



A Qualitative Research Study of Kinship Diversion Practices

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OVERVIEW

This brief explores the practice of “kinship diversion,” in which children are placed with relatives as an alternative to foster care. Also referred to as informal or voluntary kinship care or safety plans, its use varies across the country. In this brief we present findings from an in-depth review of kinship diversion in one state. Interviews and focus groups revealed common themes among agency caseworkers, kinship caregivers, and court personnel around the reasons for using kinship diversion, the continued support needed for kinship caregivers, and the varied factors that influence kinship diversion practices.

BACKGROUND

Relatives and “fictive kin” (who lack a blood relation but maintain an intimate, family-like relationship) can play a significant role in supporting children and families, particularly children who have experienced abuse or neglect. Kinship diversion occurs when a child welfare agency facilitates the placement of a child with relatives or fictive kin when that child cannot remain safely at home with his or her parents. In such cases, without the presence of an appropriate relative to care for the child, the child would be brought into the agency’s custody. Considerable anecdotal evidence suggests many states facilitate kinship diversion arrangements to prevent children from entering foster care, but it is unclear how often this occurs, or what the practice involves.

Over the past two decades there has been an increase in federal and state emphasis on kinship care and family involvement in child welfare agency policies and practices.¹ This seems to naturally lead to an increase in reliance on kinship caregivers to care for children in agency custody, as well as outside-of-agency custody with informal arrangements. While there are federal policy guidelines that govern practice for kinship caregivers of children in agency custody, federal guidance is noticeably lacking in regards to kinship diversion practices. In particular, there are no guidelines on when kinship diversion is appropriate, how

¹ The provisions for kin caregivers in the Adoption and Safe Families Act (ASFA) of 1997 focus primarily on kin who care for children in state custody. For states to receive Title IV-E federal reimbursement for eligible children, ASFA requires that kin must meet the same licensing requirements as non-kin foster parents. However, states have the ability to waive licensing requirements for kinship caregivers on a case-by-case basis for non-safety issues (Allen et al., 2008). The Fostering Connections to Success and Increasing Adoptions Act of 2008 requires states to notify grandparents and other adult relatives within 30 days of a child’s removal from his/her parent and inform relatives of their rights to participate in the child’s care and placement. States must also explain foster parent requirements to the relatives and describe the services provided to licensed providers. However, most of the Act’s provisions for kinship caregivers do not pertain to diversion, and instead affect only licensed caregivers. For example, they allow for federal reimbursement for guardianship assistance payments and codification of foster care licensing standards and waivers (Geen, 2009).

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to assess whether a particular caregiver is appropriate, or what services should be available in kinship diversion arrangements. Additionally, there is a robust debate among national experts about whether and when kinship diversion is an appropriate method for keeping children out of formal foster care (Annie E. Casey Foundation, 2013).²

DATA SOURCES

To better understand kinship diversion practices in one mid-Atlantic state, we conducted semi-structured interviews and focus groups with caseworkers, supervisors, kinship caregivers, and court representatives.³ We structured our research to address three overarching questions:

1. Under what circumstances are child welfare agencies using kin as a way to divert children from foster care?
2. How is the family triad (children, birth parents, and kinship caregivers) faring when they are diverted from the foster care system?
3. What is the child welfare agency and locality's philosophy regarding the use of kin to care for children who come to the attention of the child welfare agency?

Prior to beginning field work, telephone interviews with experts⁴ were conducted to understand current practices and arguments for and against kinship diversion in the United States. These interviews provided important context and informed the development of site visit protocols.

In total, 154 individuals across six jurisdictions participated in semi-structured interviews or focus groups. Sites were selected to reflect diversity across a variety of factors that may play a role in the use of kinship diversion practices, including urban versus rural settings, the percentage of out-of-home placements with relatives, and the numbers of Temporary Assistance for Needy Families (TANF) child-only cases. The interview guides included the following topics:

- Caseworker practices in kin diversion situations
- Information provided to kin caregivers in the decision-making process for kin diversion
- Support for birth parents
- Services provided to kin caregivers
- Data tracking of diverted placements
- Opinions about kin diversion practice

2 The Kinship Diversion Debate: Policy and Practice Implications for Children, Families and Child Welfare Agencies, 2013.

3 In 2011, we completed focus groups with 96 caseworkers (including 53 investigative/child protective services caseworkers, 37 ongoing or foster care caseworkers, and 6 prevention or family preservation caseworkers), 23 supervisors, and 21 kinship caregivers across six jurisdictions. We also completed interviews with 14 court representatives, which included judges, attorneys, and Court Appointed Special Advocates (CASA).

4 In 2010, 41 experts with a variety of viewpoints and duties, including public child welfare administrators, practitioners, researchers, court personnel, policymakers, and advocates were interviewed. These interviews were not conducted as part of the research study; they were conducted for a broad range of purposes for a funder organization. A set of questions was developed but not used consistently across interviews.

KEY FINDINGS:

Analysis of information obtained during interviews and focus groups identified the following themes:

Agencies use kinship diversion for a variety of reasons.

Kinship diversion allows families to remain the primary decision makers, avoiding court involvement. Both staff and kinship caregivers reported that being involved with the child protective services agency meant adhering to many rules and regulations, which both types of participants considered intrusive and not family-friendly. According to participants, kinship diversion practice provides families with autonomy over their lives. Some participants noted that families can avoid the mandatory timelines for reunification that would occur if the child were in the state’s custody. Study participants also noted that kinship diversion avoids what caseworkers often viewed as unnecessary court involvement. Even court personnel noted that court involvement was intrusive and did not always help families.

Kinship diversion keeps children out of foster care. Caseworkers described foster care as a last resort for children, and kinship diversion is one method for keeping children out of foster care. Some caseworkers share the perception that foster care should be a temporary solution and that children fare worse in foster care settings. Perceptions about the negative effects of foster care also appear to make caseworkers less likely to offer kin the option of becoming a licensed foster parent.

“I think that the role of government is to be involved with the lives of families to the smallest extent possible. We are a statutory and intrusive agency.” – Public Agency Staff

“Our first goal before diversion is to provide services to the family to keep the child in the home. We would try to divert from foster care but before we look at placing with other relatives, we look at providing services to the parent to resolve any issues.” - Public Agency Staff

Kinship diversion is not used to avoid providing services to families. Caseworkers stressed that they do not pursue kinship diversion as a way to avoid providing in-home or other preventive services to the birth parents. Caseworkers also report working with relatives to help link them with services such as child care or TANF. Interestingly, despite participants’ assertions that foster care negatively affects children and that relative caregivers are, for the most part, not licensed as foster parents, most participants supported the idea of licensing relative caregivers as foster parents. The positive reaction to licensing relative caregivers may be due to participants’ belief that the agency needs to provide support to kinship families. As licensed foster parents, the relatives would be eligible for financial and other supports not available to

unlicensed caregivers. Participants reported that the agency needs to (and in many cases does) provide some support when relatives step up to care for children, even in diversion situations.

There is some variation in programmatic specifics across jurisdictions and among cases.

Decision-making. Concerning the decision to divert or not, participants reported two major decision-makers in facilitating kinship diversion: the child’s parent and the agency representative. Typically, the parents’ wishes drive kinship diversion in situations that do not involve abuse and/or neglect (e.g., parent incarceration, hospitalization). In other situations, the agency is the primary influence in suggesting diversion. Some participants noted that the decision to divert is made collaboratively with the parent and the agency. This collaboration often occurs in conjunction with family meetings that are facilitated before a child is removed from a home. Regardless of who participants view as the primary decision maker, the parent must agree with the arrangement before the diversion occurs. In most cases, the parent identifies kin as potential placements, and the parent negotiates with the agency to ensure that the child is moved to a safer environment.

The decision not to divert is typically made because of a lack of appropriate family members, not due to case-specific concerns (e.g., the severity of the abuse or neglect) about the appropriateness of diverting from agency custody. Kinship diversion would not be pursued if no family member is immediately available to care for the child, or if those who are available have histories of abuse or neglect, substance abuse, financial instability, or an inability to keep the child safe and meet his or her needs. Very few local jurisdictions choose to bring a child into agency custody when an appropriate relative is available.

When appropriate and available relatives are out of state, the child enters agency custody and diversion could not occur. The agency would then request a home study of the family member in the other state and begin the process to place the child out of state.

Timing. Study participants reported that kinship diversion occurs at all stages of a child welfare case, and all types of caseworkers facilitate diversion arrangements, with the exception of adoption workers.⁵ Investigative workers initiate or participate in discussions with parents about a potential kinship diversion if the removal of a child from the home is being considered. There was also mention of ongoing or prevention workers, who provide services in the home to the birth parent and the child. These workers sometimes determine that the child can no longer remain there safely, and facilitate a diversion as a result. In foster care units, often called ongoing units, workers may arrange the placement of a child with kin soon after the agency takes custody, but before the preliminary court hearing.

Relative assessments. According to respondents, the policies and instruction around relative/home assessments are inconsistent. None of the local jurisdictions have formal assessment guidelines for caseworkers to follow, and practices are not standardized across units within an agency. Assessments range from home safety checks, financial assessments, and drug screens to local, state, federal background checks, and child abuse and neglect registry checks. The timing of the assessments also varies. Some workers conduct assessments before the child is moved to the relative's home and some workers assess the relative following the move. For example, in rural jurisdictions where families are known to the agency, background checks are not frequently conducted prior to the child's move. Other factors may impact assessment procedures, including the anticipated length of time in the kinship caregiver's home or the reason for child's removal. In addition, the worker may assess the child's medical, educational, and socio-emotional needs to determine if the caregiver is equipped to handle those specific needs.

Information provided to families. Participants reported that the information provided to potential kinship caregivers often depends on the judgment of the caseworker. Discussions often occur simultaneously with assessment procedures, and information can be presented through individual discussions with family members or during a meeting with the family, parents, and the child (depending on the child's age). Participants reported that many different topics are discussed with birth parents and kinship caregivers; however, there are no reports of a checklist or other standardized mechanism to ensure that specific topics are discussed prior to decision-making.

Based on an assessment of the child's needs, the agency may discuss available services with the family (including the child, birth parent, and kinship caregiver), including those that come through the agency or the community. They also have discussions about how kinship caregivers should maintain healthy boundaries with the parent and the child. In addition, the worker may discuss agency- or caregiver-facilitated visitation between the child and the parent and/or siblings.

Participants reported that the initial discussions with kin can result in a written safety plan outlining terms to which all parties agree, encompassing services, visitation, etc. While participants noted that the plans are not legally enforceable, they admitted that families may mistakenly view these agreements as legally binding.

⁵ We did not interview adoption workers in any of the jurisdictions we visited, however, there was later indication that adoption workers may be diverting to avoid adoption dissolutions. This was not mentioned during our site visits.

Study participants also said that they discuss the caregiver's personal economic resources and possible financial assistance, though foster care subsidy payments were infrequently mentioned. Caseworkers rarely discuss the possibility of pursuing foster care licensure with kin caregivers, and they noted that the caregiver usually has to request this option. Workers also reported discussing the kinship caregiver's legal custody options and the court process required to obtain legal custody.

Several factors influence the use of kinship diversion.

Study participants reported a number of changing practices and directives from agency leadership that appeared to influence the use of kinship diversion. First, all the local agencies in the study are moving to a more prevention-focused practice, with some agencies creating new prevention units and specialized staff positions. Study participants also reported a move to more family-based practice with caseworkers increasingly receptive to family engagement. The local jurisdictions that do license kin as foster parents have seen increases in these placements in recent years. Additionally, several of the jurisdictions were engaging in family-finding techniques, which can be used early in the case process to identify and engage kin.

According to participants, state leadership has promoted a reduction in the numbers of children in foster care. This appeared to affect the use of kinship diversion as a means of keeping children from entering the state's custody, thereby reducing the numbers of children in foster care. At the time of the research, the state had recently approved a subsidized guardianship program allowing for financial support for kinship caregivers, but, due to its newness, study participants were not yet aware of the program and its implications. In addition, the state had recently implemented family meetings, which can influence kinship diversion by bringing together family members early in the case to discuss the well-being of the child. These meetings can also encourage ongoing collaboration between the agency and extended family in making decisions concerning the child. The meetings occur when the determination to remove the child from the home is made, and study respondents reported that the diversion option is discussed as part of these meetings.

IMPLICATIONS AND CONCLUSIONS

Study participants—agency caseworkers, court personnel, and kinship caregivers—generally viewed child welfare agencies as intrusive in families' lives. However, they also felt that they and the agency had a responsibility to provide resources and support to the kin who step in to care for children. The availability and accessibility of such services varies greatly across the local jurisdictions in the study. All of the jurisdictions struggle to determine which cases needed ongoing monitoring and services, or to determine the appropriate amount of time to support the families.

For agencies implementing kinship diversion practice, it will be important to balance support for family autonomy with the agency's mission to protect children. Our research found that not every diverted family receives ongoing services, and some families are given the option to decline suggested services. If the diversion had not occurred and the child had entered foster care, ongoing monitoring and services would have been required. Study participants acknowledged this situation, reporting that once the child moves to the kinship caregiver's home, the safety risk that brought the child to the agency's attention is removed, and, without the safety risk to address, intervention from the child welfare agency is no longer imperative. Yet respondents did acknowledge that some diverted families would benefit from ongoing assistance in order to adequately care for the children, and in some instances, ongoing services are provided.

“I wouldn't be a foster parent again, I'd ask for no money and I'd take them into my home and care for them. And I'd never give them back.” - Relative

“It’s a full time job with the extra kids...having an extra hand, they [private agency] do all the visits [with the parents]. That is so helpful.” - Relative foster parent

With no standardized policies and procedures for kinship diversion practice, and no data gathered to track children who have been diverted, agencies do not know exactly how practice is carried out and how diverted families are being served. This lack of clarity also leaves the burden of deciding whether diversion is appropriate on the individual decision-maker, typically the caseworker. This may leave the agency open to claims of bias or unethical practice and may also result in inadequate services for children and families. When practice varies from caseworker to caseworker, families do not obtain consistent and comprehensive information about the service and custody options available during a family crisis. Implementation of a more consistent, intentional approach with each family would provide a level playing field for

families and agencies to make better decisions.

Research suggests that agencies are increasing their use of kinship diversion (Allen et al., 2008). In 2011, informal kinship placements were the most common out-of-home placement for children who had a maltreatment report (Walsh, 2013). This may signal a shift in child welfare agencies, broadening from responding to child abuse and neglect to addressing the underlying causes of abuse and neglect. With the increased use of family engagement techniques, agencies are focusing on supporting families in ways that may prevent the need for child welfare intervention. Though agencies recognize and acknowledge this shift, the structure of child welfare funding is not aligned with this modification in mission. This change in practice also requires a culture shift at the front line from protecting the child from his/her immediate family to empowering and supporting the child’s extended family to ensure the safety and well-being of the child.

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