

How to Adopt and Effectively Implement Kin-Specific Foster Care Licensing

This tool provides 5 steps to support title IV-E agencies and collaborative partners in the implementation of the new federal rule allowing for kin-specific foster care licensing.

- 1) Familiarize yourself with the new federal kinship licensing rule;
- 2) Analyze what needs to change in your jurisdiction;
- 3) Examine how these changes need to happen;
- 4) Continue to collaborate and partner to create change; and
- 5) Evaluate progress regularly through data collection and analysis.

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Familiarize Yourself with the New Federal Kinship Licensing Rule

On September 28, 2023, the U.S. Administration for Children and Families (ACF) published a rule granting title IV-E agencies flexibility to respect the unique circumstances of kin caregivers of children in foster care. This rule gives states, territories, and tribes (operating their own IV-E program) the option to implement separate, commonsense licensing or foster home approval processes for kin, thereby increasing the number of children safely cared for by people who know and love them. This rule also requires that jurisdictions provide children in licensed or approved kin foster family homes with the same foster care maintenance payments (FCMP) they would receive in non-kin foster homes. For summaries of the rule, model kin-specific foster home approval standards, a map tracking state progress, and additional materials visit <https://www.grandfamilies.org/Resources/Foster-Care-Licensing/Kin-Specific-Foster-Care-Licensing>.

Specifically, this new ACF rule:

- Allows agencies to implement separate licensing or approval standards tailored for relative and kinship foster family homes;
- Encourages title IV-E agencies to develop kin-specific licensing or approval standards that are limited to federal requirements only, such as the safety requirements in [42 USC sections 671\(a\)\(10\)\(A\) and \(a\)\(20\)](#), and do not add additional requirements; and
- Requires title IV-E agencies to ensure that they provide all licensed or approved relative or kinship foster family homes with the same amount of foster care maintenance payments (FCMPs) that would have been made if the child was placed in a non-related/non-kinship foster family home.

For more background and information on this rule see this summary: [New Rule to Provide Title IV-E Agencies the Opportunity to Streamline Foster Home Approval and Provide Equal Support for Kin](#).

To support kin-specific licensing standards, you should first conduct an analysis of existing state/territory/tribal laws, regulations, and policies to identify areas requiring change. The goal of this new rule is to allow jurisdictions to focus licensing requirements on safety and tailor the standards to the strengths and needs of kin. Therefore, you should closely examine your existing licensing requirements, including:

- Emergency or provisional licensing requirements;
- Foster home requirements including physical home and caregiver requirements;
- Background check requirements;
- Licensing waivers or exceptions; and
- Definitions of kin, fictive kin, or relative.

Depending on your jurisdiction, these provisions may exist in laws, regulations, or policies. To assist in the analysis, a group of national partners, including the ABA, Generations United, and New America's Resource Family Working Group has created a [crosswalk tool](#). This tool will assist in your comparison of your jurisdiction's current licensing standards with the [Kin-Specific Foster Home Approval: Recommended Standards of National Organizations](#). These recommended standards provide the necessary licensing requirements for kin in accordance with federal law. The crosswalk tool will assist in your effort to identify areas of alignment and needed change by determining which licensing standards in your jurisdiction are applicable and appropriate as written, which are unnecessary, and which need to be modified for kin. When using this tool and analyzing existing standards, consider if changes will need to happen in statute, regulation, or agency policy. As a reminder, these changes will only apply to kinship homes, not all foster homes in your state.

As you are reviewing your standards, also conduct a financial comparison of the amount of FCMP kin caregivers receive in your jurisdiction. The new federal rule requires title IV-E agencies to ensure that they provide all licensed relative or kinship foster family homes with the same amount of FCMP that would have been made if the child was placed in a non-related/non-kinship foster family home. If your licensed kin caregivers are not currently receiving the same amount of FCMP that non-kinship foster families receive, determine where in statute, regulation, or policy those amounts are set forth and what may need to change to remedy the financial inequities.

You should make efforts to identify areas for change in collaboration with all those who have an interest in supporting kinship families. This includes state agency staff, local or regional agency staff, tribal partners, community advocates, legal experts, and kin.

Gather Community Feedback

Before statute, regulation, or policy change occurs, consider current practices to understand the baseline. To assist with these potential changes and to identify any obstacles that may impact forward movement, consider using focus groups with child welfare staff, leadership, lived experts, and other important local partners such as the court to understand how kinship licensing is happening at the local level.

Examine How These Changes Need to Happen

As you used the crosswalk, you considered whether changes must occur in statute, regulation, or policy. Work as a team to answer some of these process questions:

- What does your state’s legislative cycle look like?
- How does your agency engage in this legislative cycle?
- Who in your agency do you need to partner with to create legislative change?
- How are your state’s regulations updated?
- When are regulations updated?
- Who in your agency do you need to partner with to create regulation change?
- How do you change agency policy?
- Who in your agency do you need to partner with to change policy?
- Can the necessary changes be accomplished by using new licensing forms alone or is legislative or policy reform necessary?
- What needs to be communicated about the Interstate Compact on the Placement of Children (ICPC) via your state page and other communication methods?
- Do you have ICPC border agreements that will need updating?
- Do you need to review Intergovernmental Agreements with tribes in your state?

At this stage in the process, it may also be important to ask what type of buy-in is necessary and to identify all who may have an opinion on this change. When creating these licensing changes, your IV-E agency will have to amend your title IV-E Plan as instructed [here](#).

When planning for the implementation of the new kin-specific licensing standards at the local level, consider:

- What is your role in supporting local implementation of the new changes?
- How do you get local leadership buy-in?
- How will local leadership communicate with staff implementing these standards?
- What types of tools or resources need to be created or changed?
- What training or public education is needed for this new process?

There are several states that have already implemented title IV-E approved new kinship licensing standards and others that are actively working to join them. This [Kin Specific Licensing Progress Map](#) reflects where each state is within the implementation process. The map is updated regularly to reflect which states and tribes have approved licensing standards and links to the approved policies and procedures. Here are some ideas for fostering buy-in from states already working on implementation:

- Conduct listening sessions as one of the first steps in the change process. Repeat listening sessions throughout and update as needed.
- Pilot the new licensing standards in one or two kin-friendly counties/regions. During the pilot, consult with workers to see how implementation is working and the need for any revisions.
- Consider your normal change management process and how it may support the adoption of your new standards.
- Work with your information systems and IT staff to ensure a smooth transition for documentation and make sure any newly created documents or forms work within the existing system.

Implementation of these new kin-specific licensing standards will be a team effort, including collaboration with various partners across several agencies and organizations. Think about who you may need to partner with to create change. For example, your jurisdiction may use private foster care licensing agencies to license and support kin. If your jurisdiction works with these types of agencies, how will you engage them in the change and implementation process? Consider having regular collaboration meetings to update participants on progress, brainstorm implementation, and monitor successes and challenges.

Additionally, the legal system will be an important partner. Courts have a role in holding the agency accountable to licensing kin and ensuring kin understand their legal options, including licensure. Another new [federal rule](#) allows for the use of IV-E dollars for legal representation of kin; therefore, courts may see an increase in kin in their courtroom with representation. Attorneys for kin, parents, children, and the agency should understand the new licensing rules and should be able to identify a kin caregiver who may be eligible for licensing.

Your jurisdiction may also have community organizations that work to support kin caregivers or children living with kin caregivers. You should work to ensure these organizations [understand](#) the new kin-specific licensing rules so they may in turn support those kin families to ensure they can become fully licensed.

Almost all jurisdictions also have [Kinship Navigator Programs](#) that would also be strong partners in the implementation of the new kin-specific licensing standards. Depending on the program, the Kinship Navigator Program may have access to lived experts or information about how licensing is happening on the ground and the needs of kin.

For those who do not interact exclusively with the child welfare system, it is important to explain the rationale behind the new rule and the kin-specific licensing standards, along with what the rule means in plain language. Consider targeted messaging to the following groups:

- Kinship families outside of the child welfare system;
- Kinship families within the child welfare system;
- Kinship Navigator Programs;
- Non-profits that work with kin inside and outside of the child welfare system;
- Government agency partners such as schools, housing authorities, and public benefits agencies; and
- Other states you work closely with, including those with ICPC border agreements.

Explain that the kin-specific standards are commonsense, tailored to kin, and are designed to keep children safe. All of the important safety standards are part of the new model, including criminal and child abuse background checks and home and caregiver assessments. Gone are non-safety related, socio-economically biased standards such as square footage minimums and invasive and unnecessary caregiver asset and income reviews. Share resources such as a [fact sheet that summarizes decades of research](#) showing that children thrive in kinship care and a [two-page resource explaining the final rule](#).

Clear communication is imperative so that service providers and kinship families who are not foster care involved do not expect financial assistance to result from the new rule and standards. In one state, miscommunication led to an influx of caregiver calls and requests to the title IV-E agency asking for the

new ongoing financial assistance. Plan to clearly explain the limitations of this rule and expect disappointment and frustration from those families who are not system involved. Acknowledge their need for ongoing financial support and explain that although not specific to their family, these reforms are raising the visibility and need to provide ongoing financial assistance to all kinship families.

As an ongoing part of clear messaging, look at existing kinship training for families and professionals and modify it as necessary to reflect new reforms. Kinship training programs should include the voices of lived experts when possible, and training should be provided to all interested partners, including state agency staff, local agency staff, courts, provider agencies, community organizations, and kin.

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Evaluate Progress Regularly Through Data Collection and Analysis

As your jurisdiction makes these changes and implements new licensing standards, use data to evaluate progress regularly. At the beginning and at regular points throughout the work, look at available data to answer questions such as:

- How many children in child welfare custody are placed with kin?
- How many children placed with kin are IV-E eligible?
- What is the race of these children?
- How many kin caregivers are licensed as foster parents? Is the percentage of licensed and approved kin increasing?
- How many kin caregivers are receiving FCMP?
- How many days are there between placement with kin and the first FCMP?
- What is the race and ethnicity of children in licensed kin homes?
- How many children are diverted from foster care?
- What is the race and ethnicity of children who are diverted?
- What are the permanency outcomes for children in licensed kinship homes? Are the numbers of children exiting to guardianship assistance (if your jurisdiction has that option) increasing? Are children exiting to adoption with ongoing financial assistance?
- What types of services are kin caregivers receiving?
- Are kin attending court hearings?
- Are ICPC home studies completed faster using the new standards?

Visit this [kinship licensing data collection template](#) to assist in your evaluation of your progress.

Conclusion

Research shows improved outcomes for children in foster care living with kin; implementing kin-specific licensing standards in your jurisdiction can further support this goal. Through regular collaboration, clear communication, and data-driven implementation, your jurisdiction can increase and support kinship placements. If you are looking for more information on topics related to kinship, please visit www.grandfamilies.org.

This resource was developed in partnership with the ABA Center on Children and the Law and Generations United, with support from Casey Family Programs. Visit www.grandfamilies.org for more resources.