed:

Elizabeth Bergman

Co-founder of Family Enhancement Center

Gerard Bodell

CASA Minnesota Board President

Maggie Carney, RN

Retired Child Abuse Case Manager at
Midwest Children’s Resource Center
Board Member of Safe Passage for Children

Melissa DeBilzan

Executive Director of Safe Passage for Children

Cassie Dibeler, MS MPhil, PhD degrees in criminal justice and psychology
Executive Director, North Star Family Advocacy Center

Rebecca Foell, MSW, LICSA
Program Coordinator, Otto Bremer Trust Center for Safe and Healthy Children

Greg Gardner, MSW, LICSW
Retired Hennepin County Child Protection Supervisor,
Board Member of Safe Passage for Children

Rich Gehrman
Executive Director Emeritus,
Safe Passage for Children

Caroline George, M.D.
Child Abuse Pediatrician, Otto Bremer Trust for Safe and Healthy Children

Jamie Greshowak
Legislative Lead Grand-USA-MN

Nancy Harper, M.D.
Child Abuse Pediatrician, Director, Center for Safe and Healthy Children

Tory Hart and Josephine Josephson
Father and Step-mother of Eli Hart who, tragically, was killed by his mother

Margie Hogan, M.D.
Retired pediatrician, Hennepin County Medical Center

****Lisa Hollensteiner M.D.**
Retired Emergency Department Physician
Board Chair of Safe Passage for Children

****Mark Hudson, M.D.**
Child Abuse Pediatrician, Midwest Children's Resource Center
Medical Director Midwest Regional Children's Advocacy Center

Brandon Jones
Executive Director at Minnesota Association for Children's Mental Health

Barb Klatt
Family Enhancement Center

Sean McKnight
Retired Apple Valley Detective, Crimes against Persons and Children

Deena McMahon, MSW
Family therapist, Consultant

Marcia Milliken
Executive Director, Minnesota Children's Alliance

Sgt. Patrick Myslajek
Crimes against Children Unit, Minneapolis Police Department

Jane Ranum, J.D.
Former Hennepin County District Court Judge and Minnesota State Senator

Christy Shannon
Executive Director of Cornerhouse

Jeff Schoeberl
Detective and Special Victims Coordinator, Anoka County Sheriff's Office, Criminal Investigations Unit, specializing in physical and sexual child abuse

Roger Sheldon, M.D., MPH
Retired Pediatrician, Emeritus Professor of Pediatrics, University of Oklahoma

Mike Tikkanen
Kids at Risk Action

Carol Wichers, MA
Retired Social Worker and Marriage and Family Therapist

Report and Recommendations MN Kinship Support and Licensing Work Group

Introduction

Minnesota has made significant strides to implement licensing improvements in foster care – driven by the desire to support kinship caregivers and supported by a broad group of stakeholders. This is coupled by significant growth in kinship caregiving statewide over the past several years, with Minnesota reporting in 2023 that 63% of foster placements were with kin¹. At present, Minnesota’s mainstream foster response is reliant on kinship caregivers, and that is the case despite the fact that our system design is for traditionally licensed foster caregivers who have prepared their homes and lives to care for children.

This context directs us continue to build a child welfare response that reflects actively supports kin-relative caregivers.

In September of 2023, the Federal Government through the Children’s Bureau finalized a rule allowing different foster care licensing standards for relatives (see <https://www.federalregister.gov/documents/2023/09/28/2023-21081/separate-licensing-or-approval-standards-for-relative-or-kinship-foster-family-homes>).

The impetus for this change is grounded in social science research documenting the better relational stability and long-term outcomes that children in foster care achieve when they are able to remain connected to their families and communities. Gupta-Kagan, *The New Permanency*, 19 U.C. Davis J. of Juv. L. & Pol’y 11 (2015), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2497434.

Prior to both the Federal guidance change and the release of the national model standards by Grandfamilies and Kinship Support Network, Minnesota as a state amended its foster care licensing statute, Minnesota Statute (add cite). Beginning in 2019, a group came together to work on reforming Minnesota’s foster care licensing statute to remove unnecessary barriers to licensing relatives and to engage with communities to ensure that the processes to get licensed were effective and equitable. After several years of work and negotiation, in the 2021-2022 session, HF 1287 was passed (<https://www.revisor.mn.gov/bills/bill.php?b=House&f=HF1287&ssn=0&y=2021>).

However, this work in Minnesota was done prior to the 2023 rule change by the Children’s Bureau and because of the 2023 change to allow a different process to license relatives, a similarly constituted work group came together between April and October of 2024 to work on additional changes to support relative placement and licensing in Minnesota.

The working group is supported by significant review of licensing and related support for kinship caregivers and committed to advancing improvements in Minnesota’s system based on both the opportunity presented with enhanced federal flexibilities, and the reality that we can make

¹ <https://mn.gov/dhs/partners-and-providers/news-initiatives-reports-workgroups/child-protection-foster-care-adoption/child-welfare-data-dashboard/>

improvements to increase the stability of kinship caregiving in Minnesota. A recent article in the Imprint highlighted that while Minnesota has made progress in the number of relative placements, Minnesota continues to have disproportionately more white foster families caring for children of color, despite goals to increase the diversity of foster families to reflect the ethnicity and race of children in care. This article and the data that it contains speak to the need in Minnesota to license more relatives, in particular relatives in communities of color. .

The goal of the new federal policy and the model relative licensing standards are to create more efficient and equitable processes to get relative foster care providers licensed more quickly and easily with safety as the abiding and primary goal within a modernized more efficient process.

Many states began making plans to amend their statutes and practices considering this new change. To support these state efforts, a national coalition, the Grandfamilies and Kinship Support Network, that provides technical support to states, created a comprehensive set of model standards to ease the transition for states seeking to operationalize the new policy. As a part of the tool kit created to support state implementation of the new licensing rule, a Crosswalk was created to be used by states to track how their current policies track with the recommended model standards. Please see the Minnesota Cross Walk Attached to this report as Attachment A.

To create the model standards, the Grandfamilies and Kinship Support Network worked closely with kin caregivers, subject matter experts, and over 50 child welfare title IV-E agencies to develop these model standards and implementation guidance. See the model standards here https://docs.google.com/document/d/1V30W6Ft_uEUpVIQ062wPh12HrYHNod0b43T25wrp190/edit#heading=h.em5sk2qkmbrn.

Across their work, they gave special attention to reach diverse kin populations, especially those who have been historically marginalized or disproportionately denied placement, specifically with regards to American Indian or Alaska Native tribal members, identities (e.g., race and ethnicity, LGBTQIA+, non-English speakers), socioeconomic status, and type of home (e.g., apartment, farm).

In Minnesota, data shows that relative placements are more stable and have fewer disruptions than non-relative placements.

Relative Placement Stability and Placement Moves

The Child Safety and Permanency Division received a request for data in March 2024. The request was focused on the rates of “disruptions” for “formal kinship placements” for children in out-of-home care. The research team worked with foster care and permanency program staff to determine the most appropriate data to provide in response. The original response included data for placement settings with relatives that closed/ended in 2021, 2022, and 2023. The research team examined the rates at which those closed placements were followed by either a) discharge from care without a subsequent placement, or b) movement to a new placement setting within the same continuous out-of-home care episode (referred to as “placement moves” in the information below). Additionally, limited and approximate information was provided on possible disruptions for cases post-TPLPC finalization (i.e., after foster care has ended). The original response was provided back to the requester on April 17th, 2024. In response to follow-up questions regarding placement moves for non-relative placement settings, additional summary information is provided in the table below.

Additional Information – Highlights

Topic	Highlights
Baseline placement move information	<ul style="list-style-type: none"> • How often do the following kinds of foster care placements result in a placement move? <ul style="list-style-type: none"> ○ Family foster care – all non-relative: 60% w/ a placement move <ul style="list-style-type: none"> ○ Non-relative placements (temporary): 67% w/ a placement move ○ Pre-adoptive (non-relative): 13% w/ a placement move ○ Family foster care – all relative: 37% w/ a placement move <ul style="list-style-type: none"> ○ Kin placements (temporary): 62% w/ a placement move¹ ○ Relative placements (temporary): 52% w/ a placement move ○ Pre-kinship: 9% w/ a placement move ○ Pre-adoptive (relative): 8% w/ a placement move²
i) Placement moves by location end reason	<ul style="list-style-type: none"> • For children in family foster care settings, the most common reasons for a placement move were: <ul style="list-style-type: none"> ○ Provider request (30%) ○ Relative placement (16%) ○ Child safety (11%) ○ Emergency to non-emergency (6%) ○ Needs more structure (5%)
ii) Length of stay by location setting	<ul style="list-style-type: none"> • Relative placements tend to last longer than non-relative placements (3-4 months vs. 2 months) for those placements that don’t transition to pre-adoptive or pre-kinship placements.
iii) Placement stability by location setting	<ul style="list-style-type: none"> • Out-of-home care (OHC) entries show greater placement stability for relative settings compared to non-relative settings and other non-family home placements (based on the <u>initial</u> placement setting). • Stability is greater for cases beginning with relative placements compared to non-relative placements as a function of both a) moves per days in care, as well as, b) moves per continuous placement episode.

1. This setting type is new to the child welfare administrative data system, and therefore, case counts are low. Subsequently, it was not included in the original request. It is included here for completeness so that all available family settings (i.e., relative and non-relative) are shown.

2. Information in this table was retrieved several weeks after the information for the original request (above). Due to data maturity and rounding, the rate of placement moves for pre-adoptive relative settings is slightly higher than originally reported.

Workgroup Membership and Process

In the spring of 2024, all original members of the work group that began convening in 2019 to make recommendations that led to the 2022 were invited to rejoin this new 2024 Kinship Licensing Workgroup. This included original working group representation from DCYF, the Minnesota Association of County Attorneys, MACSSA, AspireMN, EVOLVE Family Services the ICWA Law Center, and invitations were extended to community partners including Village Arms, the Northside Achievement Zone, Family Alternatives, MIAC, Leech Lake, Ampersand, Safe Passage for Children, MN One Stop for Communities, Lutheran Social Service, the Ombudsperson's Office for Families, Ombudsperson's Office for American Indian Families, the Ombudsperson for Foster Youth, and Quality Parenting Initiative-Minnesota (QPI-MN). It is important to note that the members who participated from DCYF were there to listen and to provide information and technical assistance, and not to endorse specific recommendations that came out of this working group.

After an initial meeting to discuss the goals and timeline, the larger group was divided into two subcommittees. One subcommittee focused on implementing legislative changes to bring Minnesota's statutes more in line with the national model standards. The other was focused on support and resources for relative caregivers who are not a part of the formal child welfare system. Each subcommittee had 3-5 meetings. The larger group met 3 times.

As part of this group's work, a survey was created and disseminated to as many foster care licensors in Minnesota as possible. This included both county licensing workers and community licensors. Additionally, tribal licensing workers were also invited to participate. The goal of this survey was to better understand from a licensor's perspective what barriers were most critical to address to improve Minnesota's licensing processes for relatives. Additionally, we sought information about what was working well with our current licensing processes. The results of this survey are discussed in a separate section below.

Subcommittee on Informal Kin Needs and Supports

Participants reviewed data, experience shared by community-based licensing organizations, and reflections and direct participation from those with lived experience. Subcommittee participants extensively discussed barriers for kinship caregivers to engage throughout the process – with the goal of stability for children and families throughout the duration of informal or formal kinship care, and a permanency outcome for the children and family.

Themes in the discussion included:

- Access to information and resources as a priority
- Honoring the significant complexity kinship caregivers are encountering with a multiplicity of relationships
- Delivering timely, direct support for licensing and assistance for caregivers and children to stabilize within their newly defined relationships
- Prioritizing flexibility in delivering resources to best meet the need of the family and leverage natural supports

Recommendations have been prioritized to reflect those investments and policy changes that yield the most significant support for kinship caregivers by leveraging existing mechanisms to deliver necessary information, access to resources and direct support to assure family stability.

Subcommittee on Statutory Reform

This subcommittee focused on doing a careful walkthrough of the Minnesota CrossWalk to discuss the areas where Minnesota was currently out of line with the national model standards and where to make recommendations for statutory adjustment to bring us more in line. The group discussed which model standards could apply to all license applicants and those which should just apply to relatives in Minnesota. We also discussed differing perspectives on child safety and background studies criteria. Most recommendations related to the change in process for licensure made in this report were agreed upon by all members of this subcommittee.

National Model Standards and Comparative Data

There are several areas where Minnesota's current law differs from the national model standards. These can be seen illustrated in the MN CrossWalk chart.

These differences include the following:

1. Minnesota requires a fee for out of state child abuse / neglect registry checks.
2. Minnesota requires a witnessed notarized signature for out of state child abuse and neglect registry request checks.
3. Minnesota does not have a centralized email or portal to request an out of state abuse and registry check.
4. Minnesota does not accept attestation from sending agencies on out of state checks – but instead requires individual consent form.
5. Minnesota does not utilize as many in-home fingerprinting devices as other states (instead we have location to get finger-printed every 35 miles).
6. Minnesota currently requires background checks for individuals under the age of 18, versus 32 other states which do not. MN conducts background checks on family members or others living in the home down to age 13.
7. Minnesota is the only state in the country that uses the date of conviction versus the date of commission in our calculation of the five-year automatically disqualifying felonies provision. Other states use the date of the commission of the offense because the policy intention behind this recommendation from the Adam Walsh Act (which is the federal law that lays out the mandatory requirements to receive licensing subsidies for foster care) is that an individual would be barred from licensure for five years following the occurrence of the disqualifying event, not from the date of the conviction for that event understanding that at times there can be significant delay between the commission of a crime and the date of conviction. Using the date of conviction adds additional time onto this five-year period and goes against the intent of the original policy goal.
8. Only Minnesota and Kentucky include a prior Termination of Parental rights explicitly as an automatic disqualifier. Minnesota currently has a 20-year bar in obtaining a license for prior TPR (both involuntary and voluntary). The Adam Walsh Act does not contemplate any required disqualification period for a prior termination of parental rights.

All other states than Kentucky consider prior child welfare involvement in their licensing process but not use it as a strict bar to licensure.

9. In addition, Minnesota is out of line with the Adam Walsh Act list of permanent disqualifying crimes. Our current state statutes include additional barriers to those crimes listed in the Adam Walsh Act.

Adam Walsh Act versus Minnesota

The Adam Walsh Act (<https://www.congress.gov/bill/109th-congress/house-bill/4472>), lays out a list of required permanent and temporary criminal bars to licensure. All states, to receive federal support for foster care licensing, must have these barriers codified in state law.

The Adam Walsh Act permanent barrier crimes include the following: a felony conviction for child abuse or neglect; for spousal abuse; for a crime against children (including child pornography); or for a crime involving violence, including rape, sexual assault, or homicide, but not including physical assault or battery. Under the Adam Walsh Act, a five-year barrier crime prevents an applicant from being approved for placement if the felony was committed in the last five years. These five-year barrier crimes include a felony conviction for physical assault, battery, or a drug related offense.

Minnesota's current law includes many additional criminal disqualifiers than the Adam Walsh Act requires. Because the list of permanent barriers is not malleable – meaning there is no opportunity to do a set-aside or variance (mechanisms allowed in Minnesota law that allow for an exception to a statutory disqualification) because of the permanent nature of the bar. For crimes listed on Minnesota's five-year bar list and some additional provisions that create a bar (for example the 20-year bar for a prior voluntary or involuntary TPR), there is the possibility for a variance or work around because the bar is temporary.

Of note, Minnesota includes manslaughter, criminal vehicular homicide, and assault in the first degree on the list of permanent bars. We also include arson, carjacking in the first or second degree, felony level interference with privacy, and felony level false imprisonment on this list of permanent bars. None of these crimes are contemplated as permanent bars within the Adam Walsh Act.

Minnesota Licensor Survey Results

In August of 2024, a survey was created for Minnesota foster care licensors. The survey contained eight questions related to the process around licensing in Minnesota, timeframe for licensure, barriers encountered both by licensors and families applying, and what was working well in Minnesota. The survey was sent to all county licensors, community organizations around the state that license interdependently from counties, and to tribal licensors.

With the generous help and support of Minnesota's Quality Parenting Initiative (QPI-MN), the survey was distributed, and the results were compiled. The following infographic was distributed broadly to all DHS licensors and the greater community. It represents highlights from the survey.

MINNESOTA RELATIVE/KIN LICENSING REFORM SURVEY
COMPLETED BY COUNTY AND COMMUNITY-BASED LICENSORS
SUMMARY SEPTEMBER 2024

Details

All county and community-based identified licensors by MN DHS were invited to complete this survey to understand licensing barriers and provide context and information to the legislature for relative/kin families in Minnesota. This summary is based on the 62 respondents who completed the survey.



Licensor Feedback

Licensing Timeframe



- Average time to license relative/kin family was 4-6 months.
- Under 90 days was identified as the shortest length of time to license; however, the longest length of time extended +9 months.

BGS Reform

- 47% of respondents reported the CFC Background Study Reform changes implemented in July 2022 have reduced the barriers for applicants to become and remain licensed foster care providers.
- Respondents identified procedural challenges, outdated disqualifications, and financial constraints as preventing suitable relatives from being licensed.

Licensing Delays

- Identified issues leading to licensing delays:
 - Orientation and specific training (31%)
 - Out of state BGS (15%)
- 34% of respondents identified other licensing delays from:
 - Perceived lack of urgency or motivation of relative
 - Relatives feeling overwhelmed with unplanned responsibilities
 - Logistical issues, such as transportation and scheduling
- 44% of respondents believe there are mandated licensing requirements that are not necessary for relatives/kin.

 QPI-MN thanks the Kinship Working Group to request our support of this survey. QPI-MN uses surveys as one tool to build a more inclusive and responsive child welfare system. 

The full survey results are attached to this Report as Attachment B. These full results indicate that for those licensors surveyed, it takes between 4-6 months to license a relative for foster care in Minnesota. The national model standards encourage states to seek final licensure within a day.

Working Group Recommendations

After reviewing the survey results, reviewing subcommittee recommendations, consulting with additional community and agency partners, reviewing national data around anti-poverty reforms and discussing the MN Crosswalk, this Working Group makes the following recommendations to change the process and law to license relative foster care providers in Minnesota.

New statutory provisions should be added to Minnesota Statute 245A.03 and Minnesota Statute Section 246C.15. to include the following recommendations relating to the licensure process and background studies. **The recommendations numbered 1-5 should apply to ALL individuals seeking a foster care license (not just relatives). The recommendations contained in 6-18 should apply only to relatives seeking a home foster care license.** Recommendations 19 and 20 are intended to provide additional resources and financial support to relative caregivers in Minnesota.

1. Remove requirement for a witnessed notarized signature on out of state child abuse and neglect registry request checks.
2. Modify process around out of state abuse and neglect registry request checks to accept a centralized email or portal.
3. Modify process around out of state abuse and neglect registry request checks to accept attestation from the sending agency that they received consent; do not require copy of consent or the consent form.
4. Include funding request for counties to invest in additional at home fingerprinting devices to further expedite the fingerprinting process.
5. When a couple lives together (unmarried) and shares the parenting role, remove the requirement that the non-kin/relative partner be licensed in addition to the kin/relative adult.
6. Modify initial training requirements to complete 1 hour of Normalcy, responsible and prudent parenting, mandated reporting, C.A.R.S (or BEST beginning in Jan. 2025) and SUID to after receiving licensure. Modify annual training requirements for licensed relative foster care providers to remove repetitive requirements after foster providers have completed once (such as FASD training, mandated reporting).
7. Require that notice be provided to all relative caregivers of resources and support to be developed and distributed to all kinship caregivers at regular intervals, advising them of:
 - Access to legal support
 - Choice in licensing and ongoing support for the case
 - How to access respite care and leverage natural support for the child and family
 - Including resource/substitute caregivers in the case plan
8. Direction to the commissioner that all materials for relative-kin caregivers must be available in the top 20 languages used in Minnesota, including ASL and access for caregivers with disabilities.

9. Support creative use of flexible funds to achieve access to childcare by applying CCAP support and respite resources to natural supports within the child and family network if caregivers can deliver childcare/respite.
10. Increase funding for licensing and ongoing support of kinship caregivers to assure access to licensing and stability for the family during the tenure of kinship caregiving through to permanency.
11. Modify the background study check requirement for individuals under the age of 18. MN currently requires background checks starting at age 13. Recommendation to move background check age to 16 for relatives.
12. Modify the five-year automatically disqualifying felonies provision to begin with the date the crime was committed versus conviction.
13. Modify the disqualification period for a prior involuntary TRP / TPPLC from 20 years to 5 years – to align with the statutory scheme currently in place MN – and to better align with model standards (which do not recommend any automatic bar). **Author ask on #**
14. Remove manslaughter, criminal vehicular homicide, **assault in the first degree**, arson, **carjacking** in the first or second degree, felony level interference with privacy, and felony level false imprisonment on the list of permanent bars in Minnesota. These felony level crimes should be added to Minnesota’s five-year bar list.
15. Modify home study requirements to direct DCYF to create a condensed version of DHS commissioners guide for kin/relatives. For example, there is significant personal history information gathered which could be reduced. This could significantly shorten the amount of time to complete a home study. Additionally, reduce the amount of required annual training hours. It is currently 12 hours.
16. Modify statute to include requirement that all county licensors inform relative caregivers of choice as to who will license. This would require informing relatives seeking a license of their option to utilize a community provider and direct them to available community provider in their area.
17. Modify Minnesota’s TANF 60-month eligibility exception to include relatives caring for children (allowing those households to maintain TANF for a longer period).
18. Change to child-only MFIP eligibility to include relative caregivers without formal guardianship or custody.

My name.... I am..... I am a member of the Coalition, which is a group of 30 plus frontline professionals who care for victims of child abuse directly—child abuse pediatricians, law enforcement, mental health practitioners, social workers, and others.

I am here to speak for all the Coalition : We strongly oppose the proposals in this bill regarding lowering the bar for eligibility for kin to provide foster care.

While we believe that foster children staying with kin is optimal when safe, we are concerned that proposed changes to kinship foster care eligibility could endanger children who are already traumatized.

The primary purpose of foster care placement—whether with relatives or others—is to ensure the safety and well-being of the child.

Specifically, here are 3 items of concern:

1. **Background checks on juveniles in the home**

Minnesota currently requires background checks starting at age 13. The bill recommends to move background checks to age 16.

Background checks are a critical tool to assess the suitability of individuals in households where foster children will be placed.

Unfortunately, some juveniles may have a history of criminal or sexual offenses. These checks do not penalize individuals but provide vital information to protect children. Reducing the scope of background checks limits the information available and increases potential risks.

2. Our second concern: **Removing Specific Violent Crimes from Permanent Disqualifications:**The bill suggests removing manslaughter, criminal vehicular homicide, arson, carjacking in the first or second degree,

felony level interference with privacy, and felony level false imprisonment on the list of permanent bars in Minnesota.

The crimes in question are offenses for which the courts have found, beyond a reasonable doubt, that the offender committed violent acts. Individuals with a history of violent crimes often exhibit traits like difficulty with impulse control and aggression, which increase the risk of abusive behavior. Children removed from an abusive situation deserve a stable environment and should not be placed with someone who has demonstrated significant criminal behavior.

3. Our third concern:

Reducing Disqualification Periods for Termination of Parental Rights (TPR): which reduces the disqualification period for being a foster parent with an involuntary TPR from 20 years to 5 years. So, 5 years after a person has a termination of parental rights, they would be eligible to be a foster parent.

The termination of parental rights is a serious process, not taken lightly by the courts and except in rare circumstances results from significant parental abuse and/or neglect. Even “voluntary” TPRs may be pleas that were made because the individual was told that a decision by the court for an involuntary TPR is imminent. A child being removed from an abusive home is already traumatized and should not be placed with someone who has previously committed significant abuse to a child.

Stop and think about this- do you really want to place a child who has been terribly abused and removed from their parental home into the home of another parent who has had termination of their own parental rights?

As these proposed changes are considered, it is essential to ask: Are these changes in the best interest of the child? Would you want your child/relative placed with someone who has been convicted of

manslaughter, criminal vehicular homicide, or assault in the first degree?

We trust that you will prioritize the safety and well-being of Minnesota's most vulnerable children in your decision-making process

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