



Virginia Poverty Law Center



Support SB 217 (Barker): Decrease the Use of Foster Care By Ensuring the Educational Stability of Children Living in Kinship Care Arrangements

The Problem: More and more, local departments of social services are relying on what is termed “informal kinship care”¹ to avoid having to bring children into the foster care system. But these kinship caregivers often face barriers when trying to enroll the children in their local schools, as some school divisions require the relative to obtain legal custody of the child before enrollment is possible. **This is an inappropriate use of the custody process**, and can delay the child’s schooling for weeks or even months.

The Solution: Virginia should improve its use of kinship care by making clear in its code that children living full-time with relatives in kinship care arrangements **may** be enrolled in the school division where their caregiver lives, so long as these children are *bona fide* residents of the division.

- **SB 217 would clarify that children living in DSS-verified kinship care arrangements are entitled to attend the public school where their relatives reside, tuition-free.**
 - School divisions **may require** a verification letter of the arrangement (to be renewed annually) from the local social services agencies where the parents and caregiver live.
- **SB 217 would offer a critical tool for social services agencies when working with kids who might otherwise face foster care, homelessness or dropping out of school, but for the relatives who step up in a time of need to care for them.**
 - The Virginia Department of Social Services estimates that the number of children they place into informal kinship care situations in order to prevent foster care is at least 1,400 to 1,800 kids. Often, it is the ability to secure school enrollment for these children that can make or break these placements.
 - Children living in kinship care situations have better outcomes, both academically and behaviorally than their peers in foster care.
- **SB 217 would give discretion to local school divisions to verify the child’s bona fide residency, and provide certainty about educational and medical decision-making for the child by allowing schools to require a signed affidavit and power of attorney in support of the arrangement.**

¹ “Kinship Care” is “the full time care, nurturing and protection of children by relatives.” Va. Code §63.2-100
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Organizations that SUPPORT SB 217

AARP of Virginia

FACES of Virginia Families

The Family Foundation of Virginia

JustChildren

The VA League of Social Services Executives

Prevent Child Abuse Virginia (PCAV)

The Virginia Association of School Nurses

Virginia Education Association (VEA)

Virginia Organizing

The Virginia Poverty Law Center

The Virginia School Counselors Association

Voices for Virginia's Children