# KINSHIP CARE & KINSHIP DIVERSION

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## Enhancing Knowledge of Legal Rights in Kinship Diversion Cases

Informal reports from social workers in Virginia indicate the practice of diverting youth from foster care is widespread in the Commonwealth. Through "diversion," children are sent to live with relatives and other "fictive kin" after social workers determine they cannot safely remain with their parents. Social workers facilitate these informal placements by working with the birth parent and kinship caregiver. No court oversees these physical custody transfers; in most circumstances neither the parent nor the kinship caregiver can afford to pay an attorney for advice. In some cases, children remain with relatives for years; parents may have little or no knowledge of how to get their children home. Relatives caring for these children have little or no access to the financial support and services that licensed relative foster parents receive and usually lack information about how to access services for the child. Furthermore, there is no standard practice or policy regarding how educational and medical decision-making occurs for these children after custody changes. So, while the Coalition applauds Virginia's social workers for their efforts to keep children with family members, it believes the practice can be improved.

**The Coalition proposes:**

**Directing the Virginia Department of Social Services to draft and submit to the State Board proposed regulations by October 31, 2014, governing the facilitation of the placement of children in kinship care as a diversion from foster care placement.** Currently no standards exist for "diversion" cases. Regulations established specifically for these situations will enable children to achieve the maximum benefit from them and may encourage more relatives to become foster or diversion families.

**The regulations should, at a minimum, address:**

- Rights and responsibilities of all parties
- How physical or legal custody is transferred
- Provision of information regarding the differences between informal kinship care and formal foster care
- Development of a plan to move the family forward
- How to access existing funding streams to support the plan
- The collection and reporting of data on the well-being of children diverted from foster care through informal kinship care placements
- Training for local workers

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## Providing High Quality Counsel to Parents in Child Welfare Cases

Currently, Virginia does not require any specialized training for attorneys appointed by the court to represent parents in child abuse/neglect cases, and the pay for these attorneys is far less than the pay for guardians *ad litem* and the attorneys who represent social services. Other states have found that providing ongoing training and support for attorneys representing these parents, along with regional compensation and caseload standards, yield better case outcomes. These outcomes include children spending less time in foster care; increased reunification rates; fewer youth aging out of the system and more youth placed with siblings and relatives.

**The Coalition proposes studying Virginia's current system of providing counsel for indigent parents in abuse/neglect cases and comparing the compensation, training and outcomes with systems in other states, with recommendations to be submitted by October 31, 2014.**

## Ensuring Greater Stability for Children in Relative Foster Care Placements

The Fostering Connections Act places an emphasis on the importance of family finding and placement. These placements also require stability, if there is to be benefit from the work of locating and placing children with relatives. This legislation will create a mechanism for providing placement stability when children are placed with those relatives through the foster care system. The legislation also recognizing the existing legal vehicles for removing children if the kinship foster home placement is found to be contrary to the health and safety of the children. Kinship families are more likely to agree to accept the placement of children through foster care, if they have assurances that the placement will not disrupt without court oversight or emergency removal procedures.

**The Coalition proposes the following legislation to address this issue:**

Removal of child from kinship foster home.

When a child is placed in a kinship foster care placement by a local board or by a licensed child-placing agency pursuant to § 63.2-900.1, and that placement continues to meet approval standards for foster care, such child shall not be removed from the physical custody of the kinship foster parents, except (i) with the consent of the kinship foster parents; (ii) upon order of a court of competent jurisdiction; or (iii) pursuant to § 63.2-1517.

**Child Welfare Policy Coalition**

# YOUTH AGING OUT OF FOSTER CARE


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## Extend and Strengthen Critical Supports for Youth Aging Out of Care Without Permanent Family Connections

From 2008 to 2012, nearly 3800 youth aged out of Virginia's foster care system. The Jim Casey Initiative reports that young people who age out of foster care without permanent connections experience very poor outcomes compared to the general population:

- More than one in five will become homeless after age 18
- Only 58% will graduate high school by age 19 (compared to 87% of all 19 year olds)
- One in four will be involved in the justice system within two years of leaving the foster care system
- Fewer than 3% will earn a college degree by age 25 (compared to 28% of all 25 year olds)

There are tremendous benefits to Virginia extending such supports to this population that go well beyond financial savings. Youth who continue to receive services after age 18:

- Are two to three times more likely to be enrolled in college and less likely to be evicted than those who discontinue services at 18;
- Are more likely to avoid homelessness, school dropout, and incarceration, as well as avoid the need for further and longer-term public assistance.
- Are more likely to have health insurance and to seek health treatment and therapy when needed.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 allows states to extend certain supports to youth until age 21 and receive federal IV-E matching funds for doing so. This extension would include foster care supports and adoption assistance for youth adopted at age 16 or older. In Virginia, current comprehensive foster care supports for youth in care end at age 18, and though most localities offer some limited degree of services for youth who "aged out" of foster care at 18, these supports are often limited in scope and duration, and are inconsistently provided to youth because of variations in local funding availability.

**The Coalition proposes that Virginia opt-in to this Fostering Connections provision, which would allow the Commonwealth to draw down significant additional IV-E dollars in order to provide a greater breadth of consistent transition services and supports for these vulnerable youth ages 18-21 who exited care without having been connected with permanent family.**

# YOUTH AGING OUT OF FOSTER CARE

*Fiscal Advantages to Extending Foster Care Supports and Adoption Assistance to youth ages 18-21 who exited care without achieving permanency:*

In December 2013, Governor McDonnell included in his biennial budget for FY2015-2016 an appropriation for the purpose of Virginia opting in to Extension of Foster Care and Adoption Assistance under the Fostering Connections Act.

- This appropriation provided for $1.9 million General Funds in the second year of the biennium, a slight increase over what Virginia already spends on this population, but with the result of a tremendous, necessary expansion of services to this group, including housing.

- The appropriation also included $100,000 in the first year of the biennium for Virginia to seek expert technical assistance support from leading national child welfare groups who have helped to successfully implement this program in many other states (18 total).

- As a result of opting into this federal program, **Virginia will be able to access approximately $8.3 million in additional IV-E funds in FY2016 to help these vulnerable youth.**

Cost avoidance benefits are also important to highlight. The Jim Casey "Success Beyond 18" campaign estimates that the projected costs of "doing nothing" to serve these youth could reach approximately $300,000 per person, in taxpayer-funded social costs such as: public assistance and incarceration, as well as community costs that come from lost wages and tax dollars from youth dropping out of school or enduring unemployment.

But the fiscal picture is only one view: as we all know, youth achieve better outcomes—educationally, financially and socially—when they are connected to families. Youth who opt-in to extended services will receive housing assistance, help with other basic maintenance needs, continued mentoring in life skills like financial literacy, counseling, access to health care and care coordination, educational planning and mentoring, and the unquantifiable support that comes from permanent connections.

**Remove Barriers to Adequate Health Care for Foster Youth Who Reside in Virginia But Aged Out of Foster Care in a Different State**

The Coalition supports budget language that would allow Medicaid eligibility for youth who aged out of foster care in another state, but now reside in Virginia. This would mirror the Affordable Care Act mandate that provides such eligibility for all foster youth living in the Commonwealth who age out of our own foster care system. By closing this loophole, Virginia would stand at the forefront of providing critical protections for these vulnerable youth, recognizing this population is often very mobile, living without safe, consistent housing, and lacking family connections that would entitle them to coverage under a parent's private insurance.