



Kinship Care©

The National Association of Black Social Workers prepared this Kinship Care Position Paper to:

- Provide its membership with the knowledge, understanding and clarity necessary to continue advocating for the welfare of the African American family and community.
- Educate and encourage others in the child welfare arena and the broader community to advocate for effective means to keep families together while keeping children safe.
- Impress upon policy makers and policy molders, the full scope of the position NABSW advocates as one which is socially and morally correct.

Background of Position Paper

This position paper was developed in collaboration between the National Association of Black Social Workers and the National Center on Permanency for African American Children during a series of roundtable discussions with social work practitioners from around the nation.

The Robert L. Little Kinship Roundtable was established in memory and honor of Robert L. Little who was a strong supporter of NABSW and an avid champion for children and families. Mr. Little viewed kinship care as a natural resource for children who interface with the child welfare system. He was the former Chief Administrator for the Michigan Department of Social Services and former Executive Deputy Commissioner of the City of New York's Human Resource Administration and the Commissioner of New York City's child welfare system.

Special Acknowledgments

Recognition is gratefully extended to the Kinship Care Roundtable members whose focus groups' work was instrumental in developing the framework for this paper. .

Special recognition is extended to Dr. Robert B. Hill, sociologist, highly acclaimed researcher and author of "The Strengths of Black Families and The Strengths of African American Families: Twenty-five Years Later." Dr. Hilt's contributions were invaluable to the design and development of this position paper.

Statement of Problem

- Kinship care viewed and defined as foster care. Kinship care, which is currently defined as an "out-of-home" placement, falls under foster care regulations that are designed for non-relative caregivers. Federal and state legislation require relative caregivers to meet the same licensing standards as non-relative caregivers in order to receive foster care funding and other services.
- Kinship care not considered a form of permanency. Because kinship care is defined as foster care, it is considered as temporary, rather than a form of permanency.
- No uniform definition of "relative". Each state has its own definition of relative and criteria for what constitutes kin.
- Lack of adequate financial support. The level of financial support provided to relative caregivers is often determined by designated funds that can vary from state to state. Unfortunately, some states force kin families to accept TANF (Temporary Assistance to Needy Families), which does not provide children and families with essential services such as educational, mental health, counseling, childcare and respite services.
- Limited timelines. The Adoption and Safe Families Act of 1997 (ASFA) requires states to initiate or join proceedings to terminate parental rights for parents whose children have been in care for 15 of the last 22 months, except in situations in which the child is placed safely with relatives; or if there is compelling reason why termination of parental rights is not in the child's best interest; or when the family has not received services that were part of the case plan.

Most states recognize only the first part of the mandate relating to termination of parental rights and do not acknowledge the other two parts of the law regarding placing children safely with relatives and ensuring that families receive services that are part of the case plan.

Background Information

Informal adoption, or the rearing of children by relatives, is one of the most enduring African traditions that survived the Middle Passage. During slavery, elderly relatives often reared thousands of children whose parents had been sold as chattel. Informal adoption continues to be widespread in the black community. Today, over two million African American children are raised by grandparents, aunts or uncles, brothers and sisters, cousins and others who are not formal relatives.

Before the 1980's nearly all of the African American children who were reared by kin were outside the child welfare system. After 1986 the number of children placed in foster care with kin soared as a result of the crack cocaine epidemic and the spread of HIV/AIDS in inner cities. By the 1990's over half of the children in foster care in many

large cities, such as New York, Los Angeles and Chicago. were reared by relatives. In addition, there were consent decrees requiring some states to pay relative caregivers as they did licensed foster parents. However, the family had to have a report of neglect or abuse to qualify for financial support.

While the number of African American children in kinship care has increased markedly, the overwhelming majority of children reared by relatives remain outside the child welfare system. Of the more than two million Black children who are being reared by relatives (without the presence of either parent), 20 percent are in foster care, and the remaining 80 percent are in informal adoptive families.

Research studies consistently underscore the positive functioning of children reared by relatives. The lowest levels of child abuse are found among children raised by kin. Kinship care has the highest rates of stability and permanence for children. On the other hand, research has revealed that kinship caregivers receive much lower funding than non-relative families.

Despite the unique needs of children in kinship care as a result of parental chemical dependency or HIV/AIDS infection, relative caregivers often receive fewer social services than non-relatives. Such inadequate services often lead to severe hardships for caregivers, which are more likely than non-relative to be elderly, low income and single parents.

As previously mentioned, each state has its own way of defining "relative" which presents unique challenges. Often these definitions do not take into consideration the cultural perspectives on family. In the African American community, family is broadly defined and based on relationships and, function. With this in mind, family is defined by African Americans and those of African descent as including the relationships by formal or informal marriage (step-parents, half brothers, half-sisters, etc.) and the full range of blood kin (encompassing all cousins - without regard to degree and paternal relatives of children born outside of wedlock). This African-based definition of family extends to a broad range of non-relatives or fictive kin (godparents, friends, neighbors, and community parents) who provide very important emotional support and tangible assistance to the children and parents. In addition, the African American "family" extends beyond people who live in the same household and includes persons who live in different households, but perform important family support functions.

Efforts to legislate kinship care through the enactment of the Adoption and Safe Families Act (ASFA) have resulted in further challenges for child welfare practitioners. The July 2001 final rule clarification of ASFA eliminated states' rights to modify licensing standards for relative caregivers and mandated a single strict standard. This single strict standard resulted in fewer relative caregivers being able to become licensed foster caregivers.

Position Statement

We place children in kinship families because we believe in family and we support family preservation. We affirm the following values of kinship care:

- Kinship care is a continuation of the African tradition of caring, supporting and providing cultural continuity for families. It has been manifested over many generations by an enduring tradition of informal adoption of children by extended family members.
- Kinship care provides cultural and historical continuity for children who are unable to live with their parents. Kinship care facilitates cultural, spiritual and social growth of both the children and extended family through continuous connectedness of families.
- Kinship care is a viable component of family preservation, reunification and permanency for African American children.

In order to preserve and enhance the vitality of African American families, this country must develop national and state legislation, policies, practices and support services that are equitable, family-centered and culturally sensitive. Government policies need to focus on providing culturally competent services to the "kinship triad," which includes the kin caregivers, children and birth parents. These services must not be "child-focused," but "family-centered." In addition, states should once again be permitted the right to modify licensing standards and not have to adhere to a restrictive single standard.

Kinship caregivers raising children or siblings placed formally or informally in the home should have the opportunity to access and receive important resources. Thus, there is a need to remove many barriers, especially culturally insensitive licensing standards.

Children and kinship families should be entitled to the same benefits and services as non-related foster families, whether they are licensed or not. These services include parenting education, day care, health coverage, job training, legal assistance, housing support, respite care, etc.

Kinship care families should receive equitable and adequate financial support. Kinship families should not be forced to rely on temporary TANF (Temporary Assistance to Needy Families) funds, which are temporary and considerably less than foster care stipends. Moreover, since it costs the same to raise children, whether they are with relatives or not, it is imperative that kinship families be entitled to the same level of foster care stipends as non-related families.

Since social work practice has traditionally focused on non-related families, there is a need for specialized training to enhance worker capabilities to understand the unique interfamilial dynamics, family legacies, transitional issues and lifestyle changes within kinship care families. Kinship families should receive strengths-based, quality services that will be evaluated for effectiveness.

It is also important that the definition of family in public policies be expanded to include the full range of blood relatives (such as all cousins, regardless of degree). This new definition should also include extended family members who are non-relatives or fictive kin (such as cohabiting spouses, godparents, close friends, neighbors, etc) , who are willing to serve as co-guardians, successor guardians or stand-by guardians in the event that the current caregiver is no longer able to care for the children. Family and kinship should be defined by the family systems, culture and experiences. Systems need to be inclusive of the diverse cultural structures accepted in the African American community.

We support federal legislation that establishes a new permanency option for kin caregivers, subsidized guardianship, which would include eligibility for the same level of Title IV-E funds as those provided to non-relative foster families. This legislation should remove both the language and concept of "out-of-home" care, thus acknowledging that children are living within the parameters of their extended families.

In addition, we strongly urge that the shortened ASFA timeframe for termination of parental rights be lengthened to provide sufficient time for treatment and rehabilitation of birth parents who may be experiencing drug addiction, alcoholism or incarceration.

Summary of Recommendations

Long before "it takes a village to raise a child" became a trendy phrase in the 20th century lexicon, it was an African and later African American child rearing philosophy. To preserve and enhance this legacy, we recommend the following:

- Provide the opportunity to access and receive important resources for kinship caregivers raising children or siblings placed formally or informally in their homes.
- Remove barriers such as culturally insensitive licensing standards. Kinship families that meet the safety certifications for children should be entitled to the same benefits and services as non-related foster families, whether they are licensed or not. States should be restored their prior rights to modify licensing standards as they deem necessary and not have to adhere to a restrictive national standard.
- Entitle kinship families to the same level of foster care stipends as non-related families. We strongly support federal legislation that establishes a new permanency option for kin caregivers of subsidized guardianship, which would include eligibility for the same level of Title IV-E funds as those provided to non-relative foster families.
- Provide quality services that are easily accessible, strengths-based and family/child friendly. Kin caregivers should be entitled to the full range of services, such as parenting education, day care, health coverage, legal assistance, housing support, respite care, etc.

- Lengthen the shortened ASFA timeframe for termination of parental rights to provide sufficient time for treatment and rehabilitation of birth' parents who may be experiencing drug addiction, alcoholism or incarceration.
- Provide child welfare workers with specialized training that enhances their capabilities to understand the unique interfamilial dynamics, family legacies, transitional issues and lifestyle changes within kin families.
- Expand the definition of kin/relative in public policies to include the full range of blood relatives (including all cousins, regardless of degree). This new definition should also include extended family members who are non-relatives and who are willing to serve as co-guardians, successor guardians or stand-by guardians. Family and kinship should be defined by the family's systems, culture and experiences.

Adopted by the NABSW National Steering Committee, January 10, 2003