

SENATE BILL 151



Interim Joint Committee on Families & Children

July 30, 2024

Presented by

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Kinship Families
COALITION OF KENTUCKY





Kinship Care in Kentucky

Informal Kinship Care/Family-Planned Care

Family arrangement to care for children without DBCS involvement, may or may not involve a court order for custody.

Kinship Care (aka “Kinship Diversion”)

Children are placed with relatives or close family friends (fictive kin) as a result of an investigation to prevent entry into the foster care system. Kin may or may not have temporary legal custody which may result in reunification or permanent legal custody to the kin caregiver.

Relative or Fictive Kin Foster Home

Children are placed with a relative or fictive kin who have been approved as foster parents for the related child. Legal custody is with DCBS until the child leaves foster care.





Senate Bill 151

Section 1

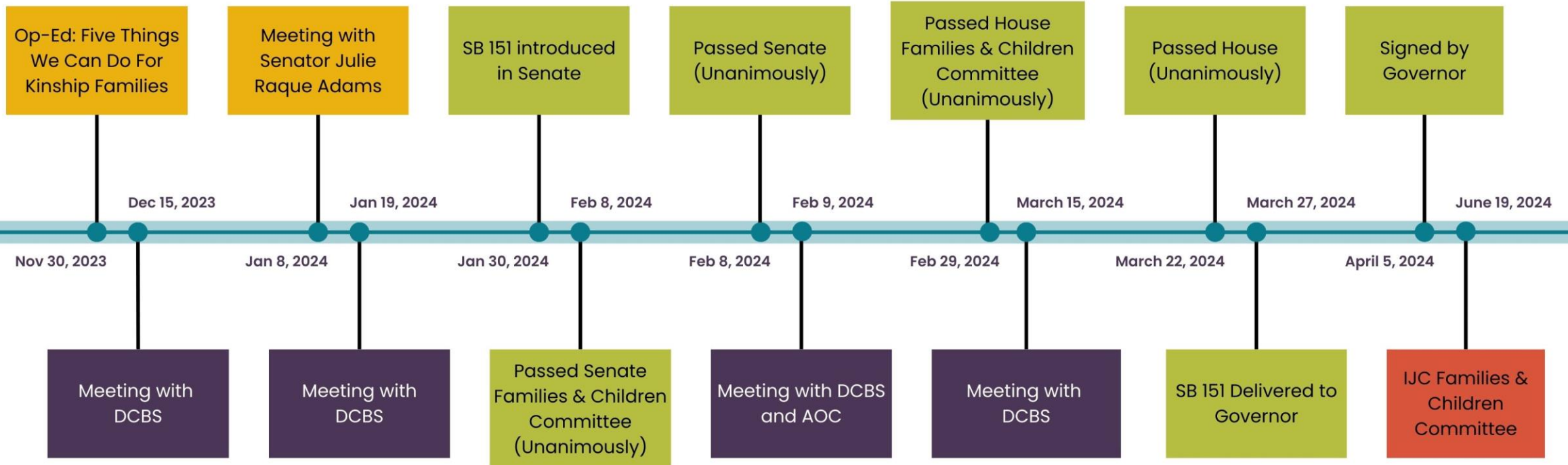
- **Give the child a voice** by allowing a child to provide names of individuals they'd like to be placed with (relative or fictive kin).

Section 2

- **Within one hundred twenty (120) days of a placement** made by the cabinet due to a cabinet finding that a child is abused, neglected, dependent, or a status offender, **or upon a qualifying event as established in administrative regulation**, a relative or fictive kin caregiver may apply to become a relative or fictive kin foster parent for the child in his or her care.
- The cabinet shall, if necessary, seek any state or federal waivers to implement the provisions of subsection (3) of this section.



SB 151 Advocacy Timeline





Kinship Placement Options

Temporary Custody

- Limited financial resources (including KTAP, if eligible and time limited)
- Limited reunification services to parents and services for children
- May or may not have legal custody or authority, therefore may or may not result in permanency for the child

Kinship Foster Care

- Foster care maintenance payments to care for child resulting in equitable support for children, especially Black, Indigenous, and/or in living underserved rural areas
- Greater service array for children and parents, including reunification services
- More supported permanency options available



Importance of SB 151: A Game Changer

Kinship Foster Care

- Foster care maintenance payments to care for child resulting in equitable support for children, especially Black, Indigenous, and/or in living underserved rural areas
- Greater service array for children and parents, including reunification services
- More supported permanency options available



Subsidized Permanent Custody (SPC) or Relative Adoption

- Continued long term support until child 18 or in some cases life
- Allows child to exit system to permanency with parent or kin
- Subsidized permanency requires kin to be an approved kinship foster parent to qualify, cannot take full advantage of SPC without licensing of kin



The WHY of SB 151

A Caregiver's Perspective





Current Form: Permanent Decisions Under Duress

Source: CHFS Standards of Practice Manual



Kentucky Department for Community Based Services

Acknowledgement Statement: Options and Available Services for Relative And Fictive Kin Caregivers

Signatures below indicate that (1) Department for Community Based Services (DCBS) staff has informed relative or fictive kin caregiver(s) about available options and services, (2) relative or fictive kin caregiver(s) have had the opportunity to ask and have their questions answered, (3) DCBS staff has given the relative or fictive kin caregiver(s) a copy of the relative and fictive kin caregiver brochure prior to placing a child in the home of a caregiver, and (4) DCBS has provided the relative and fictive kin caregiver(s) the link to the video further breaking down service array options.

In addition, signatures below indicate that the relative or fictive kin caregiver(s) has been informed of the right to seek legal counsel, prior to deciding, in order to determine which option best meets needs of the family.

Furthermore, DCBS staff are to inform the relative or fictive kin caregiver(s) that if it is determined the placement is a risk to the child's safety or well-being, or not in the child's best interest, that the child may be removed from the caregiver's home. It should be explained that unless it is an emergency situation, DCBS must give the relative or fictive kin caregiver(s) ten days written notice, and the relative or fictive kin caregiver(s) may have a right to an appeal. However, it should be explained that the courts are not required to give such notice of decision to remove a child.

My signature below indicates that my options and available services were explained to me, I had the opportunity to ask questions, and I watched the video provided to me by DCBS, breaking down service array options, prior to the child being placed in my home, <https://prd.webapps.chfs.ky.gov/kyfaces/Home/Videos?tab=kinship>. Additionally, the caregiver(s) should check the legal options which they are choosing to pursue. The caregiver(s) understands that if temporary custody is granted to the caregiver(s), that the option to pursue approval as a foster parent is no longer available.

Caregiver(s) had a custody arrangement prior to DCBS involvement.

Caregiver(s) chooses to seek temporary custody

of _____

(Child's Name(s))

Caregiver(s) chooses to seek approval as a DCBS foster parent

for _____

(Child's Name(s))



A Caregiver's Perspective

SB 151 – Doing What's Best for Children





Recommendations: Implementation of SB 151

- 1. Immediately implement 120 days of child placement flexibility/consideration and preserve federal funding for placement**
 - Under federal law, child may live with kin in temporary custody for up to 6 months before losing federal funding for that placement
 - Emphasis and monitoring on increasing placement statistics while recognizing not all kin will want to be licensed
- 2. Change and enhance communication – informed decision making for kin caregivers**
- 3. Educate DCBS staff, Administrative Office of the Courts, caregivers and the public on policies, impact and resources**
- 4. Continue exploring in a working group the conditions of “qualifying events” and funding options**
- 5. Research and utilize all funding sources – Temporary Assistance for Needy Families (TANF), Opioid Settlement Dollars, etc.**



Senate Bill 151

Provides options, resources, and time around a pivotal life-changing milestone for traumatized children and kinship caregivers

Thank you to the Governor and the Kentucky legislature for their unanimous approval of this bill for kinship families





QUESTIONS?

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Kentucky **youth** Advocates